

As Introduced

134th General Assembly

Regular Session

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H. B. No. 281

Representatives Jarrells, Young, T.

Cosponsors: Representatives Kelly, Smith, M., Liston, Blackshear, Crossman, O'Brien, Miranda, Sweeney, Denson, Upchurch, Smith, K., Lepore-Hagan, Crawley, Leland, Howse, West, Boggs, SobECKi, Skindell, Miller, A., Miller, J., Russo, Boyd, Brown, Brent, Robinson, Sheehy, Hicks-Hudson, Lightbody, Kick, Jones, Fraizer, Plummer, Edwards, Hoops, Gross, Click, Stewart, White, Ghanbari, Lipps

A BILL

To amend sections 1.02, 5.226, 9.03, 122.69, 1
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5924.504, and 5924.506 of the Revised Code to to	49
modify terminology in the Revised Code regarding	50
people with mental illnesses and people with	51

disabilities and to name this act the Mental 52
Health and Disability Terminology Act. 53

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

Section 1. That sections 1.02, 5.226, 9.03, 122.69, 54
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5709.45, 5733.04, 5733.56, 5733.98, 5747.03, 5905.02, 5907.06, 88
5907.09, 5924.115, 5924.503, 5924.504, and 5924.506 of the 89
Revised Code be amended to read as follows: 90

Sec. 1.02. As used in the Revised Code, unless the context 91
otherwise requires: 92

(A) "Whoever" includes all persons, natural and 93
artificial; partners; principals, agents, and employees; and all 94
officials, public or private. 95

(B) "Another," when used to designate the owner of 96
property which is the subject of an offense, includes not only 97
natural persons but also every other owner of property. 98

(C) "Of unsound mind" ~~includes all forms of derangement or~~ 99
~~intellectual disability~~ means that the person lacks the relevant 100
mental capacity. 101

(D) "Bond" includes an undertaking. 102

(E) "Undertaking" includes a bond. 103

(F) "And" may be read "or," and "or" may be read "and" if 104
the sense requires it. 105

(G) "Registered mail" includes certified mail and 106

"certified mail" includes registered mail. 107

Sec. 5.226. The first week of January is designated as 108
"Ohio Braille Literacy Week" in honor of Louis Braille, the 109
inventor of the Braille system used, in modified form, for 110
printing, writing, and musical notation for ~~the~~persons who are 111
blind, and who was born on January 4, 1809, and became blind 112
from an accident at the age of three. 113

Sec. 9.03. (A) As used in this section: 114

(1) "Political subdivision" means any body corporate and 115
politic, except a municipal corporation that has adopted a 116
charter under Section 7 of Article XVIII, Ohio Constitution, and 117
except a county that has adopted a charter under Sections 3 and 118
4 of Article X, Ohio Constitution, to which both of the 119
following apply: 120

(a) It is responsible for governmental activities only in 121
a geographic area smaller than the state. 122

(b) It is subject to the sovereign immunity of the state. 123

(2) "Cigarettes" and "tobacco product" have the same 124
meanings as in section 5743.01 of the Revised Code. 125

(3) "Transaction" has the same meaning as in section 126
1315.51 of the Revised Code. 127

(4) "Campaign committee," "campaign fund," "candidate," 128
"legislative campaign fund," "political action committee," 129
"political committee," "political party," and "separate 130
segregated fund" have the same meanings as in section 3517.01 of 131
the Revised Code. 132

(B) Except as otherwise provided in division (C) of this 133
section, the governing body of a political subdivision may use 134

public funds to publish and distribute newsletters, or to use 135
any other means, to communicate information about the plans, 136
policies, and operations of the political subdivision to members 137
of the public within the political subdivision and to other 138
persons who may be affected by the political subdivision. 139

(C) Except as otherwise provided in division (A) (7) of 140
section 340.03 of the Revised Code, no governing body of a 141
political subdivision shall use public funds to do any of the 142
following: 143

(1) Publish, distribute, or otherwise communicate 144
information that does any of the following: 145

(a) Contains defamatory, libelous, or obscene matter; 146

(b) Promotes alcoholic beverages, cigarettes or other 147
tobacco products, or any illegal product, service, or activity; 148

(c) Promotes illegal discrimination on the basis of race, 149
color, religion, national origin, ~~handicap~~ disability, age, or 150
ancestry; 151

(d) Supports or opposes any labor organization or any 152
action by, on behalf of, or against any labor organization; 153

(e) Supports or opposes the nomination or election of a 154
candidate for public office, the investigation, prosecution, or 155
recall of a public official, or the passage of a levy or bond 156
issue. 157

(2) Compensate any employee of the political subdivision 158
for time spent on any activity to influence the outcome of an 159
election for any of the purposes described in division (C) (1) (e) 160
of this section. Division (C) (2) of this section does not 161
prohibit the use of public funds to compensate an employee of a 162

political subdivision for attending a public meeting to present 163
information about the political subdivision's finances, 164
activities, and governmental actions in a manner that is not 165
designed to influence the outcome of an election or the passage 166
of a levy or bond issue, even though the election, levy, or bond 167
issue is discussed or debated at the meeting. 168

(D) Except as otherwise provided in division (A) (7) of 169
section 340.03 of the Revised Code or in division (E) of this 170
section, no person shall knowingly conduct a direct or indirect 171
transaction of public funds to the benefit of any of the 172
following: 173

- (1) A campaign committee; 174
- (2) A political action committee; 175
- (3) A legislative campaign fund; 176
- (4) A political party; 177
- (5) A campaign fund; 178
- (6) A political committee; 179
- (7) A separate segregated fund; 180
- (8) A candidate. 181

(E) Division (D) of this section does not prohibit the 182
utilization of any person's own time to speak in support of or 183
in opposition to any candidate, recall, referendum, levy, or 184
bond issue unless prohibited by any other section of the Revised 185
Code. 186

(F) Nothing in this section prohibits or restricts any 187
political subdivision from sponsoring, participating in, or 188
doing any of the following: 189

(1) Charitable or public service advertising that is not commercial in nature;	190 191
(2) Advertising of exhibitions, performances, programs, products, or services that are provided by employees of a political subdivision or are provided at or through premises owned or operated by a political subdivision;	192 193 194 195
(3) Licensing an interest in a name or mark that is owned or controlled by the political subdivision.	196 197
(G) Whoever violates division (D) of this section shall be punished as provided in section 3599.40 of the Revised Code.	198 199
Sec. 122.69. (A) Any nonprofit agency or organization seeking designation as a community action agency by the community services division shall obtain the endorsement of the chief elected officials of at least two-thirds of the municipal corporations and the counties within the community to be served by the agency or organization.	200 201 202 203 204 205
(B) Any nonprofit agency or organization that receives the endorsement provided for in division (A) of this section shall be designated by the division as the community action agency for the community it serves and shall receive community services block grant funds for any period of time that the nonprofit agency or organization:	206 207 208 209 210 211
(1) Provides a range of services and opportunities having a measurable and potentially major impact on the causes of poverty in the community or those areas of the community where poverty is a particularly acute problem. These activities may include but shall not be limited to:	212 213 214 215 216
(a) Providing activities designed to assist low-income persons, including elderly and handicapped low-income persons	217 218

<u>who are elderly and who have disabilities</u> , to:	219
(i) Secure and maintain meaningful employment, training, work experience, and unsubsidized employment;	220 221
(ii) Attain an adequate education;	222
(iii) Make better use of available income;	223
(iv) Obtain and maintain adequate housing and a suitable living environment;	224 225
(v) Obtain emergency assistance through loans or grants to meet immediate and urgent individual and family needs, including the need for health services, nutritious food, housing, and employment-related assistance;	226 227 228 229
(vi) Remove obstacles and solve personal and family problems that block the achievement of self-sufficiency;	230 231
(vii) Achieve greater participation in the affairs of the community;	232 233
(viii) Undertake family planning, consistent with personal and family goals and religious and moral convictions;	234 235
(ix) Obtain energy assistance, conservation, and weatherization services.	236 237
(b) Providing, on an emergency basis, supplies and services, nutritious foodstuffs, and related services necessary to counteract conditions of starvation and malnutrition among low-income persons;	238 239 240 241
(c) Coordinating and establishing links between government and other social services programs to assure the effective delivery of services to low-income individuals;	242 243 244
(d) Providing child care services, nutrition and health	245

services, transportation services, alcoholism and narcotic 246
addiction prevention and rehabilitation services, youth 247
development services, and community services to ~~elderly and~~ 248
~~handicapped persons~~ who are elderly and who have disabilities; 249

(e) Encouraging entities in the private sector to 250
participate in efforts to ameliorate poverty in the community. 251

(2) Annually submits to the division a program plan and 252
budget for use of community services block grant funds for the 253
next federal fiscal year. At least ten days prior to its 254
submission to the division, a copy of the program plan and 255
budget shall be made available to the chief elected officials of 256
the municipal corporations and counties within the service area 257
in order to provide them the opportunity to review and comment 258
upon such plan and budget. 259

(3) Composes its board of directors in compliance with 260
section (c) (3) of section 675 of the "Community Services Block 261
Grant Act," 95 Stat. 1609, 42 U.S.C.A. 9904, except that the 262
board shall consist of not less than fifteen nor more than 263
thirty-three members; 264

(4) Complies with the prohibitions against discrimination 265
and political activity, as provided in the "Community Services 266
Block Grant Act"; 267

(5) Complies with fiscal and program requirements 268
established by development services agency rule. 269

Sec. 140.01. As used in this chapter: 270

(A) "Hospital agency" means any public hospital agency or 271
any nonprofit hospital agency. 272

(B) "Public hospital agency" means any county, board of 273

county hospital trustees established pursuant to section 339.02 274
of the Revised Code, county hospital commission established 275
pursuant to section 339.14 of the Revised Code, municipal 276
corporation, new community authority organized under Chapter 277
349. of the Revised Code, joint township hospital district, 278
state or municipal university or college operating or authorized 279
to operate a hospital facility, or the state. 280

(C) "Nonprofit hospital agency" means a corporation or 281
association not for profit, no part of the net earnings of which 282
inures or may lawfully inure to the benefit of any private 283
shareholder or individual, that has authority to own or operate 284
a hospital facility or provides or is to provide services to one 285
or more other hospital agencies. 286

(D) "Governing body" means, in the case of a county, the 287
board of county commissioners or other legislative body; in the 288
case of a board of county hospital trustees, the board; in the 289
case of a county hospital commission, the commission; in the 290
case of a municipal corporation, the council or other 291
legislative authority; in the case of a new community authority, 292
its board of trustees; in the case of a joint township hospital 293
district, the joint township district hospital board; in the 294
case of a state or municipal university or college, its board of 295
trustees or board of directors; in the case of a nonprofit 296
hospital agency, the board of trustees or other body having 297
general management of the agency; and, in the case of the state, 298
the director of development services or the Ohio higher 299
educational facility commission. 300

(E) "Hospital facilities" means buildings, structures and 301
other improvements, additions thereto and extensions thereof, 302
furnishings, equipment, and real estate and interests in real 303

estate, used or to be used for or in connection with one or more 304
hospitals, emergency, intensive, intermediate, extended, long- 305
term, or self-care facilities, diagnostic and treatment and out- 306
patient facilities, facilities related to programs for home 307
health services, clinics, laboratories, public health centers, 308
research facilities, and rehabilitation facilities, for or 309
pertaining to diagnosis, treatment, care, or rehabilitation of 310
persons who are sick, ill, injured, infirm, or impaired, 311
~~disabled, or handicapped persons~~who have disabilities, or the 312
prevention, detection, and control of disease, and also includes 313
education, training, and food service facilities for health 314
professions personnel, housing facilities for such personnel and 315
their families, and parking and service facilities in connection 316
with any of the foregoing; and includes any one, part of, or any 317
combination of the foregoing; and further includes site 318
improvements, utilities, machinery, facilities, furnishings, and 319
any separate or connected buildings, structures, improvements, 320
sites, utilities, facilities, or equipment to be used in, or in 321
connection with the operation or maintenance of, or 322
supplementing or otherwise related to the services or facilities 323
to be provided by, any one or more of such hospital facilities. 324

(F) "Costs of hospital facilities" means the costs of 325
acquiring hospital facilities or interests in hospital 326
facilities, including membership interests in nonprofit hospital 327
agencies, costs of constructing hospital facilities, costs of 328
improving one or more hospital facilities, including 329
reconstructing, rehabilitating, remodeling, renovating, and 330
enlarging, costs of equipping and furnishing such facilities, 331
and all financing costs pertaining thereto, including, without 332
limitation thereto, costs of engineering, architectural, and 333
other professional services, designs, plans, specifications and 334

surveys, and estimates of cost, costs of tests and inspections, 335
the costs of any indemnity or surety bonds and premiums on 336
insurance, all related direct or allocable administrative 337
expenses pertaining thereto, fees and expenses of trustees, 338
depositories, and paying agents for the obligations, cost of 339
issuance of the obligations and financing charges and fees and 340
expenses of financial advisors, attorneys, accountants, 341
consultants and rating services in connection therewith, 342
capitalized interest on the obligations, amounts necessary to 343
establish reserves as required by the bond proceedings, the 344
reimbursement of all moneys advanced or applied by the hospital 345
agency or others or borrowed from others for the payment of any 346
item or items of costs of such facilities, and all other 347
expenses necessary or incident to planning or determining 348
feasibility or practicability with respect to such facilities, 349
and such other expenses as may be necessary or incident to the 350
acquisition, construction, reconstruction, rehabilitation, 351
remodeling, renovation, enlargement, improvement, equipment, and 352
furnishing of such facilities, the financing thereof, and the 353
placing of the same in use and operation, including any one, 354
part of, or combination of such classes of costs and expenses, 355
and means the costs of refinancing obligations issued by, or 356
reimbursement of money advanced by, nonprofit hospital agencies 357
or others the proceeds of which were used for the payment of 358
costs of hospital facilities, if the governing body of the 359
public hospital agency determines that the refinancing or 360
reimbursement advances the purposes of this chapter, whether or 361
not the refinancing or reimbursement is in conjunction with the 362
acquisition or construction of additional hospital facilities. 363

(G) "Hospital receipts" means all moneys received by or on 364
behalf of a hospital agency from or in connection with the 365

ownership, operation, acquisition, construction, improvement, 366
equipping, or financing of any hospital facilities, including, 367
without limitation thereto, any rentals and other moneys 368
received from the lease, sale, or other disposition of hospital 369
facilities, and any gifts, grants, interest subsidies, or other 370
moneys received under any federal program for assistance in 371
financing the costs of hospital facilities, and any other gifts, 372
grants, and donations, and receipts therefrom, available for 373
financing the costs of hospital facilities. 374

(H) "Obligations" means bonds, notes, or other evidences 375
of indebtedness or obligation, including interest coupons 376
pertaining thereto, issued or issuable by a public hospital 377
agency to pay costs of hospital facilities. 378

(I) "Bond service charges" means principal, interest, and 379
call premium, if any, required to be paid on obligations. 380

(J) "Bond proceedings" means one or more ordinances, 381
resolutions, trust agreements, indentures, and other agreements 382
or documents, and amendments and supplements to the foregoing, 383
or any combination thereof, authorizing or providing for the 384
terms, including any variable interest rates, and conditions 385
applicable to, or providing for the security of, obligations and 386
the provisions contained in such obligations. 387

(K) "Nursing home" has the same meaning as in division (A) 388
(1) of section 5701.13 of the Revised Code. 389

(L) "Residential care facility" has the same meaning as in 390
division (A) (2) of section 5701.13 of the Revised Code. 391

(M) "Independent living facility" means any self-care 392
facility or other housing facility designed or used as a 393
residence for elderly persons. An "independent living facility" 394

does not include a residential facility, or that part of a	395
residential facility, that is any of the following:	396
(1) A hospital required to be certified by section 3727.02	397
of the Revised Code;	398
(2) A nursing home or residential care facility;	399
(3) A facility operated by a hospice care program licensed	400
under section 3712.04 of the Revised Code and used for the	401
program's hospice patients;	402
(4) A residential facility licensed by the department of	403
mental health and addiction services under section 5119.34 of	404
the Revised Code that provides accommodations, supervision, and	405
personal care services for three to sixteen unrelated adults;	406
(5) A residential facility licensed by the department of	407
mental health and addiction services under section 5119.34 of	408
the Revised Code that is not a residential facility described in	409
division (M) (4) of this section;	410
(6) A facility licensed to operate an opioid treatment	411
program under section 5119.37 of the Revised Code;	412
(7) A community addiction services provider, as defined in	413
section 5119.01 of the Revised Code;	414
(8) A residential facility licensed under section 5123.19	415
of the Revised Code or a facility providing services under a	416
contract with the department of developmental disabilities under	417
section 5123.18 of the Revised Code;	418
(9) A residential facility used as part of a hospital to	419
provide housing for staff of the hospital or students pursuing a	420
course of study at the hospital.	421

Sec. 145.012. (A) "Public employee," as defined in 422
division (A) of section 145.01 of the Revised Code, does not 423
include any person: 424

(1) Who is employed by a private, temporary-help service 425
and performs services under the direction of a public employer 426
or is employed on a contractual basis as an independent 427
contractor under a personal service contract with a public 428
employer; 429

(2) Who is an emergency employee serving on a temporary 430
basis in case of fire, snow, earthquake, flood, or other similar 431
emergency; 432

(3) Who is employed in a program established pursuant to 433
the "Job Training Partnership Act," 96 Stat. 1322 (1982), 29 434
U.S.C.A. 1501; 435

(4) Who is an appointed member of either the motor vehicle 436
salvage dealers board or the motor vehicle dealer's board whose 437
rate and method of payment are determined pursuant to division 438
(J) of section 124.15 of the Revised Code; 439

(5) Who is employed as an election worker and paid less 440
than six hundred dollars per calendar year for that service; 441

(6) Who is employed as a firefighter in a position 442
requiring satisfactory completion of a firefighter training 443
course approved under former section 3303.07 or section 4765.55 444
of the Revised Code or conducted under section 3737.33 of the 445
Revised Code except for the following: 446

(a) Any firefighter who has elected under section 145.013 447
of the Revised Code to remain a contributing member of the 448
public employees retirement system; 449

(b) Any firefighter who was eligible to transfer from the public employees retirement system to the Ohio police and fire pension fund under section 742.51 or 742.515 of the Revised Code and did not elect to transfer;	450 451 452 453
(c) Any firefighter who has elected under section 742.516 of the Revised Code to transfer from the Ohio police and fire pension fund to the public employees retirement system.	454 455 456
(7) Who is a member of the board of health of a city or general health district, which pursuant to sections 3709.051 and 3709.07 of the Revised Code includes a combined health district, and whose compensation for attendance at meetings of the board is set forth in division (B) of section 3709.02 or division (B) of section 3709.05 of the Revised Code, as appropriate;	457 458 459 460 461 462
(8) Who participates in an alternative retirement plan established under Chapter 3305. of the Revised Code;	463 464
(9) Who is a member of the board of directors of a sanitary district established under Chapter 6115. of the Revised Code;	465 466 467
(10) Who is a member of the unemployment compensation advisory council;	468 469
(11) Who is an employee, officer, or governor-appointed member of the board of directors of the nonprofit corporation formed under section 187.01 of the Revised Code;	470 471 472
(12) Who is employed by the nonprofit entity established to provide advocacy services and a client assistance program for people with disabilities under Section 319.20 of Am. Sub. H.B. 153 of the 129th general assembly and whose employment begins on or after October 1, 2012.	473 474 475 476 477

(B) No inmate of a correctional institution operated by 478
the department of rehabilitation and correction, no patient in a 479
hospital for ~~the mentally ill or criminally insane persons with~~ 480
mental illnesses operated by the department of mental health and 481
addiction services, no resident in an institution for persons 482
with intellectual disabilities operated by the department of 483
developmental disabilities, no resident admitted as a patient of 484
a veterans' home operated under Chapter 5907. of the Revised 485
Code, and no resident of a county home shall be considered as a 486
public employee for the purpose of establishing membership or 487
calculating service credit or benefits under this chapter. 488
Nothing in this division shall be construed to affect any 489
service credit attained by any person who was a public employee 490
before becoming an inmate, patient, or resident at any 491
institution listed in this division, or the payment of any 492
benefit for which such a person or such a person's beneficiaries 493
otherwise would be eligible. 494

Sec. 145.298. (A) As used in this section: 495

(1) "State employing unit" means an employing unit 496
described in division (A) (2) of section 145.297 of the Revised 497
Code, except that it does not mean an employing unit with fifty 498
or fewer employees. 499

(2) "State institution" means a state correctional 500
facility, a state institution for ~~the mentally ill persons with~~ 501
mental illnesses, or a state institution for the care, 502
treatment, and training of persons with intellectual 503
disabilities. 504

(B) (1) Prior to July 17, 2009, in the event of a proposal 505
to close a state institution or lay off, within a six-month 506
period, a number of persons employed at an institution that 507

equals or exceeds the lesser of fifty or ten per cent of the 508
persons employed at the institution, the employing unit 509
responsible for the institution's operation shall establish a 510
retirement incentive plan for persons employed at the 511
institution. 512

(2) On and after July 17, 2009, in the event of a proposal 513
to close a state institution or lay off, within a six-month 514
period, a number of persons employed at an institution that 515
equals or exceeds the lesser of three hundred fifty or forty per 516
cent of the persons employed at the institution, the employing 517
unit responsible for the institution's operation shall establish 518
a retirement incentive plan for persons employed at the 519
institution. 520

(C) (1) Prior to July 17, 2009, in the event of a proposal, 521
other than the proposals described in division (B) of this 522
section, to lay off, within a six-month period, a number of 523
employees of a state employing unit that equals or exceeds the 524
lesser of fifty or ten per cent of the employing unit's 525
employees, the employing unit shall establish a retirement 526
incentive plan for employees of the employing unit. 527

(2) On and after July 17, 2009, in the event of a 528
proposal, other than the proposals described in division (B) of 529
this section, to lay off, within a six-month period, a number of 530
employees of a state employing unit that equals or exceeds the 531
lesser of three hundred fifty or forty per cent of the employing 532
unit's employees, the employing unit shall establish a 533
retirement incentive plan for employees of the employing unit. 534

(D) (1) A retirement incentive plan established under this 535
section shall be consistent with the requirements of section 536
145.297 of the Revised Code, except that the plan shall go into 537

effect at the time the layoffs or proposed closings are 538
announced and shall remain in effect until the date of the 539
layoffs or closings. 540

(2) If the employing unit already has a retirement 541
incentive plan in effect, the plan shall remain in effect at 542
least until the date of the layoffs or closings. The employing 543
unit may revise the existing plan to provide greater benefits, 544
but if it revises the plan, it shall give written notice of the 545
changes to all employees who have elected to participate in the 546
original plan, and it shall provide the greater benefits to all 547
employees who participate in the plan, whether their elections 548
to participate were made before or after the date of the 549
revision. 550

Sec. 149.01. Each elective state officer, the adjutant 551
general, the adult parole authority, the department of 552
agriculture, the director of administrative services, the public 553
utilities commission, the superintendent of insurance, the 554
superintendent of financial institutions, the superintendent of 555
purchases and printing, the fire marshal, the industrial 556
commission, the administrator of workers' compensation, the 557
state department of transportation, the department of health, 558
the state medical board, the state dental board, the board of 559
embalmers and funeral directors, the ~~Ohio commission for the~~ 560
~~blind~~ bureau of services for the visually impaired, the 561
accountancy board of Ohio, the state council of uniform state 562
laws, the board of commissioners of the sinking fund, the 563
department of taxation, the board of tax appeals, the division 564
of liquor control, the director of state armories, the trustees 565
of the Ohio state university, and every private or quasi-public 566
institution, association, board, or corporation receiving state 567
money for its use and purpose shall make annually, at the end of 568

each fiscal year, in quadruplicate, a report of the transactions 569
and proceedings of that office or department for that fiscal 570
year, excepting receipts and disbursements unless otherwise 571
specifically required by law. The report shall contain a summary 572
of the official acts of the officer, board, council, commission, 573
institution, association, or corporation and any suggestions and 574
recommendations that are proper. 575

One of the reports shall be filed with the governor, one 576
with the secretary of state, and one with the state library, and 577
one shall be kept on file in the office of the officer, board, 578
council, commission, institution, association, or corporation. 579
The reports shall be so filed by the first day of August, except 580
that the report of the treasurer of state shall be so filed by 581
the thirty-first day of December. 582

Sec. 173.11. The department of aging shall, as appropriate 583
and feasible and to the extent federal, state, and local funding 584
is available, develop a system of community multipurpose senior 585
centers for the purposes of: 586

(A) Providing centralized, coordinated medical, social, 587
supportive, and rehabilitative services to older adults; 588

(B) Encouraging older adults to maintain physical, social, 589
and emotional well-being and to live dignified and reasonably 590
independent lives in their own homes; 591

(C) Diminishing the rate of inappropriate entry and 592
placement of older adults in nursing homes, sheltered housing 593
for older adults, and related facilities. 594

The department shall, in accordance with Chapter 119. of 595
the Revised Code, adopt rules under which counties, townships, 596
municipal corporations, or local nonprofit organizations may 597

make application to the department to operate a multipurpose 598
senior center or to participate in a multipurpose senior center 599
program. Procedures shall be established for the maximum 600
feasible participation by older adults and representatives of 601
organizations of older adults in the planning of these programs. 602
The area agency on aging, established under the "Older Americans 603
Act of 1965," 79 Stat. 219, 42 U.S.C.A. 3001, as amended, shall 604
be given the opportunity to review and comment on all 605
applications for the establishment of a center or the expansion 606
of the scope of services provided by a senior center operated as 607
part of the social services system under the agency's area plan. 608

The department shall plan, coordinate, and monitor, and, 609
to the extent feasible, provide funds for services for older 610
adults under this section and section 173.12 of the Revised 611
Code. In order to carry out the purposes of such sections, the 612
department or the designated local entity may accept gifts and 613
grants and enter into contracts for the purchase of services. 614

The multipurpose senior centers shall be centrally located 615
and easily accessible to any public transportation available in 616
such location. The centers may provide transportation for older 617
adults who wish to utilize services available in the facility, 618
but are unable to reach it because of the lack of financial 619
resources or physical impairment. Centers shall be designed to 620
provide ease of access and use considering the infirmities of 621
~~frail and handicapped~~ older adults who are frail or who have 622
disabilities. Special safety features shall be provided as 623
unobtrusively as possible. In establishing the location of 624
multipurpose senior centers, the department shall, to the extent 625
feasible, give precedence to the use of existing buildings and 626
facilities, which may be renovated, over the construction of new 627
buildings and facilities. 628

Sec. 173.12. The services provided by a multipurpose 629
senior center shall be available to all residents of the area 630
served by the center who are sixty years of age or older, except 631
where legal requirements for the use of funds available for a 632
component program specify other age limits. Persons who receive 633
services from the center may be encouraged to make voluntary 634
contributions to the center, but no otherwise eligible person 635
shall be refused services because of inability to make a 636
contribution. 637

Services provided by the center may include, but are not 638
limited to, the following: 639

(A) Services available within the facility: 640

(1) Preventive medical services, diagnostic and treatment 641
services, emergency health services, and counseling on health 642
matters, which are provided on a regular basis by a licensed 643
physician, pharmacist, or registered nurse or other qualified 644
health professional; 645

(2) A program to locate full- or part-time employment 646
opportunities; 647

(3) Information and counseling by professional or other 648
persons specially trained or qualified to enable older adults to 649
make decisions on personal matters, including income, health, 650
housing, transportation, and social relationships; 651

(4) A listing of services available in the community for 652
older adults to assist in identifying the type of assistance 653
needed, to place them in contact with appropriate services, and 654
to determine whether services have been received and identified 655
needs met; 656

(5) Legal advice and assistance by an attorney or a legal 657

assistant acting under the supervision of an attorney; 658

(6) Recreation, social activities, and educational 659
activities. 660

(B) Services provided outside the facility: 661

(1) Routine health services necessary to help ~~functionally-~~ 662
~~impaired~~ older adults to with functional impairments maintain an 663
appropriate standard of personal health, provided to them in 664
their homes by licensed physicians, registered nurses, or other 665
qualified health service personnel; 666

(2) Household services, such as light housekeeping, 667
laundrying, meal preparation, personal and grocery shopping, 668
check cashing and bill paying, friendly visiting, minor 669
household repairs, and yard chores, that are necessary to help 670
~~functionally impaired~~ older adults with functional impairments 671
meet the normal demands of daily living; 672

(3) The delivery, on a regular schedule, of hot or cold 673
nourishing meals to ~~functionally impaired~~ older adults with 674
functional impairments and the determination of the nutritional 675
needs of such persons; 676

(4) Door-to-door vehicular transportation for ~~functionally-~~ 677
~~impaired~~ older adults with functional impairments or other older 678
adults. 679

Other services, including social and recreational 680
services, adult education courses, reassurance by telephone, 681
escort services, and housing assistance may be added to the 682
center's program as appropriate, to the extent that resources 683
are available. 684

Services may be furnished by public agencies or private 685

persons or organizations, but all services shall be coordinated 686
by a single management unit, operating within the center, that 687
is established, staffed, and equipped for this purpose. 688

The department of aging, or the local entity approved by 689
the department under section 173.11 of the Revised Code for the 690
operation of a center, may contract for any or all of the 691
services provided by the center with any other state agency, 692
county, township, municipal corporation, school district, 693
community or technical college district, health district, 694
person, or organization. 695

The department shall provide for the necessary insurance 696
coverage to protect all volunteers from the normal risks of 697
personal liability while they are acting within the scope of 698
their volunteer assignments for the provision of services under 699
this section. 700

As used in this section, "~~functionally impaired~~ older 701
adult with a functional impairment" means an individual sixty 702
years of age or older who requires help from others in order to 703
cope with the normal demands of daily living. 704

Sec. 305.07. (A) Special sessions of the board of county 705
commissioners may be held as often as the commissioners deem it 706
necessary. At a regular or special session, the board may make 707
any necessary order or contract in relation to the building, 708
furnishing, repairing, or insuring of public buildings or 709
bridges; the employment of janitors; the improvements or 710
enclosure of public grounds; the maintenance or support of 711
persons with developmental disabilities or ~~of the mentally-~~ 712
~~ill~~ persons with mental illnesses; the expenditure of any fund; 713
or the board may provide for the reconstruction or repair of any 714
bridge destroyed by fire, flood, or otherwise. The board shall 715

comply with division (F) of section 121.22 of the Revised Code. 716
The board may do any other official act not, by law, restricted 717
to a particular regular session. 718

(B) The board of county commissioners may provide by 719
resolution for the holding of special sessions of the board at a 720
location in the county other than the usual office of the board 721
at the county seat. The adoption of the resolution and the 722
location where the sessions will be held shall be entered on the 723
journal of the board. The board shall give reasonable public 724
notice of its action taken pursuant to this division, in 725
accordance with division (F) of section 121.22 of the Revised 726
Code. 727

Sec. 306.551. Any municipal corporation or township that 728
withdraws from a regional transit authority under section 306.55 729
of the Revised Code may enter into a contract with a regional 730
transit authority or other provider of transit services to 731
provide transportation service for ~~handicapped, disabled, or~~ 732
~~elderly persons~~ who are elderly or who have disabilities and for 733
any other service the legislative authority of the municipal 734
corporation or township may determine to be appropriate. 735

Sec. 325.07. In addition to the compensation and salary 736
provided by section 325.06 of the Revised Code, the board of 737
county commissioners shall make allowances monthly to each 738
sheriff for the actual and necessary expenses incurred and 739
expended by the sheriff in pursuing within or without the state 740
or transporting persons accused or convicted of crimes and 741
offenses, for any expenses incurred in conveying and 742
transferring persons to or from any state hospital for ~~the~~ 743
~~mentally ill~~ persons with mental illnesses, any institution for 744
persons with intellectual disabilities, any institution operated 745

by the youth commission, children's homes, county homes, and all 746
similar institutions, and for all expenses of maintaining 747
transportation facilities necessary to the proper administration 748
of the duties of the sheriff's office. 749

The board shall allow the sheriff the actual 750
transportation expense and telephone tolls expended by the 751
sheriff in serving civil processes and subpoenaing witnesses in 752
civil and criminal cases and before the grand jury, and it may 753
allow any other necessary transportation expense for the proper 754
administration of the duties of the sheriff's office. Each 755
sheriff shall file under oath a monthly report containing a 756
full, accurate, and itemized account of all the sheriff's actual 757
and necessary expenses, including telephone tolls and any other 758
transportation expense mentioned in this section, before the 759
expense is allowed by the board. The statement shall show the 760
number of the case, the court in which the service was rendered, 761
and the point from which a transportation vehicle was used. 762

For the purpose of making available to the sheriff funds 763
necessary in the performance of the duties required under this 764
section, the board may authorize, as an advancement to the 765
sheriff, a sum not exceeding fifty per cent of the sheriff's 766
annual salary, from appropriations made to the sheriff by the 767
board for pursuing prisoners within or without the state or for 768
transporting the prisoners to correctional institutions, or 769
both, and for transporting persons to the institutions 770
enumerated in this section, from which sum of money so advanced 771
the necessary expenses for the transportation or pursuance may 772
be paid by the sheriff. The county auditor shall draw a warrant 773
upon the county treasurer, in favor of the sheriff, as 774
authorized by the board. 775

After the itemized monthly report provided for in this 776
section has been filed by the sheriff and approved and allowed 777
by the board, the board shall restore to the fund the amount 778
expended and disbursed by the sheriff, as approved and allowed 779
by the board. 780

Any unexpended balance of such fund remaining in the hands 781
of the sheriff, at the end of each succeeding fiscal year, shall 782
be returned and paid into the county treasury by the sheriff. 783

Sec. 339.11. The board of county commissioners may enter 784
into an agreement with one or more corporations or associations 785
organized for charitable purposes or for the purpose of 786
maintaining and operating a hospital in any county in which such 787
hospital has been established, for the care of ~~the indigent sick~~ 788
~~and disabled persons who are sick or have disabilities,~~ including 789
indigent persons receiving the tuberculosis treatment specified 790
in section 339.73 of the Revised Code. The document used to 791
verify the agreement shall specify the terms that have been 792
agreed upon by the board and such corporations or associations. 793
Such board shall provide for the payment of the amount agreed 794
upon in one payment, or installments, or so much from year to 795
year as the parties stipulate. This section does not authorize 796
the payment of public funds to a sectarian institution, except 797
when the payment is made pursuant to sections 339.71 to 339.89 798
of the Revised Code. The board may employ the necessary and 799
properly qualified employees to assist it in carrying out all 800
responsibilities devolving upon such board by reason of any 801
agreement entered into in accordance with this section. 802

Sec. 340.011. (A) This chapter shall be interpreted to 803
accomplish all of the following: 804

(1) Establish a unified system of treatment for ~~mentally~~ 805

ill persons <u>with mental illnesses</u> and persons with addictions;	806
(2) Establish a community support system available for every alcohol, drug addiction, and mental health service district;	807 808 809
(3) Protect the personal liberty of mentally ill persons <u>with mental illnesses</u> so that they may be treated in the least restrictive environment;	810 811 812
(4) Encourage the development of high quality, cost effective, and comprehensive services, including culturally sensitive services;	813 814 815
(5) Foster the development of comprehensive community mental health services, based on recognized local needs, especially for severely mentally disabled children, adolescents, and adults <u>persons with severe mental disabilities</u> ;	816 817 818 819
(6) Ensure that services provided meet minimum standards established by the director of mental health and addiction services;	820 821 822
(7) Promote the delivery of high quality and cost-effective addiction and mental health services;	823 824
(8) Promote the participation of persons receiving mental health services and addiction services in the planning, delivery, and evaluation of these services.	825 826 827
(B) Nothing in Chapter 340., 5119., or 5122. of the Revised Code shall be construed as requiring a board of county commissioners to provide resources beyond the total amount set forth in a budget and list of addiction services, mental health services, and recovery supports required by section 340.08 of the Revised Code and approved by the department of mental health	828 829 830 831 832 833

and addiction services under section 5119.22 of the Revised Code. 834
835

Sec. 340.03. (A) Subject to rules issued by the director 836
of mental health and addiction services after consultation with 837
relevant constituencies as required by division (A) (10) of 838
section 5119.21 of the Revised Code, each board of alcohol, drug 839
addiction, and mental health services shall: 840

(1) Serve as the community addiction and mental health 841
planning agency for the county or counties under its 842
jurisdiction, and in so doing it shall: 843

(a) Evaluate the need for facility services, addiction 844
services, mental health services, and recovery supports; 845

(b) In cooperation with other local and regional planning 846
and funding bodies and with relevant ethnic organizations, 847
evaluate strengths and challenges and set priorities for 848
addiction services, mental health services, and recovery 849
supports. A board shall include treatment and prevention 850
services when setting priorities for addiction services and 851
mental health services. When a board sets priorities for 852
addiction services, the board shall consult with the county 853
commissioners of the counties in the board's service district 854
regarding the services described in section 340.15 of the 855
Revised Code and shall give priority to those services, except 856
that those services shall not have a priority over services 857
provided to pregnant women under programs developed in relation 858
to the mandate established in section 5119.17 of the Revised 859
Code. 860

(c) In accordance with guidelines issued by the director 861
of mental health and addiction services under division (F) of 862

section 5119.22 of the Revised Code, annually develop and submit 863
to the department of mental health and addiction services a 864
community addiction and mental health plan that addresses both 865
of the following: 866

(i) The needs of all residents of the district currently 867
receiving inpatient services in state-operated hospitals, the 868
needs of other populations as required by state or federal law 869
or programs, and the needs of all children subject to a 870
determination made pursuant to section 121.38 of the Revised 871
Code; 872

(ii) The department's priorities for facility services, 873
addiction services, mental health services, and recovery 874
supports during the period for which the plan will be in effect. 875
The department shall inform all of the boards of the 876
department's priorities in a timely manner that enables the 877
boards to know the department's priorities before the boards 878
develop and submit the plans. 879

In alcohol, drug addiction, and mental health service 880
districts that have separate alcohol and drug addiction services 881
and community mental health boards, the alcohol and drug 882
addiction services board shall submit a community addiction plan 883
and the community mental health board shall submit a community 884
mental health plan. Each board shall consult with its 885
counterpart in developing its plan and address the interaction 886
between the local addiction and mental health systems and 887
populations with regard to needs and priorities in developing 888
its plan. 889

The department shall approve or disapprove the plan, in 890
whole or in part, in accordance with division (G) of section 891
5119.22 of the Revised Code. Eligibility for state and federal 892

funding shall be contingent upon an approved plan or relevant 893
part of a plan. 894

If a board determines that it is necessary to amend an 895
approved plan, the board shall submit a proposed amendment to 896
the director. The director shall approve or disapprove all or 897
part of the amendment in accordance with division (H) of section 898
5119.22 of the Revised Code. 899

The board shall operate in accordance with the plan 900
approved by the department. 901

(d) Promote, arrange, and implement working agreements 902
with social agencies, both public and private, and with judicial 903
agencies. 904

(2) Investigate, or request another agency to investigate, 905
any complaint alleging abuse or neglect of any person receiving 906
addiction services, mental health services, or recovery supports 907
from a community addiction services provider or community mental 908
health services provider or alleging abuse or neglect of a 909
resident receiving addiction services or with mental illness or 910
severe mental disability residing in a residential facility 911
licensed under section 5119.34 of the Revised Code. If the 912
investigation substantiates the charge of abuse or neglect, the 913
board shall take whatever action it determines is necessary to 914
correct the situation, including notification of the appropriate 915
authorities. Upon request, the board shall provide information 916
about such investigations to the department. 917

(3) For the purpose of section 5119.36 of the Revised 918
Code, cooperate with the director of mental health and addiction 919
services in visiting and evaluating whether the certifiable 920
services and supports of a community addiction services provider 921

or community mental health services provider satisfy the 922
certification standards established by rules adopted under that 923
section; 924

(4) In accordance with criteria established under division 925
(D) of section 5119.22 of the Revised Code, conduct program 926
audits that review and evaluate the quality, effectiveness, and 927
efficiency of addiction services, mental health services, and 928
recovery supports provided by community addiction services 929
providers and community mental health services providers under 930
contract with the board and submit the board's findings and 931
recommendations to the department of mental health and addiction 932
services; 933

(5) In accordance with section 5119.34 of the Revised 934
Code, review an application for a residential facility license 935
and provide to the department of mental health and addiction 936
services any information about the applicant or facility that 937
the board would like the department to consider in reviewing the 938
application; 939

(6) Audit, in accordance with rules adopted by the auditor 940
of state pursuant to section 117.20 of the Revised Code, at 941
least annually all programs, addiction services, mental health 942
services, and recovery supports provided under contract with the 943
board. In so doing, the board may contract for or employ the 944
services of private auditors. A copy of the fiscal audit report 945
shall be provided to the director of mental health and addiction 946
services, the auditor of state, and the county auditor of each 947
county in the board's district. 948

(7) Recruit and promote local financial support for 949
addiction services, mental health services, and recovery 950
supports from private and public sources; 951

(8) In accordance with guidelines issued by the department 952
as necessary to comply with state and federal laws pertaining to 953
financial assistance, approve fee schedules and related charges 954
or adopt a unit cost schedule or other methods of payment for 955
addiction services, mental health services, and recovery 956
supports provided by community addiction services providers and 957
community mental health services providers that have contracted 958
with the board under section 340.036 of the Revised Code; 959

(9) Submit to the director and the county commissioners of 960
the county or counties served by the board, and make available 961
to the public, an annual report of the addiction services, 962
mental health services, and recovery supports under the 963
jurisdiction of the board, including a fiscal accounting; 964

(10) Establish a method for evaluating referrals for 965
court-ordered treatment and affidavits filed pursuant to section 966
5122.11 of the Revised Code in order to assist the probate 967
division of the court of common pleas in determining whether 968
there is probable cause that a respondent is subject to court- 969
ordered treatment and whether alternatives to hospitalization 970
are available and appropriate; 971

(11) Designate the treatment services, provider, facility, 972
or other placement for each person involuntarily committed to 973
the board pursuant to Chapter 5122. of the Revised Code. The 974
board shall provide the least restrictive and most appropriate 975
alternative that is available for any person involuntarily 976
committed to it and shall assure that the list of addiction 977
services, mental health services, and recovery supports 978
submitted and approved in accordance with division (B) of 979
section 340.08 of the Revised Code are available to ~~severely~~ 980
mentally disabled persons with severe mental disabilities 981

residing within its service district. The board shall establish 982
the procedure for authorizing payment for the services and 983
supports, which may include prior authorization in appropriate 984
circumstances. In accordance with section 340.037 of the Revised 985
Code, the board may provide addiction services and mental health 986
services directly to a ~~severely mentally disabled person~~ with a 987
severe mental disability when life or safety is endangered and 988
when no community addiction services provider or community 989
mental health services provider is available to provide the 990
service. 991

(12) Ensure that housing built, subsidized, renovated, 992
rented, owned, or leased by the board or a community addiction 993
services provider or community mental health services provider 994
has been approved as meeting minimum fire safety standards and 995
that persons residing in the housing have access to appropriate 996
and necessary services, including culturally relevant services, 997
from a community addiction services provider or community mental 998
health services provider. This division does not apply to 999
residential facilities licensed pursuant to section 5119.34 of 1000
the Revised Code. 1001

(13) Establish a mechanism for obtaining advice and 1002
involvement of persons receiving addiction services, mental 1003
health services, or recovery supports on matters pertaining to 1004
services and supports in the alcohol, drug addiction, and mental 1005
health service district; 1006

(14) Perform the duties required by rules adopted under 1007
section 5119.22 of the Revised Code regarding referrals by the 1008
board or community mental health services providers under 1009
contract with the board of individuals with mental illness or 1010
severe mental disability to class two residential facilities 1011

licensed under section 5119.34 of the Revised Code and effective 1012
arrangements for ongoing mental health services for the 1013
individuals. The board is accountable in the manner specified in 1014
the rules for ensuring that the ongoing mental health services 1015
are effectively arranged for the individuals. 1016

(B) Each board of alcohol, drug addiction, and mental 1017
health services shall establish such rules, operating 1018
procedures, standards, and bylaws, and perform such other duties 1019
as may be necessary or proper to carry out the purposes of this 1020
chapter. 1021

(C) A board of alcohol, drug addiction, and mental health 1022
services may receive by gift, grant, devise, or bequest any 1023
moneys, lands, or property for the benefit of the purposes for 1024
which the board is established, and may hold and apply it 1025
according to the terms of the gift, grant, or bequest. All money 1026
received, including accrued interest, by gift, grant, or bequest 1027
shall be deposited in the treasury of the county, the treasurer 1028
of which is custodian of the alcohol, drug addiction, and mental 1029
health services funds to the credit of the board and shall be 1030
available for use by the board for purposes stated by the donor 1031
or grantor. 1032

(D) No member or employee of a board of alcohol, drug 1033
addiction, and mental health services shall be liable for injury 1034
or damages caused by any action or inaction taken within the 1035
scope of the member's official duties or the employee's 1036
employment, whether or not such action or inaction is expressly 1037
authorized by this section or any other section of the Revised 1038
Code, unless such action or inaction constitutes willful or 1039
wanton misconduct. Chapter 2744. of the Revised Code applies to 1040
any action or inaction by a member or employee of a board taken 1041

within the scope of the member's official duties or employee's 1042
employment. For the purposes of this division, the conduct of a 1043
member or employee shall not be considered willful or wanton 1044
misconduct if the member or employee acted in good faith and in 1045
a manner that the member or employee reasonably believed was in 1046
or was not opposed to the best interests of the board and, with 1047
respect to any criminal action or proceeding, had no reasonable 1048
cause to believe the conduct was unlawful. 1049

(E) The meetings held by any committee established by a 1050
board of alcohol, drug addiction, and mental health services 1051
shall be considered to be meetings of a public body subject to 1052
section 121.22 of the Revised Code. 1053

(F) (1) A board of alcohol, drug addiction, and mental 1054
health services may establish a rule, operating procedure, 1055
standard, or bylaw to allow the executive director of the board 1056
to execute both of the following types of contracts valued at 1057
twenty-five thousand dollars or less, as determined by the 1058
board, on behalf of the board without the board's prior 1059
approval: 1060

(a) Emergency contracts for clinical services or recovery 1061
support services; 1062

(b) Standard service contracts pertaining to the board's 1063
operations. 1064

(2) If a board establishes a rule, operating procedure, 1065
standard, or bylaw under division (F) (1) of this section, both 1066
of the following shall be the case: 1067

(a) The board shall define the scope of contracts 1068
described in divisions (F) (1) (a) and (b) of this section in that 1069
rule, operating procedure, standard, or bylaw. 1070

(b) The board shall disclose the existence of a contract 1071
executed pursuant to the rule, operating procedure, standard, or 1072
bylaw at the first board meeting that occurs after the contract 1073
was executed and ensure that a record of that disclosure is 1074
included in the written minutes of that meeting. 1075

Sec. 340.04. Each board of alcohol, drug addiction, and 1076
mental health services shall employ a qualified mental health or 1077
addiction services professional with experience in 1078
administration or a professional administrator with experience 1079
in mental health services or addiction services to serve as 1080
executive director of the board and shall prescribe the 1081
director's duties. 1082

The board shall fix the compensation of the executive 1083
director. In addition to such compensation, the director shall 1084
be reimbursed for actual and necessary expenses incurred in the 1085
performance of the director's official duties. The board, by 1086
majority vote of the full membership, may remove the director 1087
for cause, upon written charges, after an opportunity has been 1088
afforded the director for a hearing before the board on request. 1089

The board may delegate to its executive director the 1090
authority to act in its behalf in the performance of its 1091
administrative duties. 1092

As used in this section, "mental health professional" and 1093
"addiction services professional" mean an individual who is 1094
qualified to work with ~~mentally ill~~ persons with mental 1095
illnesses or persons receiving addiction services, pursuant to 1096
standards established by the director of mental health and 1097
addiction services under Chapter 5119. of the Revised Code. 1098

Sec. 340.15. (A) A public children services agency that 1099

identifies a child by a risk assessment conducted pursuant to 1100
section 5153.16 of the Revised Code as being at imminent risk of 1101
being abused or neglected because of an addiction of a parent, 1102
guardian, or custodian of the child to a drug of abuse or 1103
alcohol shall refer the child's ~~addicted~~ parent, guardian, or 1104
custodian and, if the agency determines that the child needs 1105
alcohol and drug addiction services, the child to a community 1106
addiction services provider. A public children services agency 1107
that is sent a court order issued pursuant to division (B) of 1108
section 2151.3514 of the Revised Code shall refer the addicted 1109
parent or other caregiver of the child identified in the court 1110
order to a community addiction services provider. On receipt of 1111
a referral under this division and to the extent funding 1112
identified under division (A) (2) of section 340.08 of the 1113
Revised Code is available, the provider shall provide the 1114
following services to the ~~addicted~~ parent, guardian, custodian, 1115
or caregiver and child in need of addiction services: 1116

(1) If it is determined pursuant to an initial screening 1117
to be needed, assessment and appropriate treatment; 1118

(2) Documentation of progress in accordance with a 1119
treatment plan developed for the ~~addicted~~ parent, guardian, 1120
custodian, caregiver, or child; 1121

(3) If the referral is based on a court order issued 1122
pursuant to division (B) of section 2151.3514 of the Revised 1123
Code and the order requires the specified parent or other 1124
caregiver of the child to submit to alcohol or other drug 1125
testing during, after, or both during and after, treatment, 1126
testing in accordance with the court order. 1127

(B) The services described in division (A) of this section 1128
shall have a priority as provided in the community addiction and 1129

mental health plan and budget established pursuant to sections 1130
340.03 and 340.08 of the Revised Code. Once a referral has been 1131
received pursuant to this section, the public children services 1132
agency and the community addiction services provider shall, in 1133
accordance with 42 C.F.R. Part 2, share with each other any 1134
information concerning the persons and services described in 1135
that division that the agency and provider determine are 1136
necessary to share. If the referral is based on a court order 1137
issued pursuant to division (B) of section 2151.3514 of the 1138
Revised Code, the results and recommendations of the community 1139
addiction services provider also shall be provided and used as 1140
described in division (D) of that section. Information obtained 1141
or maintained by the agency or provider pursuant to this section 1142
that could enable the identification of any person described in 1143
division (A) of this section is not a public record subject to 1144
inspection or copying under section 149.43 of the Revised Code. 1145

Sec. 513.05. The board of township trustees may agree with 1146
a corporation organized for charitable purposes and not for 1147
profit or with a municipal corporation for the erection and 1148
management of a hospital suitably located, for the treatment of 1149
~~the sick and disabled persons~~ of the township who are sick or 1150
have disabilities, or for an addition to such hospital, and for 1151
a permanent interest therein to such extent and upon such terms 1152
as are agreed upon between the board and such corporation. The 1153
board shall provide for the payment of the amount agreed upon 1154
for such interest, either in one payment or in annual 1155
installments, as agreed. Such agreement shall not become 1156
operative until approved by a vote of the electors of such 1157
township under section 513.06 of the Revised Code. 1158

Sec. 737.051. (A) The legislative authority of a city may 1159
establish, by ordinance, an auxiliary police unit within the 1160

police department of the city, and provide for the regulation of 1161
auxiliary police officers. The director of public safety shall 1162
be the executive head of the auxiliary police unit, shall make 1163
all appointments and removals of auxiliary police officers, 1164
subject to any general rules prescribed by the legislative 1165
authority by ordinance, and shall prescribe rules for the 1166
organization, training, administration, control, and conduct of 1167
the auxiliary police unit. Members of the auxiliary police unit 1168
shall not be in the classified service of the city. 1169

(B) (1) The legislative authority of a city may establish, 1170
by ordinance, a parking enforcement unit within the police 1171
department of the city, and provide for the regulation of 1172
parking enforcement officers. The director of public safety 1173
shall be the executive head of the parking enforcement unit, 1174
shall make all appointments and removals of parking enforcement 1175
officers, subject to any general rules prescribed by the 1176
legislative authority by ordinance, and shall prescribe rules 1177
for the organization, training, administration, control, and 1178
conduct of the parking enforcement unit. The director may 1179
appoint parking enforcement officers who agree to serve for 1180
nominal compensation, and persons with physical disabilities may 1181
receive appointments as parking enforcement officers. 1182

(2) The authority of the parking enforcement officers 1183
shall be limited to the enforcement of ordinances governing 1184
parking in ~~handicapped~~ accessible parking locations and fire 1185
lanes and any other parking ordinances specified in the 1186
ordinance creating the parking enforcement unit. Parking 1187
enforcement officers shall have no other powers. 1188

(3) The training the parking enforcement officers shall 1189
receive shall include instruction in general administrative 1190

rules and procedures governing the parking enforcement unit, the 1191
role of the judicial system as it relates to parking regulation 1192
and enforcement, proper techniques and methods relating to the 1193
enforcement of parking ordinances, human interaction skills, and 1194
first aid. 1195

Sec. 737.161. (A) The legislative authority of a village 1196
may establish, by ordinance, an auxiliary police unit within the 1197
police department of the village, and provide for the regulation 1198
of auxiliary police officers. The mayor shall be the executive 1199
head of the auxiliary police unit, shall make all appointments 1200
and removals of auxiliary police officers, subject to any 1201
general rules prescribed by the legislative authority by 1202
ordinance, and shall prescribe rules for the organization, 1203
training, administration, control, and conduct of the auxiliary 1204
police unit. The village marshal shall have exclusive control of 1205
the stationing and transferring of all auxiliary police 1206
officers, under such general rules as the mayor prescribes. 1207

(B) (1) The legislative authority of a village may 1208
establish, by ordinance, a parking enforcement unit within the 1209
police department of the village, and provide for the regulation 1210
of parking enforcement officers. The mayor shall be the 1211
executive head of the parking enforcement unit, shall make all 1212
appointments and removals of parking enforcement officers, 1213
subject to any general rules prescribed by the legislative 1214
authority by ordinance, and shall prescribe rules for the 1215
organization, training, administration, control, and conduct of 1216
the parking enforcement unit. The mayor may appoint parking 1217
enforcement officers who agree to serve for nominal 1218
compensation, and persons with physical disabilities may receive 1219
appointments as parking enforcement officers. 1220

(2) The authority of the parking enforcement officers 1221
shall be limited to the enforcement of ordinances governing 1222
parking in ~~handicapped~~ accessible parking locations and fire 1223
lanes and any other parking ordinances specified in the 1224
ordinance creating the parking enforcement unit. Parking 1225
enforcement officers shall have no other powers. 1226

(3) The training the parking enforcement officers shall 1227
receive shall include instruction in general administrative 1228
rules and procedures governing the parking enforcement unit, the 1229
role of the judicial system as it relates to parking regulation 1230
and enforcement, proper techniques and methods relating to the 1231
enforcement of parking ordinances, human interaction skills, and 1232
first aid. 1233

Sec. 749.02. The legislative authority of a municipal 1234
corporation may agree with a corporation organized for 1235
charitable purposes and not for profit, for the erection and 1236
management of a hospital suitably located for the treatment of 1237
~~the sick and disabled persons~~ of such municipal corporation who 1238
are sick or have disabilities, or for an addition to such 1239
hospital, and for a permanent interest therein to such extent 1240
and upon such terms as are agreed upon between them, and the 1241
legislative authority shall provide for the payment of the 1242
amount agreed upon for such interest, either in one payment or 1243
in annual installments, as is agreed upon. 1244

Such agreement shall not become operative until approved 1245
by a vote of the electors of the municipal corporation as 1246
provided in section 749.021 of the Revised Code. 1247

Sec. 901.73. (A) (1) The director of agriculture may 1248
inspect and investigate any matter involving livestock that is 1249
not present at an exhibition, but is registered or entered in an 1250

exhibition, or raised with the apparent intent of being so 1251
registered or entered, when the director reasonably suspects any 1252
of the following: 1253

(a) There has been a violation of section 901.76 or 1254
2925.09 of the Revised Code or a rule adopted under section 1255
901.72 of the Revised Code; 1256

(b) The livestock's health, safety, or welfare may be 1257
threatened; 1258

(c) The livestock constitutes a threat to or may adversely 1259
affect food safety. 1260

(2) The director may conduct random inspections and 1261
investigations regarding any matter involving livestock present 1262
at an exhibition. 1263

(3) With the consent of the property owner and the 1264
livestock owner, the director or the director's designee may 1265
enter at all reasonable times any premises, facility, pen, yard, 1266
vehicle, or means of conveyance for the purpose of sampling and 1267
testing livestock registered or entered in an exhibition or 1268
raised with the apparent intent of being so registered or 1269
entered. If the director or the director's designee is denied 1270
access to any premises, facility, pen, yard, vehicle, or means 1271
of conveyance by the property owner or to livestock by the 1272
livestock owner, and if the director reasonably suspects that 1273
food safety or the health, safety, or welfare of livestock is 1274
threatened, the director may apply to a court of competent 1275
jurisdiction in the county in which the premises, facility, pen, 1276
yard, vehicle, means of conveyance, or livestock are located for 1277
a search warrant authorizing access to the premises, facility, 1278
pen, yard, vehicle, means of conveyance, or livestock for the 1279

purposes of this section. The court shall issue the search 1280
warrant for the purposes requested if there is probable cause to 1281
believe that livestock is involved that is registered or entered 1282
in an exhibition or raised with the apparent intent of being so 1283
registered or entered, and that food safety or the health, 1284
safety, or welfare of livestock is threatened. The finding of 1285
probable cause may be based on hearsay, provided there is a 1286
substantial basis for believing that the source of the hearsay 1287
is credible and that there is a factual basis for the 1288
information furnished. 1289

The director may designate employees of the department of 1290
agriculture, employees of the United States department of 1291
agriculture, licensed veterinarians, or employees or students of 1292
an approved or accredited veterinary school or college to 1293
perform the inspecting, sampling, and testing. The director may 1294
contract with laboratories, universities, or other persons or 1295
institutions, both public and private, to perform the livestock 1296
testing. 1297

(B) While the director or the director's designee is 1298
sampling or testing the livestock, the owner or custodian of the 1299
livestock shall render assistance in accordance with sections 1300
941.05 and 941.08 of the Revised Code. Any person who refuses to 1301
cooperate with the director or the director's designee in the 1302
inspection, sampling, and testing of livestock may be prohibited 1303
by the director acting under section 901.74 of the Revised Code 1304
from participating in any exhibition. 1305

(C) A person may register, enter, or exhibit at an 1306
exhibition only livestock owned by that person for the length of 1307
time specified by rule of the director, unless one of the 1308
following applies: 1309

(1) The livestock owner ~~suffers from~~has a recognized 1310
physical ~~handicap-disability~~ that prevents the owner from 1311
showing the livestock; 1312

(2) The sponsor provides written permission to someone 1313
other than the livestock owner to register, enter, or exhibit 1314
the livestock; 1315

(3) A rule of the director provides that this division 1316
shall not apply to an exhibition. 1317

Sec. 918.05. The director of agriculture may require an 1318
employee of an establishment to submit to a health examination 1319
by a physician at any time. No individual ~~suffering from~~having 1320
any communicable disease, including any communicable skin 1321
disease, and no person with infected wounds and no person who is 1322
a carrier of a communicable disease shall be employed in any 1323
capacity in an establishment. 1324

Sec. 935.03. (A) Division (A) of section 935.02 of the 1325
Revised Code does not apply to any of the following: 1326

(1) A person to which all of the following apply: 1327

(a) The person possesses a dangerous wild animal. 1328

(b) The person has been issued a license by the United 1329
States department of agriculture under the federal animal 1330
welfare act. 1331

(c) The director of agriculture has determined that the 1332
person is in the process of becoming an accredited member of the 1333
association of zoos and aquariums or the zoological association 1334
of America. 1335

(d) The director has informed the person that the person 1336
is exempt from division (A) of section 935.02 of the Revised 1337

Code.	1338
(2) An organization to which all of the following apply:	1339
(a) The organization possesses a dangerous wild animal.	1340
(b) The director has determined that the organization is	1341
in the process of being accredited or verified by the global	1342
federation of animal sanctuaries as a wildlife sanctuary.	1343
(c) The director has informed the organization that it is	1344
exempt from division (A) of section 935.02 of the Revised Code.	1345
(3) A person whose possession of a dangerous wild animal	1346
is authorized by an unexpired permit issued under this chapter.	1347
(B) Except for the purposes of divisions (A) and (B) of	1348
section 935.04 of the Revised Code, this chapter does not apply	1349
to any of the following:	1350
(1) A facility that is an accredited member of the	1351
association of zoos and aquariums or the zoological association	1352
of America and that is licensed by the United States department	1353
of agriculture under the federal animal welfare act;	1354
(2) A research facility as defined in the federal animal	1355
welfare act;	1356
(3) A research facility that is accredited by the	1357
association for the assessment and accreditation of laboratory	1358
animal care international;	1359
(4) A circus;	1360
(5) A wildlife rehabilitation facility that is issued a	1361
permit by the chief of the division of wildlife in rules adopted	1362
under section 1531.08 of the Revised Code and that rehabilitates	1363
dangerous wild animals or restricted snakes that are native to	1364

the state for the purpose of reintroduction into the wild; 1365

(6) A veterinarian that is providing temporary veterinary 1366
care to a dangerous wild animal or restricted snake; 1367

(7) A wildlife sanctuary; 1368

(8) An individual who does not reside in this state, is 1369
traveling through this state with a dangerous wild animal or 1370
restricted snake, and does all of the following: 1371

(a) Confines the animal or snake in a cage at all times; 1372

(b) Confines the animal or snake in a cage that is not 1373
accessible to the public; 1374

(c) Does not exhibit the animal or snake; 1375

(d) Is in the state not more than forty-eight hours unless 1376
the animal or snake is receiving veterinary care. 1377

(9) An educational institution that displays a single 1378
dangerous wild animal as a sports mascot and that meets all of 1379
the following criteria: 1380

(a) An official of the educational institution has 1381
submitted an affidavit attesting that the institution will care 1382
for the animal as long as the animal lives and in a facility 1383
that is an accredited member of the association of zoos and 1384
aquariums or the zoological association of America. 1385

(b) The educational institution maintains a liability 1386
insurance policy with an insurer authorized or approved to write 1387
such insurance in this state that covers claims for injury or 1388
damage to persons or property caused by a dangerous wild animal. 1389
The amount of the insurance coverage shall be not less than one 1390
million dollars. 1391

(c) During display and transport, the educational 1392
institution confines the dangerous wild animal in a cage that 1393
does not permit physical contact between the animal and the 1394
public. 1395

(d) The educational institution began displaying a 1396
dangerous wild animal as a mascot prior to September 5, 2012. 1397

(10) Any person who has been issued a permit under section 1398
1533.08 of the Revised Code, provided that the permit lists each 1399
specimen of wild animal that is a dangerous wild animal or 1400
restricted snake in the person's possession; 1401

(11) Any person authorized to possess a dangerous wild 1402
animal or restricted snake under section 1531.25 of the Revised 1403
Code or rules adopted under it; 1404

(12) A ~~mobility-impaired person~~ with a mobility 1405
impairment, as defined in section 955.011 of the Revised Code, 1406
who possesses a dangerous wild animal specified in division (C) 1407
(20) (h) of section 935.01 of the Revised Code that has been 1408
trained by a nonprofit agency or is in such training to assist 1409
the ~~mobility-impaired person~~ with a mobility impairment; 1410

(13) A deaf or hearing-impaired person who possesses a 1411
dangerous wild animal specified in division (C) (20) (h) of 1412
section 935.01 of the Revised Code that has been trained by a 1413
nonprofit agency or is in such training to assist the deaf or 1414
hearing-impaired person; 1415

(14) A person who is blind, as defined in section 955.011 1416
of the Revised Code, and possesses a dangerous wild animal 1417
specified in division (C) (20) (h) of section 935.01 of the 1418
Revised Code that has been trained by a nonprofit agency or is 1419
in such training to assist the blind person. 1420

Sec. 955.011. (A) When an application is made for 1421
registration of an assistance dog and the owner can show proof 1422
by certificate or other means that the dog is an assistance dog, 1423
the owner of the dog shall be exempt from any fee for the 1424
registration. Registration for an assistance dog shall be 1425
permanent and not subject to annual renewal so long as the dog 1426
is an assistance dog. Certificates and tags stamped "Ohio 1427
Assistance Dog-Permanent Registration," with registration 1428
number, shall be issued upon registration of such a dog. Any 1429
~~certificate and tag stamped "Ohio Guide Dog-Permanent~~ 1430
~~Registration" or "Ohio Hearing Dog-Permanent Registration," with~~ 1431
~~registration number, that was issued for a dog in accordance~~ 1432
~~with this section as it existed prior to July 4, 1984, any~~ 1433
~~certificate and tag stamped "Ohio Handicapped Assistance Dog-~~ 1434
~~Permanent Registration," with registration number, that was~~ 1435
~~issued for a dog in accordance with this section as it existed~~ 1436
~~on and after July 5, 1984, but prior to November 26, 2004, and~~ 1437
~~any~~ certificate and tag stamped "Ohio Service Dog-Permanent 1438
Registration," with registration number, that was issued for a 1439
dog in accordance with this section as it existed on and after 1440
November 26, 2004, but prior to June 30, 2006, shall remain in 1441
effect as valid proof of the registration of the dog on and 1442
after November 26, 2004. Duplicate certificates and tags for a 1443
dog registered in accordance with this section, upon proper 1444
proof of loss, shall be issued and no fee required. Each 1445
duplicate certificate and tag that is issued shall be stamped 1446
"Ohio Assistance Dog-Permanent Registration." 1447

(B) As used in this section and in sections 955.16 and 1448
955.43 of the Revised Code: 1449

(1) ~~"Mobility impaired person"~~ "Person with a mobility 1450
impairment" means any person, regardless of age, who is subject 1451

to a physiological ~~defect or deficiency~~ impairment regardless of 1452
its cause, nature, or extent that renders the person unable to 1453
move about without the aid of crutches, a wheelchair, or any 1454
other form of support, or that limits the person's functional 1455
ability to ambulate, climb, descend, sit, rise, or perform any 1456
related function. ~~"Mobility impaired person"~~ "Person with a 1457
mobility impairment" includes a person with a neurological or 1458
psychological disability that limits the person's functional 1459
ability to ambulate, climb, descend, sit, rise, or perform any 1460
related function. ~~"Mobility impaired person"~~ "Person with a 1461
mobility impairment" also includes a person with a seizure 1462
disorder and a person who is diagnosed with autism. 1463

(2) "Blind" means either of the following: 1464

(a) Vision twenty/two hundred or less in the better eye 1465
with proper correction; 1466

(b) Field defect in the better eye with proper correction 1467
that contracts the peripheral field so that the diameter of the 1468
visual field subtends an angle no greater than twenty degrees. 1469

(3) "Assistance dog" means a guide dog, hearing dog, or 1470
service dog that has been trained by a nonprofit special agency. 1471

(4) "Guide dog" means a dog that has been trained or is in 1472
training to assist a blind person. 1473

(5) "Hearing dog" means a dog that has been trained or is 1474
in training to assist a deaf or hearing-impaired person. 1475

(6) "Service dog" means a dog that has been trained or is 1476
in training to assist a ~~mobility impaired person with a mobility~~ 1477
impairment. 1478

Sec. 955.43. (A) When ~~either a~~ person who is blind, deaf, 1479

or hearing impaired, ~~or mobility impaired~~ a person with a 1480
mobility impairment, or a trainer of an assistance dog is 1481
accompanied by an assistance dog, the person or ~~the~~ trainer, as 1482
applicable, is entitled to the full and equal accommodations, 1483
advantages, facilities, and privileges of all public 1484
conveyances, hotels, lodging places, all places of public 1485
accommodation, amusement, or resort, all institutions of 1486
education, and other places to which the general public is 1487
invited, and may take the dog into such conveyances and places, 1488
subject only to the conditions and limitations applicable to all 1489
persons not so accompanied, except that: 1490

(1) The dog shall not occupy a seat in any public 1491
conveyance. 1492

(2) The dog shall be upon a leash while using the 1493
facilities of a common carrier. 1494

(3) Any dog in training to become an assistance dog shall 1495
be covered by a liability insurance policy provided by the 1496
nonprofit special agency engaged in such work protecting members 1497
of the public against personal injury or property damage caused 1498
by the dog. 1499

(B) No person shall deprive a person who is blind, deaf, 1500
or hearing impaired, ~~or mobility impaired~~ a person who has a 1501
mobility impairment, or a trainer of an assistance dog ~~who~~ when 1502
the person or trainer, as applicable, is accompanied by an 1503
assistance dog of any of the advantages, facilities, or 1504
privileges provided in division (A) of this section, ~~nor~~ and no 1505
person shall charge the person or trainer a fee or charge for 1506
the dog. 1507

(C) As used in this section, "institutions of education" 1508

means:	1509
(1) Any state university or college as defined in section 3345.32 of the Revised Code;	1510 1511
(2) Any private college or university that holds a certificate of authorization issued by the Ohio board of regents pursuant to Chapter 1713. of the Revised Code;	1512 1513 1514
(3) Any elementary or secondary school operated by a board of education;	1515 1516
(4) Any chartered or nonchartered nonpublic elementary or secondary school;	1517 1518
(5) Any school issued a certificate of registration by the state board of career colleges and schools.	1519 1520
Sec. 959.07. (A) As used in sections 959.07 to 959.10 of the Revised Code:	1521 1522
(1) "Companion animal" has the same meaning as in section 959.131 of the Revised Code.	1523 1524
(2) "Licensed veterinarian" has the same meaning as in section 4741.01 of the Revised Code.	1525 1526
(3) "Protective services" has the same meaning as in section 5101.60 of the Revised Code.	1527 1528
(4) "Officer" has the same meaning as in section 959.132 of the Revised Code.	1529 1530
(5) "Social service professional" means an employee or agent of a public children services agency or an employee or agent of a county department of job and family services with responsibility for protective services.	1531 1532 1533 1534
(6) "Older adult" means any person sixty years of age or	1535

older within this state who is ~~handicapped-disabled~~ by the 1536
infirmities of aging or who has a physical or mental impairment 1537
which prevents the person from providing for the person's own 1538
care or protection, and who resides in an independent living 1539
arrangement. 1540

(7) "Violation involving a companion animal" means any 1541
violation of section 959.01, 959.02, 959.03, 959.13, 959.131, 1542
959.15, 959.16, or 959.21 of the Revised Code involving a 1543
companion animal. 1544

(B) (1) No person listed in division (B) (2) of this section 1545
shall fail to immediately report a violation involving a 1546
companion animal to an officer who is not a dog warden or deputy 1547
dog warden when that person has knowledge or reasonable cause to 1548
suspect that such a violation has occurred or is occurring. 1549

(2) Division (B) (1) of this section applies to all of the 1550
following operating in an official or professional capacity: 1551

(a) A licensed veterinarian; 1552

(b) A social service professional; 1553

(c) A person licensed under Chapter 4757. of the Revised 1554
Code. 1555

Sec. 959.99. (A) Whoever violates section 959.18 or 959.19 1556
of the Revised Code is guilty of a minor misdemeanor. 1557

(B) Except as otherwise provided in this division, whoever 1558
violates section 959.02 of the Revised Code is guilty of a 1559
misdemeanor of the second degree. If the value of the animal 1560
killed or the injury done amounts to three hundred dollars or 1561
more, whoever violates section 959.02 of the Revised Code is 1562
guilty of a misdemeanor of the first degree. 1563

(C) Whoever violates section 959.03, 959.06, division (C) 1564
of section 959.09, 959.12, or 959.17 or division (A) of section 1565
959.15 of the Revised Code is guilty of a misdemeanor of the 1566
fourth degree. 1567

(D) Whoever violates division (A) of section 959.13 or 1568
section 959.21 of the Revised Code is guilty of a misdemeanor of 1569
the second degree. In addition, the court may order the offender 1570
to forfeit the animal or livestock and may provide for its 1571
disposition, including, but not limited to, the sale of the 1572
animal or livestock. If an animal or livestock is forfeited and 1573
sold pursuant to this division, the proceeds from the sale first 1574
shall be applied to pay the expenses incurred with regard to the 1575
care of the animal from the time it was taken from the custody 1576
of the former owner. The balance of the proceeds from the sale, 1577
if any, shall be paid to the former owner of the animal. 1578

(E) (1) Whoever violates division (B) of section 959.131 of 1579
the Revised Code is guilty of a misdemeanor of the first degree 1580
on a first offense and a felony of the fifth degree on each 1581
subsequent offense. 1582

(2) Whoever violates division (C) of section 959.131 of 1583
the Revised Code is guilty of a felony of the fifth degree. 1584

(3) Whoever violates section 959.01 of the Revised Code or 1585
division (D) of section 959.131 of the Revised Code is guilty of 1586
a misdemeanor of the second degree on a first offense and a 1587
misdemeanor of the first degree on each subsequent offense. 1588

(4) Whoever violates division (E) of section 959.131 of 1589
the Revised Code is guilty of a felony of the fifth degree. 1590

(5) Whoever violates division (F) of section 959.131 of 1591
the Revised Code is guilty of a misdemeanor of the first degree. 1592

(6) (a) A court may order a person who is convicted of or pleads guilty to a violation of section 959.131 of the Revised Code to forfeit to an impounding agency, as defined in section 959.132 of the Revised Code, any or all of the companion animals in that person's ownership or care. The court also may prohibit or place limitations on the person's ability to own or care for any companion animals for a specified or indefinite period of time.

(b) A court may order a person who is convicted of or pleads guilty to a violation of division (A) of section 959.13 or section 959.131 of the Revised Code to reimburse an impounding agency for the reasonable and necessary costs incurred by the agency for the care of an animal or livestock that the agency impounded as a result of the investigation or prosecution of the violation, provided that the costs were not otherwise paid under section 959.132 of the Revised Code.

(7) If a court has reason to believe that a person who is convicted of or pleads guilty to a violation of section 959.131 or 959.21 of the Revised Code ~~suffers from~~ has a mental or emotional disorder that contributed to the violation, the court may impose as a community control sanction or as a condition of probation a requirement that the offender undergo psychological evaluation or counseling. The court shall order the offender to pay the costs of the evaluation or counseling.

(F) Whoever violates section 959.14 of the Revised Code is guilty of a misdemeanor of the second degree on a first offense and a misdemeanor of the first degree on each subsequent offense.

(G) Whoever violates section 959.05 or 959.20 of the Revised Code is guilty of a misdemeanor of the first degree.

(H) Whoever violates section 959.16 of the Revised Code is 1623
guilty of a felony of the fourth degree for a first offense and 1624
a felony of the third degree on each subsequent offense. 1625

(I) Whoever violates division (B) or (C) of section 959.15 1626
of the Revised Code is guilty of a felony and shall be fined not 1627
more than ten thousand dollars. 1628

Sec. 1533.12. (A) (1) Except as otherwise provided in 1629
division (A) (2) of this section, every person on active duty in 1630
the armed forces of the United States who is stationed in this 1631
state and who wishes to engage in an activity for which a 1632
license, permit, or stamp is required under this chapter first 1633
shall obtain the requisite license, permit, or stamp. Such a 1634
person is eligible to obtain a resident hunting or fishing 1635
license regardless of whether the person qualifies as a resident 1636
of this state. To obtain a resident hunting or fishing license, 1637
the person shall present a card or other evidence identifying 1638
the person as being on active duty in the armed forces of the 1639
United States and as being stationed in this state. 1640

(2) Every person on active duty in the armed forces of the 1641
United States, while on leave or furlough, may take or catch 1642
fish of the kind lawfully permitted to be taken or caught within 1643
the state, may hunt any wild bird or wild quadruped lawfully 1644
permitted to be hunted within the state, and may trap fur- 1645
bearing animals lawfully permitted to be trapped within the 1646
state, without procuring a fishing license, a hunting license, a 1647
fur taker permit, or a wetlands habitat stamp required by this 1648
chapter, provided that the person shall carry on the person when 1649
fishing, hunting, or trapping, a card or other evidence 1650
identifying the person as being on active duty in the armed 1651
forces of the United States, and provided that the person is not 1652

otherwise violating any of the hunting, fishing, and trapping 1653
laws of this state. 1654

In order to hunt deer or wild turkey, any such person 1655
shall obtain a deer or wild turkey permit, as applicable, under 1656
section 1533.11 of the Revised Code. Such a person is eligible 1657
to obtain a deer or wild turkey permit at the resident rate, 1658
regardless of whether the person is a resident of this state. 1659
However, the person need not obtain a hunting license in order 1660
to obtain such a permit. 1661

(B) The chief of the division of wildlife shall provide by 1662
rule adopted under section 1531.10 of the Revised Code all of 1663
the following: 1664

(1) Every resident of this state with a disability that 1665
has been determined by the veterans administration to be 1666
permanently and totally disabling, who receives a pension or 1667
compensation from the veterans administration, and who received 1668
an honorable discharge from the armed forces of the United 1669
States, and every veteran to whom the registrar of motor 1670
vehicles has issued a set of license plates under section 1671
4503.41 of the Revised Code, shall be issued a fishing license, 1672
hunting license, fur taker permit, deer or wild turkey permit, 1673
or wetlands habitat stamp, or any combination of those licenses, 1674
permits, and stamp, free of charge on an annual, multi-year, or 1675
lifetime basis as determined appropriate by the chief when 1676
application is made to the chief in the manner prescribed by and 1677
on forms provided by the chief. 1678

(2) Every resident of the state who was born on or before 1679
December 31, 1937, shall be issued an annual fishing license, 1680
hunting license, fur taker permit, deer or wild turkey permit, 1681
or wetlands habitat stamp, or any combination of those licenses, 1682

permits, and stamp, free of charge when application is made to 1683
the chief in the manner prescribed by and on forms provided by 1684
the chief. 1685

(3) Every resident of state or county institutions, 1686
charitable institutions, and military homes in this state shall 1687
be issued an annual fishing license free of charge when 1688
application is made to the chief in the manner prescribed by and 1689
on forms provided by the chief. 1690

(4) ~~Any~~ As used in division (B) (4) of this section, 1691
"blind" and "person with a mobility impairment" have the same 1692
meanings as in section 955.011 of the Revised Code. 1693

Any person with a mobility ~~impaired-impairment~~ or blind 1694
person, ~~as defined in section 955.011 of the Revised Code,~~ who 1695
is a resident of this state and who is unable to engage in 1696
fishing without the assistance of another person shall be issued 1697
an annual fishing license free of charge when application is 1698
made to the chief in the manner prescribed by and on forms 1699
provided by the chief. The person who is assisting the ~~mobility-~~ 1700
~~impaired-~~ person with a mobility impairment or blind person may 1701
assist in taking or catching fish of the kind permitted to be 1702
taken or caught without procuring the license required under 1703
section 1533.32 of the Revised Code, provided that only one line 1704
is used by both persons. 1705

(5) As used in division (B) (5) of this section, "prisoner 1706
of war" means any regularly appointed, enrolled, enlisted, or 1707
inducted member of the military forces of the United States who 1708
was captured, separated, and incarcerated by an enemy of the 1709
United States. 1710

Any person who has been a prisoner of war, was honorably 1711

discharged from the military forces, and is a resident of this 1712
state shall be issued a fishing license, hunting license, fur 1713
taker permit, or wetlands habitat stamp, or any combination of 1714
those licenses, permits, and stamp, free of charge on an annual, 1715
multi-year, or lifetime basis as determined appropriate by the 1716
chief when application is made to the chief in the manner 1717
prescribed by and on forms provided by the chief. 1718

(C) The chief shall adopt rules pursuant to section 1719
1531.08 of the Revised Code designating not more than two days, 1720
which need not be consecutive, in each year as "free sport 1721
fishing days" on which any resident may exercise the privileges 1722
accorded the holder of a fishing license issued under section 1723
1533.32 of the Revised Code without procuring such a license, 1724
provided that the person is not otherwise violating any of the 1725
fishing laws of this state. 1726

Sec. 1713.41. No superintendent of a city hospital, city 1727
infirmiry, county home, workhouse, hospital for ~~the mentally-~~ 1728
~~ill~~ persons with mental illnesses, or other charitable 1729
institution founded and supported in whole or in part at public 1730
expense, coroner, infirmiry director, sheriff, or township 1731
trustee, shall fail to deliver a body of a deceased person when 1732
applied for, in conformity to law, or charge, receive, or accept 1733
money or other valuable consideration for the delivery. 1734

This section does not require the delivery of the body 1735
until twenty-four hours after death. 1736

Sec. 1743.05. Any corporation organized for the purpose of 1737
providing a home for deaf ~~and dumb~~ persons may enter into a 1738
contract with the board of county commissioners of any county, 1739
or with the proper officers of any municipal infirmiry, for the 1740
care and maintenance in such home of any deaf ~~and dumb~~ person 1741

who is an inmate of the county home or of such municipal 1742
infirmery, or who is entitled to admission thereto. In every 1743
such case the county home or municipal infirmery, during the 1744
period the person remains in such home for deaf ~~and dumb~~ 1745
persons, shall pay to such corporation, annually, a sum equal to 1746
the per capita cost of maintaining inmates in the county home or 1747
municipal infirmery. 1748

When any deaf ~~and dumb~~ person is maintained in a county 1749
home or municipal infirmery, and in the judgment of the county 1750
department of job and family services should be removed to a 1751
home incorporated to provide a home for deaf ~~and dumb~~ persons, 1752
such department may order the removal of the person from the 1753
county home or municipal infirmery to such home. The 1754
transportation of the person to such home and the person's 1755
maintenance shall be paid for by the board of county 1756
commissioners or the proper officers of the municipal infirmery. 1757

Sec. 1751.14. (A) Notwithstanding section 3901.71 of the 1758
Revised Code, any policy, contract, or agreement for health care 1759
services authorized by this chapter that is issued, delivered, 1760
or renewed in this state and that provides that coverage of an 1761
unmarried dependent child will terminate upon attainment of the 1762
limiting age for dependent children specified in the policy, 1763
contract, or agreement, shall also provide in substance both of 1764
the following: 1765

(1) Once an unmarried child has attained the limiting age 1766
for dependent children, as provided in the policy, contract, or 1767
agreement, upon the request of the subscriber, the health 1768
insuring corporation shall offer to cover the unmarried child 1769
until the child attains twenty-six years of age if all of the 1770
following are true: 1771

(a) The child is the natural child, stepchild, or adopted child of the subscriber.	1772 1773
(b) The child is a resident of this state or a full-time student at an accredited public or private institution of higher education.	1774 1775 1776
(c) The child is not employed by an employer that offers any health benefit plan under which the child is eligible for coverage.	1777 1778 1779
(d) The child is not eligible for coverage under the medicaid program or the medicare program.	1780 1781
(2) That attainment of the limiting age for dependent children shall not operate to terminate the coverage of a dependent child if the child is and continues to be both of the following:	1782 1783 1784 1785
(a) Incapable of self-sustaining employment by reason of physical handicap <u>disability</u> or intellectual disability;	1786 1787
(b) Primarily dependent upon the subscriber for support and maintenance.	1788 1789
(B) Proof of incapacity and dependence for purposes of division (A) (2) of this section shall be furnished to the health insuring corporation within thirty-one days of the child's attainment of the limiting age. Upon request, but not more frequently than annually, the health insuring corporation may require proof satisfactory to it of the continuance of such incapacity and dependency.	1790 1791 1792 1793 1794 1795 1796
(C) Nothing in this section shall do any of the following:	1797
(1) Require that any policy, contract, or agreement offer coverage for dependent children or provide coverage for an	1798 1799

unmarried dependent child's children as dependents on the 1800
policy, contract, or agreement; 1801

(2) Require an employer to pay for any part of the premium 1802
for an unmarried dependent child that has attained the limiting 1803
age for dependents, as provided in the policy, contract, or 1804
agreement; 1805

(3) Require an employer to offer health insurance coverage 1806
to the dependents of any employee. 1807

(D) This section does not apply to any health insuring 1808
corporation policy, contract, or agreement offering only 1809
supplemental health care services or specialty health care 1810
services. 1811

(E) As used in this section, "health benefit plan" has the 1812
same meaning as in section 3924.01 of the Revised Code and also 1813
includes both of the following: 1814

(1) A public employee benefit plan; 1815

(2) A health benefit plan as regulated under the "Employee 1816
Retirement Income Security Act of 1974," 29 U.S.C. 1001, et seq. 1817

Sec. 1751.65. (A) As used in this section, "genetic 1818
screening or testing" means a laboratory test of a person's 1819
genes or chromosomes for ~~abnormalities, defects, or~~ 1820
deficiencies, genotypes, mutations, or chromosomal changes, 1821
including carrier status, that are linked to physical or mental 1822
disorders or impairments, or that indicate a susceptibility to 1823
illness, disease, or other disorders, whether physical or 1824
mental, which test is a direct test for ~~abnormalities, defects,~~ 1825
or deficiencies, genotypes, mutations, or chromosomal changes, 1826
and not an indirect manifestation of genetic disorders. 1827

(B) No health insuring corporation shall do either of the following: 1828
1829

(1) Consider any information obtained from genetic screening or testing in processing an application for coverage for health care services under an individual or group policy, contract, or agreement or in determining insurability under such a policy, contract, or agreement; 1830
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(2) Inquire, directly or indirectly, into the results of genetic screening or testing or use such information, in whole or in part, to cancel, refuse to issue or renew, limit benefits under, or set premiums for, an individual or group policy, contract, or agreement. 1835
1836
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(C) Any health insuring corporation that has engaged in, is engaged in, or is about to engage in a violation of division (B) of this section is subject to the jurisdiction of the superintendent of insurance under section 3901.04 of the Revised Code. 1840
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Sec. 2101.16. (A) Except as provided in section 2101.164 of the Revised Code, the fees enumerated in this division shall be charged and collected, if possible, by the probate judge and shall be in full for all services rendered in the respective proceedings: 1845
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A (1) Account, in addition to advertising charges

B _____ \$12.00

C	Waivers and proof of notice of hearing on account, per page, minimum one dollar	
D	_____	\$1.00
E	(2) Account of distribution, in addition to advertising charges	
F	_____	\$7.00
G	(3) Adoption of child, petition for	
H	_____	\$50.00
I	(4) Alter or cancel contract for sale or purchase of real property, complaint to	
J	_____	\$20.00
K	(5) Application and order not otherwise provided for in this section or by rule adopted pursuant to division (E) of this section	
L	_____	\$5.00
M	(6) Appropriation suit, per day, hearing in	
N	_____	\$20.00
O	(7) Birth, application for registration of	
P	_____	\$7.00
Q	(8) Birth record, application to correct	

R	_____	\$5.00
S	(9) Bond, application for new or additional	
T	_____	\$5.00
U	(10) Bond, application for release of surety or reduction of	
V	_____	\$5.00
W	(11) Bond, receipt for securities deposited in lieu of	
X	_____	\$5.00
Y	(12) Certified copy of journal entry, record, or proceeding, per page, minimum fee one dollar	
Z	_____	\$1.00
AA	(13) Citation and issuing citation, application for	
AB	_____	\$5.00
AC	(14) Change of name, petition for	
AD	_____	\$20.00
AE	(15) Claim, application of administrator or executor for allowance of administrator's or executor's own	
AF	_____	\$10.00
AG	(16) Claim, application to compromise or settle	
AH	_____	\$10.00

AI	(17) Claim, authority to present	
AJ	_____	\$10.00
AK	(18) Commissioner, appointment of	
AL	_____	\$5.00
AM	(19) Compensation for extraordinary services and attorney's fees for fiduciary, application for	
AN	_____	\$5.00
AO	(20) Competency, application to procure adjudication of	
AP	_____	\$20.00
AQ	(21) Complete contract, application to	
AR	_____	\$10.00
AS	(22) Concealment of assets, citation for	
AT	_____	\$10.00
AU	(23) Construction of will, complaint for	
AV	_____	\$20.00
AW	(24) Continue decedent's business, application to	
AX	_____	\$10.00
AY	Monthly reports of operation	
AZ	_____	\$5.00

BA	(25) Declaratory judgment, complaint for	
BB	_____	\$20.00
BC	(26) Deposit of will	
BD	_____	\$5.00
BE	(27) Designation of heir	
BF	_____	\$20.00
BG	(28) Distribution in kind, application, assent, and order for	
BH	_____	\$5.00
BI	(29) Distribution under section 2109.36 of the Revised Code, application for an order of	
BJ	_____	\$7.00
BK	(30) Docketing and indexing proceedings, including the filing and noting of all necessary documents, maximum fee, fifteen dollars	
BL	_____	\$15.00
BM	(31) Exceptions to any proceeding named in this section, contest of appointment or	
BN	_____	\$10.00
BO	(32) Election of surviving partner to purchase assets of partnership, proceedings relating to	

BP	_____	\$10.00
BQ	(33) Election of surviving spouse under will	
BR	_____	\$5.00
BS	(34) Fiduciary, including an assignee or trustee of an insolvent debtor or any guardian or conservator accountable to the probate court, appointment of	
BT	_____	\$35.00
BU	(35) Foreign will, application to record	
BV	_____	\$10.00
BW	Record of foreign will, additional, per page	
BX	_____	\$1.00
BY	(36) Forms when supplied by the probate court, not to exceed	
BZ	_____	\$10.00
CA	(37) Heirship, complaint to determine	
CB	_____	\$20.00
CC	(38) Injunction proceedings	
CD	_____	\$20.00
CE	(39) Improve real property, petition to	
CF	_____	\$20.00

CG	(40)	Inventory with appraisement	
CH		_____	\$10.00
CI	(41)	Inventory without appraisement	
CJ		_____	\$7.00
CK	(42)	Investment or expenditure of funds, application for	
CL		_____	\$10.00
CM	(43)	Invest in real property, application to	
CN		_____	\$10.00
CO	(44)	Lease for oil, gas, coal, or other mineral, petition to	
CP		_____	\$20.00
CQ	(45)	Lease or lease and improve real property, petition to	
CR		_____	\$20.00
CS	(46)	Marriage license	
CT		_____	\$10.00
CU		Certified abstract of each marriage	
CV		_____	\$2.00
CW	(47)	Minor or incompetent person, etc., disposal of estate under twenty-five thousand dollars of	
CX		_____	\$10.00

CY	(48) Mortgage or mortgage and repair or improve real property, complaint to	
CZ	_____	\$20.00
DA	(49) Newly discovered assets, report of	
DB	_____	\$7.00
DC	(50) Nonresident executor or administrator to bar creditors' claims, proceedings by	
DD	_____	\$20.00
DE	(51) Power of attorney or revocation of power, bonding company	
DF	_____	\$10.00
DG	(52) Presumption of death, petition to establish	
DH	_____	\$20.00
DI	(53) Probating will	
DJ	_____	\$15.00
DK	Proof of notice to beneficiaries	
DL	_____	\$5.00
DM	(54) Purchase personal property, application of surviving spouse to	
DN	_____	\$10.00

DO	(55) Purchase real property at appraised value, petition of surviving spouse to	
DP	_____	\$20.00
DQ	(56) Receipts in addition to advertising charges, application and order to record	
DR	_____	\$5.00
DS	Record of those receipts, additional, per page	
DT	_____	\$1.00
DU	(57) Record in excess of fifteen hundred words in any proceeding in the probate court, per page	
DV	_____	\$1.00
DW	(58) Release of estate by mortgagee or other lienholder	
DX	_____	\$5.00
DY	(59) Relieving an estate from administration under section 2113.03 of the Revised Code or granting an order for a summary release from administration under section 2113.031 of the Revised Code	
DZ	_____	\$60.00
EA	(60) Removal of fiduciary, application for	
EB	_____	\$10.00
EC	(61) Requalification of executor or administrator	

ED	_____	\$10.00
EE	(62) Resignation of fiduciary	
EF	_____	\$5.00
EG	(63) Sale bill, public sale of personal property	
EH	_____	\$10.00
EI	(64) Sale of personal property and report, application for	
EJ	_____	\$10.00
EK	(65) Sale of real property, petition for	
EL	_____	\$25.00
EM	(66) Terminate guardianship, petition to	
EN	_____	\$10.00
EO	(67) Transfer of real property, application, entry, and certificate for	
EP	_____	\$7.00
EQ	(68) Unclaimed money, application to invest	
ER	_____	\$7.00
ES	(69) Vacate approval of account or order of distribution, motion to	
ET	_____	\$10.00

EU	(70) Writ of execution	
EV	_____	\$5.00
EW	(71) Writ of possession	
EX	_____	\$5.00
EY	(72) Wrongful death, application and settlement of claim for	
EZ	_____	\$20.00
FA	(73) Year's allowance, petition to review	
FB	_____	\$7.00
FC	(74) Guardian's report, filing and review of	
FD	_____	\$5.00
FE	(75) Mentally ill person <u>Person with a mental illness</u> subject to court order, filing of affidavit and proceedings for	
FF	_____	\$25.00

(B) (1) In relation to an application for the appointment	1851
of a guardian or the review of a report of a guardian under	1852
section 2111.49 of the Revised Code, the probate court, pursuant	1853
to court order or in accordance with a court rule, may direct	1854
that the applicant or the estate pay any or all of the expenses	1855
of an investigation conducted pursuant to section 2111.041 or	1856
division (A) (2) of section 2111.49 of the Revised Code. If the	1857
investigation is conducted by a public employee or investigator	1858
who is paid by the county, the fees for the investigation shall	1859

be paid into the county treasury. If the court finds that an 1860
alleged incompetent or a ward is indigent, the court may waive 1861
the costs, fees, and expenses of an investigation. 1862

(2) In relation to the appointment or functioning of a 1863
guardian for a minor or the guardianship of a minor, the probate 1864
court may direct that the applicant or the estate pay any or all 1865
of the expenses of an investigation conducted pursuant to 1866
section 2111.042 of the Revised Code. If the investigation is 1867
conducted by a public employee or investigator who is paid by 1868
the county, the fees for the investigation shall be paid into 1869
the county treasury. If the court finds that the guardian or 1870
applicant is indigent, the court may waive the costs, fees, and 1871
expenses of an investigation. 1872

(3) In relation to the filing of an affidavit of mental 1873
illness for a ~~mentally ill person~~ with a mental illness subject 1874
to court order, the court may waive the fee under division (A) 1875
(75) of this section if the court finds that the affiant is 1876
indigent or for good cause shown. 1877

(C) Thirty dollars of the thirty-five-dollar fee collected 1878
pursuant to division (A) (34) of this section and twenty dollars 1879
of the sixty-dollar fee collected pursuant to division (A) (59) 1880
of this section shall be deposited by the county treasurer in 1881
the indigent guardianship fund created pursuant to section 1882
2111.51 of the Revised Code. 1883

(D) The fees of witnesses, jurors, sheriffs, coroners, and 1884
constables for services rendered in the probate court or by 1885
order of the probate judge shall be the same as provided for 1886
similar services in the court of common pleas. 1887

(E) The probate court, by rule, may require an advance 1888

deposit for costs, not to exceed one hundred twenty-five 1889
dollars, at the time application is made for an appointment as 1890
executor or administrator or at the time a will is presented for 1891
probate. 1892

(F) (1) Thirty dollars of the fifty-dollar fee collected 1893
pursuant to division (A) (3) of this section shall be deposited 1894
into the "putative father registry fund," which is hereby 1895
created in the state treasury. The department of job and family 1896
services shall use the money in the fund to fund the 1897
department's costs of performing its duties related to the 1898
putative father registry established under section 3107.062 of 1899
the Revised Code. 1900

(2) If the department determines that money in the 1901
putative father registry fund is more than is needed for its 1902
duties related to the putative father registry, the department 1903
may use the surplus moneys in the fund as permitted in division 1904
(C) of section 2151.3534, division (B) of section 2151.3530, or 1905
section 5103.155 of the Revised Code. 1906

Sec. 2101.17. The fees enumerated in this section shall be 1907
paid to the probate court from the county treasury upon the 1908
warrant of the county auditor which shall issue upon the 1909
certificate of the probate judge and shall be in full for all 1910
services rendered in the respective proceedings as follows: 1911

1912

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A (A) For each hearing to determine if a person is
~~a mentally ill~~ an individual with a mental

illness subject to hospitalization when the person is committed to a state hospital or to relatives

B	_____	\$ 12.00;
C	(B) When the person is discharged	
D	_____	7.00;
E	(C) For order of return of a mentally ill person <u>with a mental illness</u> to a state hospital or removal therefrom	
F	_____	2.00;
G	(D) For proceedings for committing a person to an institution for persons with intellectual disabilities	
H	_____	10.00;
I	(E) For habeas corpus proceedings when a person is confined under color of proceedings in a criminal case and is discharged	
J	_____	10.00;
K	(F) When acting as a juvenile judge, for each case filed against a delinquent, dependent, unruly, or neglected child, or a juvenile traffic offender	
L	_____	5.00;

M (G) For proceedings to take a child from parents
or other persons having control thereof

N _____ 5.00.

Sec. 2101.24. (A) (1) Except as otherwise provided by law, 1913
the probate court has exclusive jurisdiction: 1914

(a) To take the proof of wills and to admit to record 1915
authenticated copies of wills executed, proved, and allowed in 1916
the courts of any other state, territory, or country. If the 1917
probate judge is unavoidably absent, any judge of the court of 1918
common pleas may take proof of wills and approve bonds to be 1919
given, but the record of these acts shall be preserved in the 1920
usual records of the probate court. 1921

(b) To grant and revoke letters testamentary and of 1922
administration; 1923

(c) To direct and control the conduct and settle the 1924
accounts of executors and administrators and order the 1925
distribution of estates; 1926

(d) To appoint the attorney general to serve as the 1927
administrator of an estate pursuant to section 2113.06 of the 1928
Revised Code; 1929

(e) To appoint and remove guardians, conservators, and 1930
testamentary trustees, direct and control their conduct, and 1931
settle their accounts; 1932

(f) To grant marriage licenses; 1933

(g) To make inquests respecting persons who are so 1934
mentally impaired as a result of a mental or physical illness or 1935
disability, as a result of intellectual disability, or as a 1936

result of chronic substance abuse, that they are unable to	1937
manage their property and affairs effectively, subject to	1938
guardianship;	1939
(h) To qualify assignees, appoint and qualify trustees and	1940
commissioners of insolvents, control their conduct, and settle	1941
their accounts;	1942
(i) To authorize the sale of lands, equitable estates, or	1943
interests in lands or equitable estates, and the assignments of	1944
inchoate dower in such cases of sale, on petition by executors,	1945
administrators, and guardians;	1946
(j) To authorize the completion of real property contracts	1947
on petition of executors and administrators;	1948
(k) To construe wills;	1949
(l) To render declaratory judgments, including, but not	1950
limited to, those rendered pursuant to Chapter 5817. of the	1951
Revised Code;	1952
(m) To direct and control the conduct of fiduciaries and	1953
settle their accounts;	1954
(n) To authorize the sale or lease of any estate created	1955
by will if the estate is held in trust, on petition by the	1956
trustee;	1957
(o) To terminate a testamentary trust in any case in which	1958
a court of equity may do so;	1959
(p) To hear and determine actions to contest the validity	1960
of wills;	1961
(q) To make a determination of the presumption of death of	1962
missing persons and to adjudicate the property rights and	1963

obligations of all parties affected by the presumption;	1964
(r) To act for and issue orders regarding wards pursuant to section 2111.50 of the Revised Code;	1965 1966
(s) To hear and determine actions against sureties on the bonds of fiduciaries appointed by the probate court;	1967 1968
(t) To hear and determine actions involving informed consent for medication of persons hospitalized pursuant to section 5122.141 or 5122.15 of the Revised Code;	1969 1970 1971
(u) To hear and determine actions relating to durable powers of attorney for health care as described in division (D) of section 1337.16 of the Revised Code;	1972 1973 1974
(v) To hear and determine actions commenced by objecting individuals, in accordance with section 2133.05 of the Revised Code;	1975 1976 1977
(w) To hear and determine complaints that pertain to the use or continuation, or the withholding or withdrawal, of life-sustaining treatment in connection with certain patients allegedly in a terminal condition or in a permanently unconscious state pursuant to division (E) of section 2133.08 of the Revised Code, in accordance with that division;	1978 1979 1980 1981 1982 1983
(x) To hear and determine applications that pertain to the withholding or withdrawal of nutrition and hydration from certain patients allegedly in a permanently unconscious state pursuant to section 2133.09 of the Revised Code, in accordance with that section;	1984 1985 1986 1987 1988
(y) To hear and determine applications of attending physicians in accordance with division (B) of section 2133.15 of the Revised Code;	1989 1990 1991

(z) To hear and determine actions relative to the use or continuation of comfort care in connection with certain principals under durable powers of attorney for health care, declarants under declarations, or patients in accordance with division (E) of either section 1337.16 or 2133.12 of the Revised Code;	1992 1993 1994 1995 1996 1997
(aa) To hear and determine applications for an order relieving an estate from administration under section 2113.03 of the Revised Code;	1998 1999 2000
(bb) To hear and determine applications for an order granting a summary release from administration under section 2113.031 of the Revised Code;	2001 2002 2003
(cc) To hear and determine actions relating to the exercise of the right of disposition, in accordance with section 2108.90 of the Revised Code;	2004 2005 2006
(dd) To hear and determine actions relating to the disinterment and reinterment of human remains under section 517.23 of the Revised Code;	2007 2008 2009
(ee) To hear and determine petitions for an order for treatment of a person suffering from <u>experiencing</u> alcohol and other drug abuse filed under section 5119.93 of the Revised Code and to order treatment of that nature in accordance with, and take other actions afforded to the court under, sections 5119.90 to 5119.98 of the Revised Code.	2010 2011 2012 2013 2014 2015
(2) In addition to the exclusive jurisdiction conferred upon the probate court by division (A)(1) of this section, the probate court shall have exclusive jurisdiction over a particular subject matter if both of the following apply:	2016 2017 2018 2019
(a) Another section of the Revised Code expressly confers	2020

jurisdiction over that subject matter upon the probate court. 2021

(b) No section of the Revised Code expressly confers 2022
jurisdiction over that subject matter upon any other court or 2023
agency. 2024

(B) (1) The probate court has concurrent jurisdiction with, 2025
and the same powers at law and in equity as, the general 2026
division of the court of common pleas to issue writs and orders, 2027
and to hear and determine actions as follows: 2028

(a) If jurisdiction relative to a particular subject 2029
matter is stated to be concurrent in a section of the Revised 2030
Code or has been construed by judicial decision to be 2031
concurrent, any action that involves that subject matter; 2032

(b) Any action that involves an inter vivos trust; a trust 2033
created pursuant to section 5815.28 of the Revised Code; a 2034
charitable trust or foundation; subject to divisions (A) (1) (t) 2035
and (y) of this section, a power of attorney, including, but not 2036
limited to, a durable power of attorney; the medical treatment 2037
of a competent adult; or a writ of habeas corpus; 2038

(c) Subject to section 2101.31 of the Revised Code, any 2039
action with respect to a probate estate, guardianship, trust, or 2040
post-death dispute that involves any of the following: 2041

(i) A designation or removal of a beneficiary of a life 2042
insurance policy, annuity contract, retirement plan, brokerage 2043
account, security account, bank account, real property, or 2044
tangible personal property; 2045

(ii) A designation or removal of a payable-on-death 2046
beneficiary or transfer-on-death beneficiary; 2047

(iii) A change in the title to any asset involving a joint 2048

and survivorship interest;	2049
(iv) An alleged gift;	2050
(v) The passing of assets upon the death of an individual otherwise than by will, intestate succession, or trust.	2051 2052
(2) Any action that involves a concurrent jurisdiction subject matter and that is before the probate court may be transferred by the probate court, on its order, to the general division of the court of common pleas.	2053 2054 2055 2056
(3) Notwithstanding that the probate court has exclusive jurisdiction to render declaratory judgments under Chapter 5817. of the Revised Code, the probate court may transfer the proceeding to the general division of the court of common pleas pursuant to division (A) of section 5817.04 of the Revised Code.	2057 2058 2059 2060 2061
(C) The probate court has plenary power at law and in equity to dispose fully of any matter that is properly before the court, unless the power is expressly otherwise limited or denied by a section of the Revised Code.	2062 2063 2064 2065
(D) The jurisdiction acquired by a probate court over a matter or proceeding is exclusive of that of any other probate court, except when otherwise provided by law.	2066 2067 2068
Sec. 2127.05. Whenever necessary for the education, support, or the payment of the just debts of the ward, or for the discharge of liens on the real property of the ward, whenever the real property of the ward is suffering unavoidable waste, or a better investment of its value can be made, or whenever it appears that a sale of the real property will be for the benefit of the ward or the ward's children, the guardian of the person and estate or of the estate only of a minor, person unable to manage the person's property because of mental illness	2069 2070 2071 2072 2073 2074 2075 2076 2077

~~or deficiency, habitual drunkard, confined person incompetent~~ 2078
adult, or other person under disability may commence a civil 2079
action in the probate court for authority to sell all or any 2080
part of the real property of the ward. If it appears to the 2081
advantage of the ward to lay out all or any part of the real 2082
property in town lots, application for that authority may also 2083
be made in the action. 2084

When the same person is guardian for two or more wards 2085
whose real property is owned by them jointly or in common, the 2086
actions may be joined, and in one complaint the guardian may ask 2087
for the sale of the interest of all or any number of the 2088
guardian's wards in the real property. If different persons are 2089
guardians of wards interested jointly or in common in the same 2090
real property, they may join as parties plaintiff in the same 2091
action. On the hearing, in either case, the court may authorize 2092
the sale of the interest of one or more of the wards. 2093

Sec. 2127.43. This chapter extends to an action brought by 2094
the trustee of a nonresident minor or ~~mentally ill or deficient~~ 2095
person with a mental illness or mental impairment to sell the 2096
real property of the ward. 2097

Sec. 2151.23. (A) The juvenile court has exclusive 2098
original jurisdiction under the Revised Code as follows: 2099

(1) Concerning any child who on or about the date 2100
specified in the complaint, indictment, or information is 2101
alleged to have violated section 2151.87 of the Revised Code or 2102
an order issued under that section or to be a juvenile traffic 2103
offender or a delinquent, unruly, abused, neglected, or 2104
dependent child and, based on and in relation to the allegation 2105
pertaining to the child, concerning the parent, guardian, or 2106
other person having care of a child who is alleged to be an 2107

unruly child for being an habitual truant or who is alleged to 2108
be a delinquent child for violating a court order regarding the 2109
child's prior adjudication as an unruly child for being an 2110
habitual truant; 2111

(2) Subject to divisions (G), (I), (K), and (V) of section 2112
2301.03 of the Revised Code, to determine the custody of any 2113
child not a ward of another court of this state; 2114

(3) To hear and determine any application for a writ of 2115
habeas corpus involving the custody of a child; 2116

(4) To exercise the powers and jurisdiction given the 2117
probate division of the court of common pleas in Chapter 5122. 2118
of the Revised Code, if the court has probable cause to believe 2119
that a child otherwise within the jurisdiction of the court is a 2120
~~mentally ill person~~ with a mental illness subject to court 2121
order, as defined in section 5122.01 of the Revised Code; 2122

(5) To hear and determine all criminal cases charging 2123
adults with the violation of any section of this chapter; 2124

(6) To hear and determine all criminal cases in which an 2125
adult is charged with a violation of division (C) of section 2126
2919.21, division (B)(1) of section 2919.22, section 2919.222, 2127
division (B) of section 2919.23, or section 2919.24 of the 2128
Revised Code, provided the charge is not included in an 2129
indictment that also charges the alleged adult offender with the 2130
commission of a felony arising out of the same actions that are 2131
the basis of the alleged violation of division (C) of section 2132
2919.21, division (B)(1) of section 2919.22, section 2919.222, 2133
division (B) of section 2919.23, or section 2919.24 of the 2134
Revised Code; 2135

(7) Under the interstate compact on juveniles in section 2136

2151.56 of the Revised Code;	2137
(8) Concerning any child who is to be taken into custody pursuant to section 2151.31 of the Revised Code, upon being notified of the intent to take the child into custody and the reasons for taking the child into custody;	2138 2139 2140 2141
(9) To hear and determine requests for the extension of temporary custody agreements, and requests for court approval of permanent custody agreements, that are filed pursuant to section 5103.15 of the Revised Code;	2142 2143 2144 2145
(10) To hear and determine applications for consent to marry pursuant to section 3101.04 of the Revised Code;	2146 2147
(11) Subject to divisions (G), (I), (K), and (V) of section 2301.03 of the Revised Code, to hear and determine a request for an order for the support of any child if the request is not ancillary to an action for divorce, dissolution of marriage, annulment, or legal separation, a criminal or civil action involving an allegation of domestic violence, or an action for support brought under Chapter 3115. of the Revised Code;	2148 2149 2150 2151 2152 2153 2154 2155
(12) Concerning an action commenced under section 121.38 of the Revised Code;	2156 2157
(13) To hear and determine violations of section 3321.38 of the Revised Code;	2158 2159
(14) To exercise jurisdiction and authority over the parent, guardian, or other person having care of a child alleged to be a delinquent child, unruly child, or juvenile traffic offender, based on and in relation to the allegation pertaining to the child;	2160 2161 2162 2163 2164

(15) To conduct the hearings, and to make the 2165
determinations, adjudications, and orders authorized or required 2166
under sections 2152.82 to 2152.86 and Chapter 2950. of the 2167
Revised Code regarding a child who has been adjudicated a 2168
delinquent child and to refer the duties conferred upon the 2169
juvenile court judge under sections 2152.82 to 2152.86 and 2170
Chapter 2950. of the Revised Code to magistrates appointed by 2171
the juvenile court judge in accordance with Juvenile Rule 40; 2172

(16) To hear and determine a petition for a protection 2173
order against a child under section 2151.34 or 3113.31 of the 2174
Revised Code and to enforce a protection order issued or a 2175
consent agreement approved under either section against a child 2176
until a date certain but not later than the date the child 2177
attains nineteen years of age; 2178

(17) Concerning emancipated young adults under sections 2179
2151.45 to 2151.455 of the Revised Code. 2180

(B) Except as provided in divisions (G) and (I) of section 2181
2301.03 of the Revised Code, the juvenile court has original 2182
jurisdiction under the Revised Code: 2183

(1) To hear and determine all cases of misdemeanors 2184
charging adults with any act or omission with respect to any 2185
child, which act or omission is a violation of any state law or 2186
any municipal ordinance; 2187

(2) To determine the paternity of any child alleged to 2188
have been born out of wedlock pursuant to sections 3111.01 to 2189
3111.18 of the Revised Code; 2190

(3) Under the uniform interstate family support act in 2191
Chapter 3115. of the Revised Code; 2192

(4) To hear and determine an application for an order for 2193

the support of any child, if the child is not a ward of another	2194
court of this state;	2195
(5) To hear and determine an action commenced under	2196
section 3111.28 of the Revised Code;	2197
(6) To hear and determine a motion filed under section	2198
3119.961 of the Revised Code;	2199
(7) To receive filings under section 3109.74 of the	2200
Revised Code, and to hear and determine actions arising under	2201
sections 3109.51 to 3109.80 of the Revised Code.	2202
(8) To enforce an order for the return of a child made	2203
under the Hague Convention on the Civil Aspects of International	2204
Child Abduction pursuant to section 3127.32 of the Revised Code;	2205
(9) To grant any relief normally available under the laws	2206
of this state to enforce a child custody determination made by a	2207
court of another state and registered in accordance with section	2208
3127.35 of the Revised Code.	2209
(C) The juvenile court, except as to juvenile courts that	2210
are a separate division of the court of common pleas or a	2211
separate and independent juvenile court, has jurisdiction to	2212
hear, determine, and make a record of any action for divorce or	2213
legal separation that involves the custody or care of children	2214
and that is filed in the court of common pleas and certified by	2215
the court of common pleas with all the papers filed in the	2216
action to the juvenile court for trial, provided that no	2217
certification of that nature shall be made to any juvenile court	2218
unless the consent of the juvenile judge first is obtained.	2219
After a certification of that nature is made and consent is	2220
obtained, the juvenile court shall proceed as if the action	2221
originally had been begun in that court, except as to awards for	2222

spousal support or support due and unpaid at the time of 2223
certification, over which the juvenile court has no 2224
jurisdiction. 2225

(D) The juvenile court, except as provided in division (I) 2226
of section 2301.03 of the Revised Code, has jurisdiction to hear 2227
and determine all matters as to custody and support of children 2228
duly certified by the court of common pleas to the juvenile 2229
court after a divorce decree has been granted, including 2230
jurisdiction to modify the judgment and decree of the court of 2231
common pleas as the same relate to the custody and support of 2232
children. 2233

(E) The juvenile court, except as provided in division (I) 2234
of section 2301.03 of the Revised Code, has jurisdiction to hear 2235
and determine the case of any child certified to the court by 2236
any court of competent jurisdiction if the child comes within 2237
the jurisdiction of the juvenile court as defined by this 2238
section. 2239

(F) (1) The juvenile court shall exercise its jurisdiction 2240
in child custody matters in accordance with sections 3109.04 and 2241
3127.01 to 3127.53 of the Revised Code and, as applicable, 2242
sections 5103.20 to 5103.22 or 5103.23 to 5103.237 of the 2243
Revised Code. 2244

(2) The juvenile court shall exercise its jurisdiction in 2245
child support matters in accordance with section 3109.05 of the 2246
Revised Code. 2247

(G) Any juvenile court that makes or modifies an order for 2248
child support shall comply with Chapters 3119., 3121., 3123., 2249
and 3125. of the Revised Code. If any person required to pay 2250
child support under an order made by a juvenile court on or 2251

after April 15, 1985, or modified on or after December 1, 1986, 2252
is found in contempt of court for failure to make support 2253
payments under the order, the court that makes the finding, in 2254
addition to any other penalty or remedy imposed, shall assess 2255
all court costs arising out of the contempt proceeding against 2256
the person and require the person to pay any reasonable 2257
attorney's fees of any adverse party, as determined by the 2258
court, that arose in relation to the act of contempt. 2259

(H) If a child who is charged with an act that would be an 2260
offense if committed by an adult was fourteen years of age or 2261
older and under eighteen years of age at the time of the alleged 2262
act and if the case is transferred for criminal prosecution 2263
pursuant to section 2152.12 of the Revised Code, except as 2264
provided in section 2152.121 of the Revised Code, the juvenile 2265
court does not have jurisdiction to hear or determine the case 2266
subsequent to the transfer. The court to which the case is 2267
transferred for criminal prosecution pursuant to that section 2268
has jurisdiction subsequent to the transfer to hear and 2269
determine the case in the same manner as if the case originally 2270
had been commenced in that court, subject to section 2152.121 of 2271
the Revised Code, including, but not limited to, jurisdiction to 2272
accept a plea of guilty or another plea authorized by Criminal 2273
Rule 11 or another section of the Revised Code and jurisdiction 2274
to accept a verdict and to enter a judgment of conviction 2275
pursuant to the Rules of Criminal Procedure against the child 2276
for the commission of the offense that was the basis of the 2277
transfer of the case for criminal prosecution, whether the 2278
conviction is for the same degree or a lesser degree of the 2279
offense charged, for the commission of a lesser-included 2280
offense, or for the commission of another offense that is 2281
different from the offense charged. 2282

(I) If a person under eighteen years of age allegedly 2283
commits an act that would be a felony if committed by an adult 2284
and if the person is not taken into custody or apprehended for 2285
that act until after the person attains twenty-one years of age, 2286
the juvenile court does not have jurisdiction to hear or 2287
determine any portion of the case charging the person with 2288
committing that act. In those circumstances, divisions (A) and 2289
(B) of section 2152.12 of the Revised Code do not apply 2290
regarding the act, and the case charging the person with 2291
committing the act shall be a criminal prosecution commenced and 2292
heard in the appropriate court having jurisdiction of the 2293
offense as if the person had been eighteen years of age or older 2294
when the person committed the act. All proceedings pertaining to 2295
the act shall be within the jurisdiction of the court having 2296
jurisdiction of the offense, and that court has all the 2297
authority and duties in the case that it has in other criminal 2298
cases in that court. 2299

(J) In exercising its exclusive original jurisdiction 2300
under division (A) (16) of this section with respect to any 2301
proceedings brought under section 2151.34 or 3113.31 of the 2302
Revised Code in which the respondent is a child, the juvenile 2303
court retains all dispositional powers consistent with existing 2304
rules of juvenile procedure and may also exercise its discretion 2305
to adjudicate proceedings as provided in sections 2151.34 and 2306
3113.31 of the Revised Code, including the issuance of 2307
protection orders or the approval of consent agreements under 2308
those sections. 2309

Sec. 2151.414. (A) (1) Upon the filing of a motion pursuant 2310
to section 2151.413 of the Revised Code for permanent custody of 2311
a child, the court shall schedule a hearing and give notice of 2312
the filing of the motion and of the hearing, in accordance with 2313

section 2151.29 of the Revised Code, to all parties to the 2314
action and to the child's guardian ad litem. The notice also 2315
shall contain a full explanation that the granting of permanent 2316
custody permanently divests the parents of their parental 2317
rights, a full explanation of their right to be represented by 2318
counsel and to have counsel appointed pursuant to Chapter 120. 2319
of the Revised Code if they are indigent, and the name and 2320
telephone number of the court employee designated by the court 2321
pursuant to section 2151.314 of the Revised Code to arrange for 2322
the prompt appointment of counsel for indigent persons. 2323

The court shall conduct a hearing in accordance with 2324
section 2151.35 of the Revised Code to determine if it is in the 2325
best interest of the child to permanently terminate parental 2326
rights and grant permanent custody to the agency that filed the 2327
motion. The adjudication that the child is an abused, neglected, 2328
or dependent child and any dispositional order that has been 2329
issued in the case under section 2151.353 of the Revised Code 2330
pursuant to the adjudication shall not be readjudicated at the 2331
hearing and shall not be affected by a denial of the motion for 2332
permanent custody. 2333

(2) The court shall hold the hearing scheduled pursuant to 2334
division (A)(1) of this section not later than one hundred 2335
twenty days after the agency files the motion for permanent 2336
custody, except that, for good cause shown, the court may 2337
continue the hearing for a reasonable period of time beyond the 2338
one-hundred-twenty-day deadline. The court shall issue an order 2339
that grants, denies, or otherwise disposes of the motion for 2340
permanent custody, and journalize the order, not later than two 2341
hundred days after the agency files the motion. 2342

If a motion is made under division (D)(2) of section 2343

2151.413 of the Revised Code and no dispositional hearing has 2344
been held in the case, the court may hear the motion in the 2345
dispositional hearing required by division (B) of section 2346
2151.35 of the Revised Code. If the court issues an order 2347
pursuant to section 2151.353 of the Revised Code granting 2348
permanent custody of the child to the agency, the court shall 2349
immediately dismiss the motion made under division (D) (2) of 2350
section 2151.413 of the Revised Code. 2351

The failure of the court to comply with the time periods 2352
set forth in division (A) (2) of this section does not affect the 2353
authority of the court to issue any order under this chapter and 2354
does not provide any basis for attacking the jurisdiction of the 2355
court or the validity of any order of the court. 2356

(B) (1) Except as provided in division (B) (2) of this 2357
section, the court may grant permanent custody of a child to a 2358
movant if the court determines at the hearing held pursuant to 2359
division (A) of this section, by clear and convincing evidence, 2360
that it is in the best interest of the child to grant permanent 2361
custody of the child to the agency that filed the motion for 2362
permanent custody and that any of the following apply: 2363

(a) The child is not abandoned or orphaned, has not been 2364
in the temporary custody of one or more public children services 2365
agencies or private child placing agencies for twelve or more 2366
months of a consecutive twenty-two-month period, or has not been 2367
in the temporary custody of one or more public children services 2368
agencies or private child placing agencies for twelve or more 2369
months of a consecutive twenty-two-month period if, as described 2370
in division (D) (1) of section 2151.413 of the Revised Code, the 2371
child was previously in the temporary custody of an equivalent 2372
agency in another state, and the child cannot be placed with 2373

either of the child's parents within a reasonable time or should
not be placed with the child's parents. 2374
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(b) The child is abandoned. 2376

(c) The child is orphaned, and there are no relatives of
the child who are able to take permanent custody. 2377
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(d) The child has been in the temporary custody of one or
more public children services agencies or private child placing
agencies for twelve or more months of a consecutive twenty-two-
month period, or the child has been in the temporary custody of
one or more public children services agencies or private child
placing agencies for twelve or more months of a consecutive
twenty-two-month period and, as described in division (D) (1) of
section 2151.413 of the Revised Code, the child was previously
in the temporary custody of an equivalent agency in another
state. 2379
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(e) The child or another child in the custody of the
parent or parents from whose custody the child has been removed
has been adjudicated an abused, neglected, or dependent child on
three separate occasions by any court in this state or another
state. 2389
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For the purposes of division (B) (1) of this section, a
child shall be considered to have entered the temporary custody
of an agency on the earlier of the date the child is adjudicated
pursuant to section 2151.28 of the Revised Code or the date that
is sixty days after the removal of the child from home. 2394
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(2) With respect to a motion made pursuant to division (D)
(2) of section 2151.413 of the Revised Code, the court shall
grant permanent custody of the child to the movant if the court
determines in accordance with division (E) of this section that
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the child cannot be placed with one of the child's parents 2403
within a reasonable time or should not be placed with either 2404
parent and determines in accordance with division (D) of this 2405
section that permanent custody is in the child's best interest. 2406

(C) In making the determinations required by this section 2407
or division (A) (4) of section 2151.353 of the Revised Code, a 2408
court shall not consider the effect the granting of permanent 2409
custody to the agency would have upon any parent of the child. A 2410
written report of the guardian ad litem of the child shall be 2411
submitted to the court prior to or at the time of the hearing 2412
held pursuant to division (A) of this section or section 2151.35 2413
of the Revised Code but shall not be submitted under oath. 2414

If the court grants permanent custody of a child to a 2415
movant under this division, the court, upon the request of any 2416
party, shall file a written opinion setting forth its findings 2417
of fact and conclusions of law in relation to the proceeding. 2418
The court shall not deny an agency's motion for permanent 2419
custody solely because the agency failed to implement any 2420
particular aspect of the child's case plan. 2421

(D) (1) In determining the best interest of a child at a 2422
hearing held pursuant to division (A) of this section or for the 2423
purposes of division (A) (4) or (5) of section 2151.353 or 2424
division (C) of section 2151.415 of the Revised Code, the court 2425
shall consider all relevant factors, including, but not limited 2426
to, the following: 2427

(a) The interaction and interrelationship of the child 2428
with the child's parents, siblings, relatives, foster caregivers 2429
and out-of-home providers, and any other person who may 2430
significantly affect the child; 2431

(b) The wishes of the child, as expressed directly by the 2432
child or through the child's guardian ad litem, with due regard 2433
for the maturity of the child; 2434

(c) The custodial history of the child, including whether 2435
the child has been in the temporary custody of one or more 2436
public children services agencies or private child placing 2437
agencies for twelve or more months of a consecutive twenty-two- 2438
month period, or the child has been in the temporary custody of 2439
one or more public children services agencies or private child 2440
placing agencies for twelve or more months of a consecutive 2441
twenty-two-month period and, as described in division (D) (1) of 2442
section 2151.413 of the Revised Code, the child was previously 2443
in the temporary custody of an equivalent agency in another 2444
state; 2445

(d) The child's need for a legally secure permanent 2446
placement and whether that type of placement can be achieved 2447
without a grant of permanent custody to the agency; 2448

(e) Whether any of the factors in divisions (E) (7) to (11) 2449
of this section apply in relation to the parents and child. 2450

For the purposes of division (D) (1) of this section, a 2451
child shall be considered to have entered the temporary custody 2452
of an agency on the earlier of the date the child is adjudicated 2453
pursuant to section 2151.28 of the Revised Code or the date that 2454
is sixty days after the removal of the child from home. 2455

(2) If all of the following apply, permanent custody is in 2456
the best interest of the child, and the court shall commit the 2457
child to the permanent custody of a public children services 2458
agency or private child placing agency: 2459

(a) The court determines by clear and convincing evidence 2460

that one or more of the factors in division (E) of this section 2461
exist and the child cannot be placed with one of the child's 2462
parents within a reasonable time or should not be placed with 2463
either parent. 2464

(b) The child has been in an agency's custody for two 2465
years or longer, and no longer qualifies for temporary custody 2466
pursuant to division (D) of section 2151.415 of the Revised 2467
Code. 2468

(c) The child does not meet the requirements for a planned 2469
permanent living arrangement pursuant to division (A) (5) of 2470
section 2151.353 of the Revised Code. 2471

(d) Prior to the dispositional hearing, no relative or 2472
other interested person has filed, or has been identified in, a 2473
motion for legal custody of the child. 2474

(E) In determining at a hearing held pursuant to division 2475
(A) of this section or for the purposes of division (A) (4) of 2476
section 2151.353 of the Revised Code whether a child cannot be 2477
placed with either parent within a reasonable period of time or 2478
should not be placed with the parents, the court shall consider 2479
all relevant evidence. If the court determines, by clear and 2480
convincing evidence, at a hearing held pursuant to division (A) 2481
of this section or for the purposes of division (A) (4) of 2482
section 2151.353 of the Revised Code that one or more of the 2483
following exist as to each of the child's parents, the court 2484
shall enter a finding that the child cannot be placed with 2485
either parent within a reasonable time or should not be placed 2486
with either parent: 2487

(1) Following the placement of the child outside the 2488
child's home and notwithstanding reasonable case planning and 2489

diligent efforts by the agency to assist the parents to remedy 2490
the problems that initially caused the child to be placed 2491
outside the home, the parent has failed continuously and 2492
repeatedly to substantially remedy the conditions causing the 2493
child to be placed outside the child's home. In determining 2494
whether the parents have substantially remedied those 2495
conditions, the court shall consider parental utilization of 2496
medical, psychiatric, psychological, and other social and 2497
rehabilitative services and material resources that were made 2498
available to the parents for the purpose of changing parental 2499
conduct to allow them to resume and maintain parental duties. 2500

(2) Chronic mental illness, chronic emotional illness, 2501
intellectual disability, physical disability, or chemical 2502
dependency of the parent that is so severe that it makes the 2503
parent unable to provide an adequate permanent home for the 2504
child at the present time and, as anticipated, within one year 2505
after the court holds the hearing pursuant to division (A) of 2506
this section or for the purposes of division (A)(4) of section 2507
2151.353 of the Revised Code; 2508

(3) The parent committed any abuse as described in section 2509
2151.031 of the Revised Code against the child, caused the child 2510
to suffer any neglect as described in section 2151.03 of the 2511
Revised Code, or allowed the child to suffer any neglect as 2512
described in section 2151.03 of the Revised Code between the 2513
date that the original complaint alleging abuse or neglect was 2514
filed and the date of the filing of the motion for permanent 2515
custody; 2516

(4) The parent has demonstrated a lack of commitment 2517
toward the child by failing to regularly support, visit, or 2518
communicate with the child when able to do so, or by other 2519

actions showing an unwillingness to provide an adequate 2520
permanent home for the child; 2521

(5) The parent is incarcerated for an offense committed 2522
against the child or a sibling of the child; 2523

(6) The parent has been convicted of or pleaded guilty to 2524
an offense under division (A) or (C) of section 2919.22 or under 2525
section 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.03, 2526
2905.04, 2905.05, 2907.07, 2907.08, 2907.09, 2907.12, 2907.23, 2527
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2528
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.24, 2919.25, 2529
2923.12, 2923.13, 2923.161, 2925.02, or 3716.11 of the Revised 2530
Code, and the child or a sibling of the child was a victim of 2531
the offense, or the parent has been convicted of or pleaded 2532
guilty to an offense under section 2903.04 of the Revised Code, 2533
a sibling of the child was the victim of the offense, and the 2534
parent who committed the offense poses an ongoing danger to the 2535
child or a sibling of the child. 2536

(7) The parent has been convicted of or pleaded guilty to 2537
one of the following: 2538

(a) An offense under section 2903.01, 2903.02, or 2903.03 2539
of the Revised Code or under an existing or former law of this 2540
state, any other state, or the United States that is 2541
substantially equivalent to an offense described in those 2542
sections and the victim of the offense was a sibling of the 2543
child or the victim was another child who lived in the parent's 2544
household at the time of the offense; 2545

(b) An offense under section 2903.11, 2903.12, or 2903.13 2546
of the Revised Code or under an existing or former law of this 2547
state, any other state, or the United States that is 2548

substantially equivalent to an offense described in those 2549
sections and the victim of the offense is the child, a sibling 2550
of the child, or another child who lived in the parent's 2551
household at the time of the offense; 2552

(c) An offense under division (B) (2) of section 2919.22 of 2553
the Revised Code or under an existing or former law of this 2554
state, any other state, or the United States that is 2555
substantially equivalent to the offense described in that 2556
section and the child, a sibling of the child, or another child 2557
who lived in the parent's household at the time of the offense 2558
is the victim of the offense; 2559

(d) An offense under section 2907.02, 2907.03, 2907.04, 2560
2907.05, or 2907.06 of the Revised Code or under an existing or 2561
former law of this state, any other state, or the United States 2562
that is substantially equivalent to an offense described in 2563
those sections and the victim of the offense is the child, a 2564
sibling of the child, or another child who lived in the parent's 2565
household at the time of the offense; 2566

(e) An offense under section 2905.32, 2907.21, or 2907.22 2567
of the Revised Code or under an existing or former law of this 2568
state, any other state, or the United States that is 2569
substantially equivalent to the offense described in that 2570
section and the victim of the offense is the child, a sibling of 2571
the child, or another child who lived in the parent's household 2572
at the time of the offense; 2573

(f) A conspiracy or attempt to commit, or complicity in 2574
committing, an offense described in division (E) (7) (a), (d), or 2575
(e) of this section. 2576

(8) The parent has repeatedly withheld medical treatment 2577

or food from the child when the parent has the means to provide 2578
the treatment or food, and, in the case of withheld medical 2579
treatment, the parent withheld it for a purpose other than to 2580
treat the physical or mental illness or ~~defect~~ disability of the 2581
child by spiritual means through prayer alone in accordance with 2582
the tenets of a recognized religious body. 2583

(9) The parent has placed the child at substantial risk of 2584
harm two or more times due to alcohol or drug abuse and has 2585
rejected treatment two or more times or refused to participate 2586
in further treatment two or more times after a case plan issued 2587
pursuant to section 2151.412 of the Revised Code requiring 2588
treatment of the parent was journalized as part of a 2589
dispositional order issued with respect to the child or an order 2590
was issued by any other court requiring treatment of the parent. 2591

(10) The parent has abandoned the child. 2592

(11) The parent has had parental rights involuntarily 2593
terminated with respect to a sibling of the child pursuant to 2594
this section or section 2151.353 or 2151.415 of the Revised 2595
Code, or under an existing or former law of this state, any 2596
other state, or the United States that is substantially 2597
equivalent to those sections, and the parent has failed to 2598
provide clear and convincing evidence to prove that, 2599
notwithstanding the prior termination, the parent can provide a 2600
legally secure permanent placement and adequate care for the 2601
health, welfare, and safety of the child. 2602

(12) The parent is incarcerated at the time of the filing 2603
of the motion for permanent custody or the dispositional hearing 2604
of the child and will not be available to care for the child for 2605
at least eighteen months after the filing of the motion for 2606
permanent custody or the dispositional hearing. 2607

(13) The parent is repeatedly incarcerated, and the 2608
repeated incarceration prevents the parent from providing care 2609
for the child. 2610

(14) The parent for any reason is unwilling to provide 2611
food, clothing, shelter, and other basic necessities for the 2612
child or to prevent the child from suffering physical, 2613
emotional, or sexual abuse or physical, emotional, or mental 2614
neglect. 2615

(15) The parent has committed abuse as described in 2616
section 2151.031 of the Revised Code against the child or caused 2617
or allowed the child to suffer neglect as described in section 2618
2151.03 of the Revised Code, and the court determines that the 2619
seriousness, nature, or likelihood of recurrence of the abuse or 2620
neglect makes the child's placement with the child's parent a 2621
threat to the child's safety. 2622

(16) Any other factor the court considers relevant. 2623

(F) The parents of a child for whom the court has issued 2624
an order granting permanent custody pursuant to this section, 2625
upon the issuance of the order, cease to be parties to the 2626
action. This division is not intended to eliminate or restrict 2627
any right of the parents to appeal the granting of permanent 2628
custody of their child to a movant pursuant to this section. 2629

Sec. 2305.42. (A) A person who ~~suffers from~~ has epilepsy, 2630
diabetes, a cardiac condition, or any other type of illness that 2631
causes temporary blackouts, semiconscious periods, or complete 2632
unconsciousness, or who ~~suffers from~~ has a condition requiring 2633
specific medication or medical treatment, is allergic to certain 2634
medications or items used in medical treatment, wears contact 2635
lenses, has religious objections to certain forms of medication 2636

or medical treatment, or is unable to communicate coherently or 2637
effectively in the English language, is authorized and 2638
encouraged to wear an identifying device. 2639

(B) Any person may carry an identification card. 2640

(C) By wearing an identifying device a person gives ~~his~~ 2641
consent for any law enforcement officer or medical practitioner 2642
who finds ~~him~~the person in a disabled condition to make a 2643
reasonable search of ~~his~~the person's clothing or other effects 2644
for an identification card. 2645

Sec. 2305.43. (A) A law enforcement officer shall make a 2646
diligent effort to determine whether any disabled person ~~he~~the 2647
officer finds is an epileptic or a diabetic, or ~~suffers from~~has 2648
some other type of illness that would cause the condition. 2649
Whenever feasible, this effort shall be made before the person 2650
is charged with a crime or taken to a place of detention. 2651

(B) In seeking to determine whether a disabled person 2652
~~suffers from~~has an illness, a law enforcement officer may make 2653
a reasonable search for an identifying device and an 2654
identification card and examine them for emergency information. 2655
The law enforcement officer may not search for an identifying 2656
device or an identification card in a manner or to an extent 2657
that would appear to a reasonable person in the circumstances to 2658
cause an unreasonable risk of worsening the disabled person's 2659
condition. 2660

(C) A law enforcement officer who finds a disabled person 2661
without an identifying device or identification card is not 2662
relieved of ~~his~~the duty to that person to make a diligent effort 2663
to ascertain the existence of any illness causing the disabled 2664
condition. 2665

(D) A cause of action against a law enforcement officer 2666
does not arise from ~~his~~the officer making a reasonable search of 2667
the disabled person to locate an identifying device or 2668
identification card, even though the person is not wearing an 2669
identifying device or carrying an identification card. 2670

(E) A law enforcement officer who determines or has reason 2671
to believe that a disabled person ~~is suffering from~~has an 2672
illness causing ~~his~~the person's condition shall promptly notify 2673
the person's physician, if practicable. If the officer is unable 2674
to ascertain the physician's identity or to communicate with 2675
~~him~~the physician, the officer shall make a reasonable effort to 2676
cause the disabled person to be transported immediately to a 2677
medical practitioner or to a facility where medical treatment is 2678
available. If the officer believes it unduly dangerous to move 2679
the disabled person, ~~he~~the officer shall make a reasonable 2680
effort to obtain the assistance of a medical practitioner. 2681

Sec. 2746.02. A court of record of this state shall tax as 2682
costs or otherwise require the payment of fees for the following 2683
services rendered, as compensation for the following persons, or 2684
as part of the sentence imposed by the court, or any other of 2685
the following fees that are applicable in a particular case: 2686

(A) In a felony case, financial sanctions, as provided in 2687
section 2929.18 of the Revised Code; 2688

(B) In any criminal case, the costs of prosecution, as 2689
provided in section 2947.23 of the Revised Code; 2690

(C) In a misdemeanor case in which the offender is 2691
sentenced to a jail term, the local detention facility is 2692
covered by a policy adopted by the facility's governing 2693
authority requiring reimbursement for the costs of confinement, 2694

and the offender is presented with an itemized bill pursuant to 2695
section 2929.37 of the Revised Code for such costs, the costs of 2696
confinement, as provided in section 2929.24 of the Revised Code; 2697

(D) In a case in which an offender is sentenced for 2698
endangering children in violation of section 2919.22 of the 2699
Revised Code, the costs of the offender's supervised community 2700
service work, as provided in section 2919.22 of the Revised 2701
Code; 2702

(E) In a case in which a defendant is charged with any of 2703
certain sexual assault or prostitution-related offenses and is 2704
found to ~~be suffering from~~ have a venereal disease in an 2705
infectious stage, the cost of medical treatment, as provided in 2706
section 2907.27 of the Revised Code; 2707

(F) In a case in which a defendant is charged with 2708
harassment with a bodily substance, the cost of medical testing, 2709
as provided in section 2921.38 of the Revised Code; 2710

(G) In a case in which a defendant is charged with 2711
violating a protection order in violation of section 2919.27 of 2712
the Revised Code or of a municipal ordinance that is 2713
substantially similar to that section, the costs of any 2714
evaluation and preceding examination of the defendant, as 2715
provided in section 2919.271 of the Revised Code; 2716

(H) Presentence psychological or psychiatric reports, as 2717
provided in section 2947.06 of the Revised Code; 2718

(I) In a criminal proceeding, the taking of a deposition 2719
of a person who is imprisoned in a detention facility or state 2720
correctional institution within this state or who is in the 2721
custody of the department of youth services, as provided in 2722
section 2945.47 of the Revised Code; 2723

(J) In a case in which a person is convicted of or pleads guilty to any offense other than a parking violation or in which a child is found to be a delinquent child or a juvenile traffic offender for an act that, if committed by an adult, would be an offense other than a parking violation, additional costs and bail, if applicable, as provided in sections 2743.70 and 2949.091 of the Revised Code, but subject to waiver as provided in section 2949.092 of the Revised Code;

(K) In a case in which a person is convicted of or pleads guilty to a moving violation or in which a child is found to be a juvenile traffic offender for an act which, if committed by an adult, would be a moving violation, additional costs and bail, if applicable, as provided in sections 2949.093 and 2949.094 of the Revised Code, but subject to waiver as provided in section 2949.092 of the Revised Code;

(L) In a case in which a defendant is convicted of abandoning a junk vessel or outboard motor without notifying the appropriate law enforcement officer, the cost incurred by the state or a political subdivision in disposing of the vessel or motor, as provided in section 1547.99 of the Revised Code;

(M) The costs of electronic monitoring in the following cases:

(1) In a misdemeanor case in which the offender is convicted of any of certain prostitution-related offenses and a specification under section 2941.1421 of the Revised Code, as provided in section 2929.24 of the Revised Code;

(2) In a case in which the court issues a criminal protection order against a minor upon a petition alleging that the respondent committed any of certain assault, menacing, or

trespass offenses, a sexually oriented offense, or an offense 2753
under a municipal ordinance that is substantially equivalent to 2754
any of those offenses, as provided in section 2151.34 of the 2755
Revised Code; 2756

(3) In a case in which the court issues a protection order 2757
against an adult upon a petition alleging that the respondent 2758
committed menacing by stalking or a sexually oriented offense, 2759
as provided in section 2903.214 of the Revised Code; 2760

(4) In a case in which an offender is convicted of 2761
violating a protection order, as provided in section 2919.27 of 2762
the Revised Code; 2763

(5) In a case in which the offender is convicted of any 2764
sexually oriented offense and is a tier III sex offender/child- 2765
victim offender relative to that offense, as provided in section 2766
2929.13 of the Revised Code. 2767

(N) In a proceeding for post-conviction relief, a 2768
transcript, as provided in section 2953.21 of the Revised Code; 2769

(O) In a proceeding for the sealing of a conviction 2770
record, the fees provided for in section 2953.32 of the Revised 2771
Code. 2772

Sec. 2901.30. (A) As used in sections 2901.30 to 2901.32 2773
of the Revised Code: 2774

(1) "Information" means information that can be integrated 2775
into the computer system and that relates to the physical or 2776
mental description of a minor including, but not limited to, 2777
height, weight, color of hair and eyes, use of eyeglasses or 2778
contact lenses, skin coloring, physical or mental 2779
~~handicaps~~disabilities, special medical conditions or needs, 2780
abnormalities, problems, scars and marks, and distinguishing 2781

characteristics, and other information that could assist in 2782
identifying a minor including, but not limited to, full name and 2783
nickname, date and place of birth, age, names and addresses of 2784
parents and other relatives, fingerprints, dental records, 2785
photographs, social security number, driver's license number, 2786
credit card numbers, bank account numbers, and clothing. 2787

(2) "Minor" means a person under eighteen years of age. 2788

(3) "Missing children" or "missing child" means either of 2789
the following: 2790

(a) A minor who has run away from or who otherwise is 2791
missing from the home of, or the care, custody, and control of, 2792
the minor's parents, parent who is the residential parent and 2793
legal custodian, guardian, legal custodian, or other person 2794
having responsibility for the care of the minor; 2795

(b) A minor who is missing and about whom there is reason 2796
to believe the minor could be the victim of a violation of 2797
section 2905.01, 2905.02, 2905.03, or 2919.23 of the Revised 2798
Code or of a violation of section 2905.04 of the Revised Code as 2799
it existed prior to July 1, 1996. 2800

(B) When a law enforcement agency in this state that has 2801
jurisdiction in the matter is informed that a minor is or may be 2802
a missing child and that the person providing the information 2803
wishes to file a missing child report, the law enforcement 2804
agency shall take that report. Upon taking the report, the law 2805
enforcement agency shall take prompt action upon it, including, 2806
but not limited to, concerted efforts to locate the missing 2807
child. No law enforcement agency in this state shall have a rule 2808
or policy that prohibits or discourages the filing of or the 2809
taking of action upon a missing child report, within a specified 2810

period following the discovery or formulation of a belief that a 2811
minor is or could be a missing child. 2812

(C) If a missing child report is made to a law enforcement 2813
agency in this state that has jurisdiction in the matter, the 2814
law enforcement agency shall gather readily available 2815
information about the missing child and integrate it into the 2816
national crime information center computer immediately following 2817
the making of the report. The law enforcement agency shall make 2818
reasonable efforts to acquire additional information about the 2819
missing child following the transmittal of the initially 2820
available information, and promptly integrate any additional 2821
information acquired into such computer systems. 2822

Whenever a law enforcement agency integrates information 2823
about a missing child into the national crime information center 2824
computer, the law enforcement agency promptly shall notify the 2825
missing child's parents, parent who is the residential parent 2826
and legal custodian, guardian, or legal custodian, or any other 2827
person responsible for the care of the missing child, that it 2828
has so integrated the information. 2829

The parents, parent who is the residential parent and 2830
legal custodian, guardian, legal custodian, or other person 2831
responsible for the care of the missing child shall provide 2832
available information upon request, and may provide information 2833
voluntarily, to the law enforcement agency during the 2834
information gathering process. The law enforcement agency also 2835
may obtain available information about the missing child from 2836
other persons, subject to constitutional and statutory 2837
limitations. 2838

(D) Upon the filing of a missing child report, the law 2839
enforcement agency involved may notify the public or nonpublic 2840

school in which the missing child is or was most recently 2841
enrolled, as ascertained by the agency, that the child is the 2842
subject of a missing child report and that the child's school 2843
records are to be marked in accordance with section 3313.672 of 2844
the Revised Code. 2845

(E) Upon the filing of a missing child report, the law 2846
enforcement agency involved promptly shall make a reasonable 2847
attempt to notify other law enforcement agencies within its 2848
county and, if the agency has jurisdiction in a municipal 2849
corporation or township that borders another county, to notify 2850
the law enforcement agency for the municipal corporation or 2851
township in the other county with which it shares the border, 2852
that it has taken a missing child report and may be requesting 2853
assistance or cooperation in the case, and provide relevant 2854
information to the other law enforcement agencies. The agency 2855
may notify additional law enforcement agencies, or appropriate 2856
public children services agencies, about the case, request their 2857
assistance or cooperation in the case, and provide them with 2858
relevant information. 2859

Upon request from a law enforcement agency, a public 2860
children services agency shall grant the law enforcement agency 2861
access to all information concerning a missing child that the 2862
agency possesses that may be relevant to the law enforcement 2863
agency in investigating a missing child report concerning that 2864
child. The information obtained by the law enforcement agency 2865
shall be used only to further the investigation to locate the 2866
missing child. 2867

(F) Upon request, law enforcement agencies in this state 2868
shall provide assistance to, and cooperate with, other law 2869
enforcement agencies in their investigation of missing child 2870

cases. The assistance and cooperation under this paragraph shall 2871
be pursuant to any terms agreed upon by the law enforcement 2872
agencies, which may include the provision of law enforcement 2873
services or the use of law enforcement equipment or the 2874
interchange of services and equipment among the cooperating law 2875
enforcement agencies. Chapter 2744. of the Revised Code, insofar 2876
as it applies to the operation of law enforcement agencies, 2877
shall apply to the cooperating political subdivisions and to the 2878
law enforcement agency employees when they are rendering 2879
services pursuant to this paragraph outside the territory of the 2880
political subdivision by which they are employed. Law 2881
enforcement agency employees rendering services outside the 2882
territory of the political subdivision in which they are 2883
employed, pursuant to this paragraph, shall be entitled to 2884
participate in any indemnity fund established by their employer 2885
to the same extent as if they were rendering service within the 2886
territory of their employing political subdivision. Those law 2887
enforcement agency employees also shall be entitled to all the 2888
rights and benefits of Chapter 4123. of the Revised Code to the 2889
same extent as if rendering services within the territory of 2890
their employing political subdivision. 2891

The information in any missing child report made to a law 2892
enforcement agency shall be made available, upon request, to law 2893
enforcement personnel of this state, other states, and the 2894
federal government when the law enforcement personnel indicate 2895
that the request is to aid in identifying or locating a missing 2896
child or the possible identification of a deceased minor who, 2897
upon discovery, cannot be identified. 2898

(G) When a missing child has not been located within 2899
thirty days after the date on which the missing child report 2900
pertaining to the child was filed with a law enforcement agency, 2901

that law enforcement agency shall request the missing child's 2902
parents, parent who is the residential parent and legal 2903
custodian, guardian, or legal custodian, or any other person 2904
responsible for the care of the missing child, to provide 2905
written consent for the law enforcement agency to contact the 2906
missing child's dentist and request the missing child's dental 2907
records. Upon receipt of such written consent, the dentist shall 2908
release a copy of the missing child's dental records to the law 2909
enforcement agency and shall provide and encode the records in 2910
such form as requested by the law enforcement agency. The law 2911
enforcement agency then shall integrate information in the 2912
records into the national crime information center computer in 2913
order to compare the records to those of unidentified deceased 2914
persons. This division does not prevent a law enforcement agency 2915
from seeking consent to obtain copies of a missing child's 2916
dental records, or prevent a missing child's parents, parent who 2917
is the residential parent and legal custodian, guardian, or 2918
legal custodian, or any other person responsible for the care of 2919
the missing child, from granting consent for the release of 2920
copies of the missing child's dental records to a law 2921
enforcement agency, at any time. 2922

(H) A missing child's parents, parent who is the 2923
residential parent and legal custodian, guardian, or legal 2924
custodian, or any other persons responsible for the care of a 2925
missing child, immediately shall notify the law enforcement 2926
agency with which they filed the missing child report whenever 2927
the child has returned to their home or to their care, custody, 2928
and control, has been released if the missing child was the 2929
victim of an offense listed in division (A) (3) (b) of this 2930
section, or otherwise has been located. Upon such notification 2931
or upon otherwise learning that a missing child has returned to 2932

the home of, or to the care, custody, and control of the missing 2933
child's parents, parent who is the residential parent and legal 2934
custodian, guardian, legal custodian, or other person 2935
responsible for the missing child's care, has been released if 2936
the missing child was the victim of an offense listed in 2937
division (A) (3) (b) of this section, or otherwise has been 2938
located, the law enforcement agency involved promptly shall 2939
integrate the fact that the minor no longer is a missing child 2940
into the national crime information center computer and shall 2941
inform any school that was notified under division (D) of this 2942
section that the minor is no longer a missing child. 2943

Sec. 2903.10. As used in sections 2903.13 and 2903.16 of 2944
the Revised Code: 2945

(A) ~~"Functionally impaired person"~~ "Person with a 2946
functional impairment" means any person who has a physical or 2947
mental impairment that prevents ~~him~~ the person from providing for 2948
~~his~~ the person's own care or protection or whose infirmities 2949
caused by aging prevent ~~him~~ the person from providing for ~~his~~ the 2950
person's own care or protection. 2951

(B) "Caretaker" means a person who assumes the duty to 2952
provide for the care and protection of a ~~functionally impaired~~ 2953
person with a functional impairment on a voluntary basis, by 2954
contract, through receipt of payment for care and protection, as 2955
a result of a family relationship, or by order of a court of 2956
competent jurisdiction. "Caretaker" does not include a person 2957
who owns, operates, or administers, or who is an agent or 2958
employee of, a care facility, as defined in section 2903.33 of 2959
the Revised Code. 2960

Sec. 2903.13. (A) No person shall knowingly cause or 2961
attempt to cause physical harm to another or to another's 2962

unborn. 2963

(B) No person shall recklessly cause serious physical harm 2964
to another or to another's unborn. 2965

(C) (1) Whoever violates this section is guilty of assault, 2966
and the court shall sentence the offender as provided in this 2967
division and divisions (C) (1), (2), (3), (4), (5), (6), (7), 2968
(8), (9), and (10) of this section. Except as otherwise provided 2969
in division (C) (2), (3), (4), (5), (6), (7), (8), or (9) of this 2970
section, assault is a misdemeanor of the first degree. 2971

(2) Except as otherwise provided in this division, if the 2972
offense is committed by a caretaker against a ~~functionally-~~ 2973
~~impaired person with a functional impairment~~ under the 2974
caretaker's care, assault is a felony of the fourth degree. If 2975
the offense is committed by a caretaker against a ~~functionally-~~ 2976
~~impaired person with a functional impairment~~ under the 2977
caretaker's care, if the offender previously has been convicted 2978
of or pleaded guilty to a violation of this section or section 2979
2903.11 or 2903.16 of the Revised Code, and if in relation to 2980
the previous conviction the offender was a caretaker and the 2981
victim was a ~~functionally-impaired person with a functional~~ 2982
~~impairment~~ under the offender's care, assault is a felony of the 2983
third degree. 2984

(3) If the offense occurs in or on the grounds of a state 2985
correctional institution or an institution of the department of 2986
youth services, the victim of the offense is an employee of the 2987
department of rehabilitation and correction or the department of 2988
youth services, and the offense is committed by a person 2989
incarcerated in the state correctional institution or by a 2990
person institutionalized in the department of youth services 2991
institution pursuant to a commitment to the department of youth 2992

services, assault is a felony of the third degree. 2993

(4) If the offense is committed in any of the following 2994
circumstances, assault is a felony of the fifth degree: 2995

(a) The offense occurs in or on the grounds of a local 2996
correctional facility, the victim of the offense is an employee 2997
of the local correctional facility or a probation department or 2998
is on the premises of the facility for business purposes or as a 2999
visitor, and the offense is committed by a person who is under 3000
custody in the facility subsequent to the person's arrest for 3001
any crime or delinquent act, subsequent to the person's being 3002
charged with or convicted of any crime, or subsequent to the 3003
person's being alleged to be or adjudicated a delinquent child. 3004

(b) The offense occurs off the grounds of a state 3005
correctional institution and off the grounds of an institution 3006
of the department of youth services, the victim of the offense 3007
is an employee of the department of rehabilitation and 3008
correction, the department of youth services, or a probation 3009
department, the offense occurs during the employee's official 3010
work hours and while the employee is engaged in official work 3011
responsibilities, and the offense is committed by a person 3012
incarcerated in a state correctional institution or 3013
institutionalized in the department of youth services who 3014
temporarily is outside of the institution for any purpose, by a 3015
parolee, by an offender under transitional control, under a 3016
community control sanction, or on an escorted visit, by a person 3017
under post-release control, or by an offender under any other 3018
type of supervision by a government agency. 3019

(c) The offense occurs off the grounds of a local 3020
correctional facility, the victim of the offense is an employee 3021
of the local correctional facility or a probation department, 3022

the offense occurs during the employee's official work hours and 3023
while the employee is engaged in official work responsibilities, 3024
and the offense is committed by a person who is under custody in 3025
the facility subsequent to the person's arrest for any crime or 3026
delinquent act, subsequent to the person being charged with or 3027
convicted of any crime, or subsequent to the person being 3028
alleged to be or adjudicated a delinquent child and who 3029
temporarily is outside of the facility for any purpose or by a 3030
parolee, by an offender under transitional control, under a 3031
community control sanction, or on an escorted visit, by a person 3032
under post-release control, or by an offender under any other 3033
type of supervision by a government agency. 3034

(d) The victim of the offense is a school teacher or 3035
administrator or a school bus operator, and the offense occurs 3036
in a school, on school premises, in a school building, on a 3037
school bus, or while the victim is outside of school premises or 3038
a school bus and is engaged in duties or official 3039
responsibilities associated with the victim's employment or 3040
position as a school teacher or administrator or a school bus 3041
operator, including, but not limited to, driving, accompanying, 3042
or chaperoning students at or on class or field trips, athletic 3043
events, or other school extracurricular activities or functions 3044
outside of school premises. 3045

(5) If the victim of the offense is a peace officer or an 3046
investigator of the bureau of criminal identification and 3047
investigation, a firefighter, or a person performing emergency 3048
medical service, while in the performance of their official 3049
duties, assault is a felony of the fourth degree. 3050

(6) If the victim of the offense is a peace officer or an 3051
investigator of the bureau of criminal identification and 3052

investigation and if the victim suffered serious physical harm 3053
as a result of the commission of the offense, assault is a 3054
felony of the fourth degree, and the court, pursuant to division 3055
(F) of section 2929.13 of the Revised Code, shall impose as a 3056
mandatory prison term one of the prison terms prescribed for a 3057
felony of the fourth degree that is at least twelve months in 3058
duration. 3059

(7) If the victim of the offense is an officer or employee 3060
of a public children services agency or a private child placing 3061
agency and the offense relates to the officer's or employee's 3062
performance or anticipated performance of official 3063
responsibilities or duties, assault is either a felony of the 3064
fifth degree or, if the offender previously has been convicted 3065
of or pleaded guilty to an offense of violence, the victim of 3066
that prior offense was an officer or employee of a public 3067
children services agency or private child placing agency, and 3068
that prior offense related to the officer's or employee's 3069
performance or anticipated performance of official 3070
responsibilities or duties, a felony of the fourth degree. 3071

(8) If the victim of the offense is a health care 3072
professional of a hospital, a health care worker of a hospital, 3073
or a security officer of a hospital whom the offender knows or 3074
has reasonable cause to know is a health care professional of a 3075
hospital, a health care worker of a hospital, or a security 3076
officer of a hospital, if the victim is engaged in the 3077
performance of the victim's duties, and if the hospital offers 3078
de-escalation or crisis intervention training for such 3079
professionals, workers, or officers, assault is one of the 3080
following: 3081

(a) Except as otherwise provided in division (C) (8) (b) of 3082

this section, assault committed in the specified circumstances 3083
is a misdemeanor of the first degree. Notwithstanding the fine 3084
specified in division ~~(A) (2) (b)~~ (A) (2) (a) of section 2929.28 of 3085
the Revised Code for a misdemeanor of the first degree, in 3086
sentencing the offender under this division and if the court 3087
decides to impose a fine, the court may impose upon the offender 3088
a fine of not more than five thousand dollars. 3089

(b) If the offender previously has been convicted of or 3090
pleaded guilty to one or more assault or homicide offenses 3091
committed against hospital personnel, assault committed in the 3092
specified circumstances is a felony of the fifth degree. 3093

(9) If the victim of the offense is a judge, magistrate, 3094
prosecutor, or court official or employee whom the offender 3095
knows or has reasonable cause to know is a judge, magistrate, 3096
prosecutor, or court official or employee, and if the victim is 3097
engaged in the performance of the victim's duties, assault is 3098
one of the following: 3099

(a) Except as otherwise provided in division ~~(C) (8) (b)~~ (C) 3100
(9) (b) of this section, assault committed in the specified 3101
circumstances is a misdemeanor of the first degree. In 3102
sentencing the offender under this division, if the court 3103
decides to impose a fine, notwithstanding the fine specified in 3104
division ~~(A) (2) (b)~~ (A) (2) (a) of section 2929.28 of the Revised 3105
Code for a misdemeanor of the first degree, the court may impose 3106
upon the offender a fine of not more than five thousand dollars. 3107

(b) If the offender previously has been convicted of or 3108
pleaded guilty to one or more assault or homicide offenses 3109
committed against justice system personnel, assault committed in 3110
the specified circumstances is a felony of the fifth degree. 3111

(10) If an offender who is convicted of or pleads guilty 3112
to assault when it is a misdemeanor also is convicted of or 3113
pleads guilty to a specification as described in section 3114
2941.1423 of the Revised Code that was included in the 3115
indictment, count in the indictment, or information charging the 3116
offense, the court shall sentence the offender to a mandatory 3117
jail term as provided in division (G) of section 2929.24 of the 3118
Revised Code. 3119

If an offender who is convicted of or pleads guilty to 3120
assault when it is a felony also is convicted of or pleads 3121
guilty to a specification as described in section 2941.1423 of 3122
the Revised Code that was included in the indictment, count in 3123
the indictment, or information charging the offense, except as 3124
otherwise provided in division (C) (6) of this section, the court 3125
shall sentence the offender to a mandatory prison term as 3126
provided in division (B) (8) of section 2929.14 of the Revised 3127
Code. 3128

(D) As used in this section: 3129

(1) "Peace officer" has the same meaning as in section 3130
2935.01 of the Revised Code. 3131

(2) "Firefighter" has the same meaning as in section 3132
3937.41 of the Revised Code. 3133

(3) "Emergency medical service" has the same meaning as in 3134
section 4765.01 of the Revised Code. 3135

(4) "Local correctional facility" means a county, 3136
multicounty, municipal, municipal-county, or multicounty- 3137
municipal jail or workhouse, a minimum security jail established 3138
under section 341.23 or 753.21 of the Revised Code, or another 3139
county, multicounty, municipal, municipal-county, or 3140

multicounty-municipal facility used for the custody of persons 3141
arrested for any crime or delinquent act, persons charged with 3142
or convicted of any crime, or persons alleged to be or 3143
adjudicated a delinquent child. 3144

(5) "Employee of a local correctional facility" means a 3145
person who is an employee of the political subdivision or of one 3146
or more of the affiliated political subdivisions that operates 3147
the local correctional facility and who operates or assists in 3148
the operation of the facility. 3149

(6) "School teacher or administrator" means either of the 3150
following: 3151

(a) A person who is employed in the public schools of the 3152
state under a contract described in section 3311.77 or 3319.08 3153
of the Revised Code in a position in which the person is 3154
required to have a certificate issued pursuant to sections 3155
3319.22 to 3319.311 of the Revised Code. 3156

(b) A person who is employed by a nonpublic school for 3157
which the state board of education prescribes minimum standards 3158
under section 3301.07 of the Revised Code and who is 3159
certificated in accordance with section 3301.071 of the Revised 3160
Code. 3161

(7) "Community control sanction" has the same meaning as 3162
in section 2929.01 of the Revised Code. 3163

(8) "Escorted visit" means an escorted visit granted under 3164
section 2967.27 of the Revised Code. 3165

(9) "Post-release control" and "transitional control" have 3166
the same meanings as in section 2967.01 of the Revised Code. 3167

(10) "Investigator of the bureau of criminal 3168

identification and investigation" has the same meaning as in 3169
section 2903.11 of the Revised Code. 3170

(11) "Health care professional" and "health care worker" 3171
have the same meanings as in section 2305.234 of the Revised 3172
Code. 3173

(12) "Assault or homicide offense committed against 3174
hospital personnel" means a violation of this section or of 3175
section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 3176
2903.12, or 2903.14 of the Revised Code committed in 3177
circumstances in which all of the following apply: 3178

(a) The victim of the offense was a health care 3179
professional of a hospital, a health care worker of a hospital, 3180
or a security officer of a hospital. 3181

(b) The offender knew or had reasonable cause to know that 3182
the victim was a health care professional of a hospital, a 3183
health care worker of a hospital, or a security officer of a 3184
hospital. 3185

(c) The victim was engaged in the performance of the 3186
victim's duties. 3187

(d) The hospital offered de-escalation or crisis 3188
intervention training for such professionals, workers, or 3189
officers. 3190

(13) "De-escalation or crisis intervention training" means 3191
de-escalation or crisis intervention training for health care 3192
professionals of a hospital, health care workers of a hospital, 3193
and security officers of a hospital to facilitate interaction 3194
with patients, members of a patient's family, and visitors, 3195
including those with mental impairments. 3196

(14) "Assault or homicide offense committed against justice system personnel" means a violation of this section or of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, or 2903.14 of the Revised Code committed in circumstances in which the victim of the offense was a judge, magistrate, prosecutor, or court official or employee whom the offender knew or had reasonable cause to know was a judge, magistrate, prosecutor, or court official or employee, and the victim was engaged in the performance of the victim's duties.

(15) "Court official or employee" means any official or employee of a court created under the constitution or statutes of this state or of a United States court located in this state.

(16) "Judge" means a judge of a court created under the constitution or statutes of this state or of a United States court located in this state.

(17) "Magistrate" means an individual who is appointed by a court of record of this state and who has the powers and may perform the functions specified in Civil Rule 53, Criminal Rule 19, or Juvenile Rule 40, or an individual who is appointed by a United States court located in this state who has similar powers and functions.

(18) "Prosecutor" has the same meaning as in section 2935.01 of the Revised Code.

(19) (a) "Hospital" means, subject to division (D) (19) (b) of this section, an institution classified as a hospital under section 3701.01 of the Revised Code in which are provided to patients diagnostic, medical, surgical, obstetrical, psychiatric, or rehabilitation care or a hospital operated by a health maintenance organization.

(b) "Hospital" does not include any of the following: 3226

(i) A facility licensed under Chapter 3721. of the Revised 3227
Code, a health care facility operated by the department of 3228
mental health and addiction services or the department of 3229
developmental disabilities, a health maintenance organization 3230
that does not operate a hospital, or the office of any private, 3231
licensed health care professional, whether organized for 3232
individual or group practice; 3233

(ii) An institution for the sick that is operated 3234
exclusively for patients who use spiritual means for healing and 3235
for whom the acceptance of medical care is inconsistent with 3236
their religious beliefs, accredited by a national accrediting 3237
organization, exempt from federal income taxation under section 3238
501 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 3239
U.S.C. 1, as amended, and providing twenty-four-hour nursing 3240
care pursuant to the exemption in division (E) of section 3241
4723.32 of the Revised Code from the licensing requirements of 3242
Chapter 4723. of the Revised Code. 3243

(20) "Health maintenance organization" has the same 3244
meaning as in section 3727.01 of the Revised Code. 3245

Sec. 2903.15. (A) No parent, guardian, custodian, or 3246
person having custody of a child under eighteen years of age or 3247
of a ~~mentally or physically handicapped~~ child with a mental or 3248
physical disability under twenty-one years of age shall cause 3249
serious physical harm to the child, or the death of the child, 3250
as a proximate result of permitting the child to be abused, to 3251
be tortured, to be administered corporal punishment or other 3252
physical disciplinary measure, or to be physically restrained in 3253
a cruel manner or for a prolonged period. 3254

(B) It is an affirmative defense to a charge under this 3255
section that the defendant did not have readily available a 3256
means to prevent the harm to the child or the death of the child 3257
and that the defendant took timely and reasonable steps to 3258
summon aid. 3259

(C) Whoever violates this section is guilty of permitting 3260
child abuse. If the violation of this section causes serious 3261
physical harm to the child, permitting child abuse is a felony 3262
of the third degree. If the violation of this section causes the 3263
death of the child, permitting child abuse is a felony of the 3264
first degree. 3265

Sec. 2903.16. (A) No caretaker shall knowingly fail to 3266
provide a ~~functionally impaired person with a functional~~ 3267
impairment under the caretaker's care with any treatment, care, 3268
goods, or service that is necessary to maintain the health or 3269
safety of the ~~functionally impaired person with a functional~~ 3270
impairment when this failure results in physical harm or serious 3271
physical harm to the ~~functionally impaired person with a~~ 3272
functional impairment. 3273

(B) No caretaker shall recklessly fail to provide a 3274
~~functionally impaired person with a functional impairment~~ under 3275
the caretaker's care with any treatment, care, goods, or service 3276
that is necessary to maintain the health or safety of the 3277
~~functionally impaired person with a functional impairment~~ when 3278
this failure results in serious physical harm to the 3279
~~functionally impaired person with a functional impairment~~. 3280

(C) (1) Whoever violates division (A) of this section is 3281
guilty of knowingly failing to provide for a ~~functionally-~~ 3282
~~impaired person with a functional impairment~~, a misdemeanor of 3283
the first degree. If the ~~functionally impaired person with a~~ 3284

functional impairment under the offender's care suffers serious 3285
physical harm as a result of the violation of this section, a 3286
violation of division (A) of this section is a felony of the 3287
fourth degree. 3288

(2) Whoever violates division (B) of this section is 3289
guilty of recklessly failing to provide for a ~~functionally-~~ 3290
~~impaired person with a functional impairment~~, a misdemeanor of 3291
the second degree. If the ~~functionally impaired person with a~~ 3292
functional impairment under the offender's care suffers serious 3293
physical harm as a result of the violation of this section, a 3294
violation of division (B) of this section is a felony of the 3295
fourth degree. 3296

Sec. 2903.341. (A) As used in this section: 3297

(1) "Developmental disabilities caretaker" means any 3298
developmental disabilities employee or any person who assumes 3299
the duty to provide for the care and protection of a person with 3300
a developmental disability on a voluntary basis, by contract, 3301
through receipt of payment for care and protection, as a result 3302
of a family relationship, or by order of a court of competent 3303
jurisdiction. "Developmental disabilities caretaker" includes a 3304
person who is an employee of a care facility and a person who is 3305
an employee of an entity under contract with a provider. 3306
"Developmental disabilities caretaker" does not include a person 3307
who owns, operates, or administers a care facility or who is an 3308
agent of a care facility unless that person also personally 3309
provides care to a person with a developmental disability. 3310

(2) "Developmental disabilities employee" has the same 3311
meaning as in section 5123.50 of the Revised Code. 3312

(3) "Developmental disability" has the same meaning as in 3313

section 5123.01 of the Revised Code. 3314

(B) No developmental disabilities caretaker shall create a 3315
substantial risk to the health or safety of a person with a 3316
developmental disability. A developmental disabilities caretaker 3317
does not create a substantial risk to the health or safety of a 3318
person with a developmental disability under this division when 3319
the developmental disabilities caretaker treats a physical or 3320
mental illness or ~~defect~~-disability of the person with a 3321
developmental disability by spiritual means through prayer 3322
alone, in accordance with the tenets of a recognized religious 3323
body. 3324

(C) No person who owns, operates, or administers a care 3325
facility or who is an agent of a care facility shall condone, or 3326
knowingly permit, any conduct by a developmental disabilities 3327
caretaker who is employed by or under the control of the owner, 3328
operator, administrator, or agent that is in violation of 3329
division (B) of this section and that involves a person with a 3330
developmental disability who is under the care of the owner, 3331
operator, administrator, or agent. A person who relies upon 3332
treatment by spiritual means through prayer alone, in accordance 3333
with the tenets of a recognized religious denomination, shall 3334
not be considered endangered under this division for that reason 3335
alone. 3336

(D) (1) It is an affirmative defense to a charge of a 3337
violation of division (B) or (C) of this section that the 3338
actor's conduct was committed in good faith solely because the 3339
actor was ordered to commit the conduct by a person to whom one 3340
of the following applies: 3341

(a) The person has supervisory authority over the actor. 3342

(b) The person has authority over the actor's conduct 3343
pursuant to a contract for the provision of services. 3344

(2) It is an affirmative defense to a charge of a 3345
violation of division (C) of this section that the person who 3346
owns, operates, or administers a care facility or who is an 3347
agent of a care facility and who is charged with the violation 3348
is following the individual service plan for the involved person 3349
with a developmental disability or that the admission, 3350
discharge, and transfer rule set forth in the Administrative 3351
Code is being followed. 3352

(3) It is an affirmative defense to a charge of a 3353
violation of division (C) of this section that the actor did not 3354
have readily available a means to prevent either the harm to the 3355
person with a developmental disability or the death of such a 3356
person and the actor took reasonable steps to summon aid. 3357

(E) (1) Except as provided in division (E) (2) or (E) (3) of 3358
this section, whoever violates division (B) or (C) of this 3359
section is guilty of patient endangerment, a misdemeanor of the 3360
first degree. 3361

(2) If the offender previously has been convicted of, or 3362
pleaded guilty to, a violation of this section, patient 3363
endangerment is a felony of the fourth degree. 3364

(3) If the violation results in serious physical harm to 3365
the person with a developmental disability, patient endangerment 3366
is a felony of the third degree. 3367

Sec. 2907.27. (A) (1) If a person is charged with a 3368
violation of section 2907.02, 2907.03, 2907.04, 2907.24, 3369
2907.241, or 2907.25 of the Revised Code or with a violation of 3370
a municipal ordinance that is substantially equivalent to any of 3371

those sections, the arresting authorities or a court, upon the request of the prosecutor in the case or upon the request of the victim, shall cause the accused to submit to one or more appropriate tests to determine if the accused ~~is suffering from~~ has a venereal disease.

(2) If the accused is found to ~~be suffering from~~ have a venereal disease in an infectious stage, the accused shall be required to submit to medical treatment for that disease. The cost of the medical treatment shall be charged to and paid by the accused who undergoes the treatment. If the accused is indigent, the court shall order the accused to report to a facility operated by a city health district or a general health district for treatment. If the accused is convicted of or pleads guilty to the offense with which the accused is charged and is placed under a community control sanction, a condition of community control shall be that the offender submit to and faithfully follow a course of medical treatment for the venereal disease. If the offender does not seek the required medical treatment, the court may revoke the offender's community control and order the offender to undergo medical treatment during the period of the offender's incarceration and to pay the cost of that treatment.

(B) (1) (a) If a person is charged with a violation of division (B) of section 2903.11 or of section 2907.02, 2907.03, 2907.04, 2907.05, 2907.12, 2907.24, 2907.241, or 2907.25 of the Revised Code, with a violation of a municipal ordinance that is substantially equivalent to that division or any of those sections, or with a violation of a statute or municipal ordinance in which by force or threat of force the accused compelled the victim to engage in sexual activity, the court, upon the request of the prosecutor in the case, upon the request

of the victim, or upon the request of any other person whom the
court reasonably believes had contact with the accused in
circumstances related to the violation that could have resulted
in the transmission to that person of the human immunodeficiency
virus, shall cause the accused to submit to one or more tests
designated by the director of health under section 3701.241 of
the Revised Code to determine if the accused is infected with
HIV. The court shall cause the accused to submit to the test or
tests within forty-eight hours after the indictment,
information, or complaint is presented. The court shall order
follow-up tests for HIV as may be medically appropriate.

(b) The court, upon the request of the prosecutor in the
case, upon the request of the victim with the agreement of the
prosecutor, or upon the request of any other person with the
agreement of the prosecutor, may cause an accused who is charged
with a violation of any division or section of the Revised Code
or any municipal ordinance not described in division (B) (1) (a)
of this section to submit to one or more tests so designated by
the director of health if the circumstances of the violation
indicate probable cause to believe that the accused, if the
accused is infected with HIV, might have transmitted HIV to any
of the following persons in committing the violation:

(i) In relation to a request made by the prosecuting
attorney, to the victim or to any other person;

(ii) In relation to a request made by the victim, to the
victim making the request;

(iii) In relation to a request made by any other person,
to the person making the request.

(c) The results of a test conducted under division (B) (1)

(a) of this section shall be provided as soon as practicable to the victim, or the parent or guardian of the victim, and the accused. The results of any follow-up test conducted under that division also shall be provided as soon as practicable to the victim, or the parent or guardian of the victim, and the accused. The results of a test performed under division (B) (1) (b) of this section shall be communicated in confidence to the court, the court shall inform the accused of the result, and the court shall inform the victim that the test was performed and that the victim has a right to receive the results on request. Additionally, for a test under either division (B) (1) (a) or (b) of this section, all of the following apply:

(i) If the test was performed upon the request of a person other than the prosecutor in the case and other than the victim, the court shall inform the person who made the request that the test was performed and that the person has a right to receive the results upon request.

(ii) Regardless of who made the request that was the basis of the test being performed, if the court reasonably believes that, in circumstances related to the violation, a person other than the victim had contact with the accused that could have resulted in the transmission of HIV to that person, the court may inform that person that the test was performed and that the person has a right to receive the results of the test on request.

(iii) If the accused tests positive for HIV, the test results shall be reported to the department of health in accordance with section 3701.24 of the Revised Code and to the sheriff, head of the state correctional institution, or other person in charge of any jail or prison in which the accused is

incarcerated. 3462

(iv) If the accused tests positive for HIV and the accused 3463
was charged with, and was convicted of or pleaded guilty to, a 3464
violation of section 2907.24, 2907.241, or 2907.25 of the 3465
Revised Code or a violation of a municipal ordinance that is 3466
substantially equivalent to any of those sections, the test 3467
results also shall be reported to the law enforcement agency 3468
that arrested the accused, and the law enforcement agency may 3469
use the test results as the basis for any future charge of a 3470
violation of division (B) of any of those sections or a 3471
violation of a municipal ordinance that is substantially 3472
equivalent to division (B) of any of those sections. 3473

(v) Except as otherwise provided in the first paragraph in 3474
division (B) (1) (c) of this section or in division (B) (1) (c) (i), 3475
(ii), (iii), or (iv) of this section, no disclosure of the test 3476
results or the fact that a test was performed shall be made, 3477
other than as evidence in a grand jury proceeding or as evidence 3478
in a judicial proceeding in accordance with the Rules of 3479
Evidence. 3480

(vi) If the test result is negative, and the charge has 3481
not been dismissed or if the accused has been convicted of the 3482
charge or a different offense arising out of the same 3483
circumstances as the offense charged, the court shall order that 3484
the test be repeated not earlier than three months nor later 3485
than six months after the original test. 3486

(2) If an accused who is free on bond refuses to submit to 3487
a test ordered by the court pursuant to division (B) (1) of this 3488
section, the court may order that the accused's bond be revoked 3489
and that the accused be incarcerated until the test is 3490
performed. If an accused who is incarcerated refuses to submit 3491

to a test ordered by the court pursuant to division (B) (1) of 3492
this section, the court shall order the person in charge of the 3493
jail or prison in which the accused is incarcerated to take any 3494
action necessary to facilitate the performance of the test, 3495
including the forcible restraint of the accused for the purpose 3496
of drawing blood to be used in the test. 3497

(3) A state agency, a political subdivision of the state, 3498
or an employee of a state agency or of a political subdivision 3499
of the state is immune from liability in a civil action to 3500
recover damages for injury, death, or loss to person or property 3501
allegedly caused by any act or omission in connection with the 3502
performance of the duties required under division (B) (2) of this 3503
section unless the acts or omissions are with malicious purpose, 3504
in bad faith, or in a wanton or reckless manner. 3505

(C) Nothing in this section shall be construed to prevent 3506
a court in which a person is charged with any offense specified 3507
in division (A) (1) or (B) (1) (a) of this section from ordering at 3508
any time during which the complaint, information, or indictment 3509
is pending, that the accused submit to one or more appropriate 3510
tests to determine if the accused ~~is suffering from~~ has a 3511
venereal disease or ~~from~~ HIV. 3512

(D) As used in this section: 3513

(1) "Community control sanction" has the same meaning as 3514
in section 2929.01 of the Revised Code. 3515

(2) "HIV" means the human immunodeficiency virus. 3516

Sec. 2919.21. (A) No person shall abandon, or fail to 3517
provide adequate support to: 3518

(1) The person's spouse, as required by law; 3519

(2) The person's child who is under age eighteen, or 3520
~~mentally or physically handicapped~~the persons's child with a 3521
mental or physical disability who is under age twenty-one; 3522

(3) The person's aged or infirm parent or adoptive parent, 3523
who from lack of ability and means is unable to provide 3524
adequately for the parent's own support. 3525

(B) (1) No person shall abandon, or fail to provide support 3526
as established by a court order to, another person whom, by 3527
court order or decree, the person: 3528

(a) Is legally obligated to support; or 3529

(b) Was legally obligated to support, and an amount for 3530
support: 3531

(i) Was due and owing prior to the date the person's duty 3532
to pay current support terminated; and 3533

(ii) Remains unpaid. 3534

(2) The period of limitation under section 2901.13 of the 3535
Revised Code applicable to division (B) (1) (b) of this section 3536
shall begin to run on the date the person's duty to pay current 3537
support terminates. 3538

(C) No person shall aid, abet, induce, cause, encourage, 3539
or contribute to a child or a ward of the juvenile court 3540
becoming a dependent child, as defined in section 2151.04 of the 3541
Revised Code, or a neglected child, as defined in section 3542
2151.03 of the Revised Code. 3543

(D) It is an affirmative defense to a charge of failure to 3544
provide adequate support under division (A) of this section or a 3545
charge of failure to provide support established by a court 3546
order under division (B) of this section that the accused was 3547

unable to provide adequate support or the established support 3548
but did provide the support that was within the accused's 3549
ability and means. 3550

(E) It is an affirmative defense to a charge under 3551
division (A) (3) of this section that the parent abandoned the 3552
accused or failed to support the accused as required by law, 3553
while the accused was under age eighteen, or ~~was mentally had a~~ 3554
mental or physically handicapped physical disability and was 3555
under age twenty-one. 3556

(F) It is not a defense to a charge under division (B) of 3557
this section that the person whom a court has ordered the 3558
accused to support is being adequately supported by someone 3559
other than the accused. 3560

(G) (1) Except as otherwise provided in this division, 3561
whoever violates division (A) or (B) of this section is guilty 3562
of nonsupport of dependents, a misdemeanor of the first degree. 3563
If the offender previously has been convicted of or pleaded 3564
guilty to a violation of division (A) (2) or (B) of this section 3565
or if the offender has failed to provide support under division 3566
(A) (2) or (B) of this section for a total accumulated period of 3567
twenty-six weeks out of one hundred four consecutive weeks, 3568
whether or not the twenty-six weeks were consecutive, then a 3569
violation of division (A) (2) or (B) of this section is a felony 3570
of the fifth degree. If the offender previously has been 3571
convicted of or pleaded guilty to a felony violation of this 3572
section, a violation of division (A) (2) or (B) of this section 3573
is a felony of the fourth degree. 3574

If the violation of division (A) or (B) of this section is 3575
a felony, all of the following apply to the sentencing of the 3576
offender: 3577

(a) Except as otherwise provided in division (G) (1) (b) of 3578
this section, the court in imposing sentence on the offender 3579
shall first consider placing the offender on one or more 3580
community control sanctions under section 2929.16, 2929.17, or 3581
2929.18 of the Revised Code, with an emphasis under the 3582
sanctions on intervention for nonsupport, obtaining or 3583
maintaining employment, or another related condition. 3584

(b) The preference for placement on community control 3585
sanctions described in division (G) (1) (a) of this section does 3586
not apply to any offender to whom one or more of the following 3587
applies: 3588

(i) The court determines that the imposition of a prison 3589
term on the offender is consistent with the purposes and 3590
principles of sentencing set forth in section 2929.11 of the 3591
Revised Code. 3592

(ii) The offender previously was convicted of or pleaded 3593
guilty to a violation of this section that was a felony, and the 3594
offender was sentenced to a prison term for that violation. 3595

(iii) The offender previously was convicted of or pleaded 3596
guilty to a violation of this section that was a felony, the 3597
offender was sentenced to one or more community control 3598
sanctions of a type described in division (G) (1) (a) of this 3599
section for that violation, and the offender failed to comply 3600
with the conditions of any of those community control sanctions. 3601

(2) If the offender is guilty of nonsupport of dependents 3602
by reason of failing to provide support to the offender's child 3603
as required by a child support order issued on or after April 3604
15, 1985, pursuant to section 2151.23, 2151.231, 2151.232, 3605
2151.33, 3105.21, 3109.05, 3111.13, 3113.04, 3113.31, 3115.401, 3606

or former section 3115.31 of the Revised Code, the court, in 3607
addition to any other sentence imposed, shall assess all court 3608
costs arising out of the charge against the person and require 3609
the person to pay any reasonable attorney's fees of any adverse 3610
party other than the state, as determined by the court, that 3611
arose in relation to the charge. 3612

(3) Whoever violates division (C) of this section is 3613
guilty of contributing to the nonsupport of dependents, a 3614
misdemeanor of the first degree. Each day of violation of 3615
division (C) of this section is a separate offense. 3616

Sec. 2919.22. (A) No person, who is the parent, guardian, 3617
custodian, person having custody or control, or person in loco 3618
parentis of a child under eighteen years of age or a ~~mentally or~~ 3619
~~physically handicapped~~ child with a mental or physical 3620
disability under twenty-one years of age, shall create a 3621
substantial risk to the health or safety of the child, by 3622
violating a duty of care, protection, or support. It is not a 3623
violation of a duty of care, protection, or support under this 3624
division when the parent, guardian, custodian, or person having 3625
custody or control of a child treats the physical or mental 3626
illness or ~~defect~~ disability of the child by spiritual means 3627
through prayer alone, in accordance with the tenets of a 3628
recognized religious body. 3629

(B) No person shall do any of the following to a child 3630
under eighteen years of age or a ~~mentally or physically~~ 3631
~~handicapped~~ child with a mental or physical disability under 3632
twenty-one years of age: 3633

(1) Abuse the child; 3634

(2) Torture or cruelly abuse the child; 3635

(3) Administer corporal punishment or other physical 3636
disciplinary measure, or physically restrain the child in a 3637
cruel manner or for a prolonged period, which punishment, 3638
discipline, or restraint is excessive under the circumstances 3639
and creates a substantial risk of serious physical harm to the 3640
child; 3641

(4) Repeatedly administer unwarranted disciplinary 3642
measures to the child, when there is a substantial risk that 3643
such conduct, if continued, will seriously impair or retard the 3644
child's mental health or development; 3645

(5) Entice, coerce, permit, encourage, compel, hire, 3646
employ, use, or allow the child to act, model, or in any other 3647
way participate in, or be photographed for, the production, 3648
presentation, dissemination, or advertisement of any material or 3649
performance that the offender knows or reasonably should know is 3650
obscene, is sexually oriented matter, or is nudity-oriented 3651
matter; 3652

(6) Allow the child to be on the same parcel of real 3653
property and within one hundred feet of, or, in the case of more 3654
than one housing unit on the same parcel of real property, in 3655
the same housing unit and within one hundred feet of, any act in 3656
violation of section 2925.04 or 2925.041 of the Revised Code 3657
when the person knows that the act is occurring, whether or not 3658
any person is prosecuted for or convicted of the violation of 3659
section 2925.04 or 2925.041 of the Revised Code that is the 3660
basis of the violation of this division. 3661

(C) (1) No person shall operate a vehicle, streetcar, or 3662
trackless trolley within this state in violation of division (A) 3663
of section 4511.19 of the Revised Code when one or more children 3664
under eighteen years of age are in the vehicle, streetcar, or 3665

trackless trolley. Notwithstanding any other provision of law, a 3666
person may be convicted at the same trial or proceeding of a 3667
violation of this division and a violation of division (A) of 3668
section 4511.19 of the Revised Code that constitutes the basis 3669
of the charge of the violation of this division. For purposes of 3670
sections 4511.191 to 4511.197 of the Revised Code and all 3671
related provisions of law, a person arrested for a violation of 3672
this division shall be considered to be under arrest for 3673
operating a vehicle while under the influence of alcohol, a drug 3674
of abuse, or a combination of them or for operating a vehicle 3675
with a prohibited concentration of alcohol, a controlled 3676
substance, or a metabolite of a controlled substance in the 3677
whole blood, blood serum or plasma, breath, or urine. 3678

(2) As used in division (C) (1) of this section: 3679

(a) "Controlled substance" has the same meaning as in 3680
section 3719.01 of the Revised Code. 3681

(b) "Vehicle," "streetcar," and "trackless trolley" have 3682
the same meanings as in section 4511.01 of the Revised Code. 3683

(D) (1) Division (B) (5) of this section does not apply to 3684
any material or performance that is produced, presented, or 3685
disseminated for a bona fide medical, scientific, educational, 3686
religious, governmental, judicial, or other proper purpose, by 3687
or to a physician, psychologist, sociologist, scientist, 3688
teacher, person pursuing bona fide studies or research, 3689
librarian, member of the clergy, prosecutor, judge, or other 3690
person having a proper interest in the material or performance. 3691

(2) Mistake of age is not a defense to a charge under 3692
division (B) (5) of this section. 3693

(3) In a prosecution under division (B) (5) of this 3694

section, the trier of fact may infer that an actor, model, or 3695
participant in the material or performance involved is a 3696
juvenile if the material or performance, through its title, 3697
text, visual representation, or otherwise, represents or depicts 3698
the actor, model, or participant as a juvenile. 3699

(4) As used in this division and division (B) (5) of this 3700
section: 3701

(a) "Material," "performance," "obscene," and "sexual 3702
activity" have the same meanings as in section 2907.01 of the 3703
Revised Code. 3704

(b) "Nudity-oriented matter" means any material or 3705
performance that shows a minor in a state of nudity and that, 3706
taken as a whole by the average person applying contemporary 3707
community standards, appeals to prurient interest. 3708

(c) "Sexually oriented matter" means any material or 3709
performance that shows a minor participating or engaging in 3710
sexual activity, masturbation, or bestiality. 3711

(E) (1) Whoever violates this section is guilty of 3712
endangering children. 3713

(2) If the offender violates division (A) or (B) (1) of 3714
this section, endangering children is one of the following, and, 3715
in the circumstances described in division (E) (2) (e) of this 3716
section, that division applies: 3717

(a) Except as otherwise provided in division (E) (2) (b), 3718
(c), or (d) of this section, a misdemeanor of the first degree; 3719

(b) If the offender previously has been convicted of an 3720
offense under this section or of any offense involving neglect, 3721
abandonment, contributing to the delinquency of, or physical 3722

abuse of a child, except as otherwise provided in division (E) 3723
(2) (c) or (d) of this section, a felony of the fourth degree; 3724

(c) If the violation is a violation of division (A) of 3725
this section and results in serious physical harm to the child 3726
involved, a felony of the third degree; 3727

(d) If the violation is a violation of division (B) (1) of 3728
this section and results in serious physical harm to the child 3729
involved, a felony of the second degree. 3730

(e) If the violation is a felony violation of division (B) 3731
(1) of this section and the offender also is convicted of or 3732
pleads guilty to a specification as described in section 3733
2941.1422 of the Revised Code that was included in the 3734
indictment, count in the indictment, or information charging the 3735
offense, the court shall sentence the offender to a mandatory 3736
prison term as provided in division (B) (7) of section 2929.14 of 3737
the Revised Code and shall order the offender to make 3738
restitution as provided in division (B) (8) of section 2929.18 of 3739
the Revised Code. 3740

(3) If the offender violates division (B) (2), (3), (4), or 3741
(6) of this section, except as otherwise provided in this 3742
division, endangering children is a felony of the third degree. 3743
If the violation results in serious physical harm to the child 3744
involved, or if the offender previously has been convicted of an 3745
offense under this section or of any offense involving neglect, 3746
abandonment, contributing to the delinquency of, or physical 3747
abuse of a child, endangering children is a felony of the second 3748
degree. If the offender violates division (B) (2), (3), or (4) of 3749
this section and the offender also is convicted of or pleads 3750
guilty to a specification as described in section 2941.1422 of 3751
the Revised Code that was included in the indictment, count in 3752

the indictment, or information charging the offense, the court 3753
shall sentence the offender to a mandatory prison term as 3754
provided in division (B) (7) of section 2929.14 of the Revised 3755
Code and shall order the offender to make restitution as 3756
provided in division (B) (8) of section 2929.18 of the Revised 3757
Code. If the offender violates division (B) (6) of this section 3758
and the drug involved is methamphetamine, the court shall impose 3759
a mandatory prison term on the offender as follows: 3760

(a) If the violation is a violation of division (B) (6) of 3761
this section that is a felony of the third degree under division 3762
(E) (3) of this section and the drug involved is methamphetamine, 3763
except as otherwise provided in this division, the court shall 3764
impose as a mandatory prison term one of the prison terms 3765
prescribed for a felony of the third degree that is not less 3766
than two years. If the violation is a violation of division (B) 3767
(6) of this section that is a felony of the third degree under 3768
division (E) (3) of this section, if the drug involved is 3769
methamphetamine, and if the offender previously has been 3770
convicted of or pleaded guilty to a violation of division (B) (6) 3771
of this section, a violation of division (A) of section 2925.04 3772
of the Revised Code, or a violation of division (A) of section 3773
2925.041 of the Revised Code, the court shall impose as a 3774
mandatory prison term one of the prison terms prescribed for a 3775
felony of the third degree that is not less than five years. 3776

(b) If the violation is a violation of division (B) (6) of 3777
this section that is a felony of the second degree under 3778
division (E) (3) of this section and the drug involved is 3779
methamphetamine, except as otherwise provided in this division, 3780
the court shall impose as a mandatory prison term one of the 3781
definite prison terms prescribed for a felony of the second 3782
degree in division (A) (2) (b) of section 2929.14 of the Revised 3783

Code that is not less than three years, except that if the 3784
violation is committed on or after the effective date of this 3785
amendment, the court shall impose as the minimum prison term for 3786
the offense a mandatory prison term that is one of the minimum 3787
terms prescribed for a felony of the second degree in division 3788
(A) (2) (a) of that section that is not less than three years. If 3789
the violation is a violation of division (B) (6) of this section 3790
that is a felony of the second degree under division (E) (3) of 3791
this section, if the drug involved is methamphetamine, and if 3792
the offender previously has been convicted of or pleaded guilty 3793
to a violation of division (B) (6) of this section, a violation 3794
of division (A) of section 2925.04 of the Revised Code, or a 3795
violation of division (A) of section 2925.041 of the Revised 3796
Code, the court shall impose as a mandatory prison term one of 3797
the definite prison terms prescribed for a felony of the second 3798
degree in division (A) (2) (b) of section 2929.14 of the Revised 3799
Code that is not less than five years, except that if the 3800
violation is committed on or after ~~the effective date of this~~ 3801
~~amendment~~ March 22, 2019, the court shall impose as the minimum 3802
prison term for the offense a mandatory prison term that is one 3803
of the terms prescribed for a felony of the second degree in 3804
division (A) (2) (a) of that section that is not less than five 3805
years. 3806

(4) If the offender violates division (B) (5) of this 3807
section, endangering children is a felony of the second degree. 3808
If the offender also is convicted of or pleads guilty to a 3809
specification as described in section 2941.1422 of the Revised 3810
Code that was included in the indictment, count in the 3811
indictment, or information charging the offense, the court shall 3812
sentence the offender to a mandatory prison term as provided in 3813
division (B) (7) of section 2929.14 of the Revised Code and shall 3814

order the offender to make restitution as provided in division 3815
(B) (8) of section 2929.18 of the Revised Code. 3816

(5) If the offender violates division (C) of this section, 3817
the offender shall be punished as follows: 3818

(a) Except as otherwise provided in division (E) (5) (b) or 3819
(c) of this section, endangering children in violation of 3820
division (C) of this section is a misdemeanor of the first 3821
degree. 3822

(b) If the violation results in serious physical harm to 3823
the child involved or the offender previously has been convicted 3824
of an offense under this section or any offense involving 3825
neglect, abandonment, contributing to the delinquency of, or 3826
physical abuse of a child, except as otherwise provided in 3827
division (E) (5) (c) of this section, endangering children in 3828
violation of division (C) of this section is a felony of the 3829
fifth degree. 3830

(c) If the violation results in serious physical harm to 3831
the child involved and if the offender previously has been 3832
convicted of a violation of division (C) of this section, 3833
section 2903.06 or 2903.08 of the Revised Code, section 2903.07 3834
of the Revised Code as it existed prior to March 23, 2000, or 3835
section 2903.04 of the Revised Code in a case in which the 3836
offender was subject to the sanctions described in division (D) 3837
of that section, endangering children in violation of division 3838
(C) of this section is a felony of the fourth degree. 3839

(d) In addition to any term of imprisonment, fine, or 3840
other sentence, penalty, or sanction it imposes upon the 3841
offender pursuant to division (E) (5) (a), (b), or (c) of this 3842
section or pursuant to any other provision of law and in 3843

addition to any suspension of the offender's driver's or 3844
commercial driver's license or permit or nonresident operating 3845
privilege under Chapter 4506., 4509., 4510., or 4511. of the 3846
Revised Code or under any other provision of law, the court also 3847
may impose upon the offender a class seven suspension of the 3848
offender's driver's or commercial driver's license or permit or 3849
nonresident operating privilege from the range specified in 3850
division (A) (7) of section 4510.02 of the Revised Code. 3851

(e) In addition to any term of imprisonment, fine, or 3852
other sentence, penalty, or sanction imposed upon the offender 3853
pursuant to division (E) (5) (a), (b), (c), or (d) of this section 3854
or pursuant to any other provision of law for the violation of 3855
division (C) of this section, if as part of the same trial or 3856
proceeding the offender also is convicted of or pleads guilty to 3857
a separate charge charging the violation of division (A) of 3858
section 4511.19 of the Revised Code that was the basis of the 3859
charge of the violation of division (C) of this section, the 3860
offender also shall be sentenced in accordance with section 3861
4511.19 of the Revised Code for that violation of division (A) 3862
of section 4511.19 of the Revised Code. 3863

(F) (1) (a) A court may require an offender to perform not 3864
more than two hundred hours of supervised community service work 3865
under the authority of an agency, subdivision, or charitable 3866
organization. The requirement shall be part of the community 3867
control sanction or sentence of the offender, and the court 3868
shall impose the community service in accordance with and 3869
subject to divisions (F) (1) (a) and (b) of this section. The 3870
court may require an offender whom it requires to perform 3871
supervised community service work as part of the offender's 3872
community control sanction or sentence to pay the court a 3873
reasonable fee to cover the costs of the offender's 3874

participation in the work, including, but not limited to, the 3875
costs of procuring a policy or policies of liability insurance 3876
to cover the period during which the offender will perform the 3877
work. If the court requires the offender to perform supervised 3878
community service work as part of the offender's community 3879
control sanction or sentence, the court shall do so in 3880
accordance with the following limitations and criteria: 3881

(i) The court shall require that the community service 3882
work be performed after completion of the term of imprisonment 3883
or jail term imposed upon the offender for the violation of 3884
division (C) of this section, if applicable. 3885

(ii) The supervised community service work shall be 3886
subject to the limitations set forth in divisions (B) (1), (2), 3887
and (3) of section 2951.02 of the Revised Code. 3888

(iii) The community service work shall be supervised in 3889
the manner described in division (B) (4) of section 2951.02 of 3890
the Revised Code by an official or person with the 3891
qualifications described in that division. The official or 3892
person periodically shall report in writing to the court 3893
concerning the conduct of the offender in performing the work. 3894

(iv) The court shall inform the offender in writing that 3895
if the offender does not adequately perform, as determined by 3896
the court, all of the required community service work, the court 3897
may order that the offender be committed to a jail or workhouse 3898
for a period of time that does not exceed the term of 3899
imprisonment that the court could have imposed upon the offender 3900
for the violation of division (C) of this section, reduced by 3901
the total amount of time that the offender actually was 3902
imprisoned under the sentence or term that was imposed upon the 3903
offender for that violation and by the total amount of time that 3904

the offender was confined for any reason arising out of the 3905
offense for which the offender was convicted and sentenced as 3906
described in sections 2949.08 and 2967.191 of the Revised Code, 3907
and that, if the court orders that the offender be so committed, 3908
the court is authorized, but not required, to grant the offender 3909
credit upon the period of the commitment for the community 3910
service work that the offender adequately performed. 3911

(b) If a court, pursuant to division (F)(1)(a) of this 3912
section, orders an offender to perform community service work as 3913
part of the offender's community control sanction or sentence 3914
and if the offender does not adequately perform all of the 3915
required community service work, as determined by the court, the 3916
court may order that the offender be committed to a jail or 3917
workhouse for a period of time that does not exceed the term of 3918
imprisonment that the court could have imposed upon the offender 3919
for the violation of division (C) of this section, reduced by 3920
the total amount of time that the offender actually was 3921
imprisoned under the sentence or term that was imposed upon the 3922
offender for that violation and by the total amount of time that 3923
the offender was confined for any reason arising out of the 3924
offense for which the offender was convicted and sentenced as 3925
described in sections 2949.08 and 2967.191 of the Revised Code. 3926
The court may order that a person committed pursuant to this 3927
division shall receive hour-for-hour credit upon the period of 3928
the commitment for the community service work that the offender 3929
adequately performed. No commitment pursuant to this division 3930
shall exceed the period of the term of imprisonment that the 3931
sentencing court could have imposed upon the offender for the 3932
violation of division (C) of this section, reduced by the total 3933
amount of time that the offender actually was imprisoned under 3934
that sentence or term and by the total amount of time that the 3935

offender was confined for any reason arising out of the offense 3936
for which the offender was convicted and sentenced as described 3937
in sections 2949.08 and 2967.191 of the Revised Code. 3938

(2) Division (F) (1) of this section does not limit or 3939
affect the authority of the court to suspend the sentence 3940
imposed upon a misdemeanor offender and place the offender under 3941
a community control sanction pursuant to section 2929.25 of the 3942
Revised Code, to require a misdemeanor or felony offender to 3943
perform supervised community service work in accordance with 3944
division (B) of section 2951.02 of the Revised Code, or to place 3945
a felony offender under a community control sanction. 3946

(G) (1) If a court suspends an offender's driver's or 3947
commercial driver's license or permit or nonresident operating 3948
privilege under division (E) (5) (d) of this section, the period 3949
of the suspension shall be consecutive to, and commence after, 3950
the period of suspension of the offender's driver's or 3951
commercial driver's license or permit or nonresident operating 3952
privilege that is imposed under Chapter 4506., 4509., 4510., or 3953
4511. of the Revised Code or under any other provision of law in 3954
relation to the violation of division (C) of this section that 3955
is the basis of the suspension under division (E) (5) (d) of this 3956
section or in relation to the violation of division (A) of 3957
section 4511.19 of the Revised Code that is the basis for that 3958
violation of division (C) of this section. 3959

(2) An offender is not entitled to request, and the court 3960
shall not grant to the offender, limited driving privileges if 3961
the offender's license, permit, or privilege has been suspended 3962
under division (E) (5) (d) of this section and the offender, 3963
within the preceding six years, has been convicted of or pleaded 3964
guilty to three or more violations of one or more of the 3965

following:	3966
(a) Division (C) of this section;	3967
(b) Any equivalent offense, as defined in section 4511.181 of the Revised Code.	3968 3969
(H) (1) If a person violates division (C) of this section and if, at the time of the violation, there were two or more children under eighteen years of age in the motor vehicle involved in the violation, the offender may be convicted of a violation of division (C) of this section for each of the children, but the court may sentence the offender for only one of the violations.	3970 3971 3972 3973 3974 3975 3976
(2) (a) If a person is convicted of or pleads guilty to a violation of division (C) of this section but the person is not also convicted of and does not also plead guilty to a separate charge charging the violation of division (A) of section 4511.19 of the Revised Code that was the basis of the charge of the violation of division (C) of this section, both of the following apply:	3977 3978 3979 3980 3981 3982 3983
(i) For purposes of the provisions of section 4511.19 of the Revised Code that set forth the penalties and sanctions for a violation of division (A) of section 4511.19 of the Revised Code, the conviction of or plea of guilty to the violation of division (C) of this section shall not constitute a violation of division (A) of section 4511.19 of the Revised Code;	3984 3985 3986 3987 3988 3989
(ii) For purposes of any provision of law that refers to a conviction of or plea of guilty to a violation of division (A) of section 4511.19 of the Revised Code and that is not described in division (H) (2) (a) (i) of this section, the conviction of or plea of guilty to the violation of division (C) of this section	3990 3991 3992 3993 3994

shall constitute a conviction of or plea of guilty to a 3995
violation of division (A) of section 4511.19 of the Revised 3996
Code. 3997

(b) If a person is convicted of or pleads guilty to a 3998
violation of division (C) of this section and the person also is 3999
convicted of or pleads guilty to a separate charge charging the 4000
violation of division (A) of section 4511.19 of the Revised Code 4001
that was the basis of the charge of the violation of division 4002
(C) of this section, the conviction of or plea of guilty to the 4003
violation of division (C) of this section shall not constitute, 4004
for purposes of any provision of law that refers to a conviction 4005
of or plea of guilty to a violation of division (A) of section 4006
4511.19 of the Revised Code, a conviction of or plea of guilty 4007
to a violation of division (A) of section 4511.19 of the Revised 4008
Code. 4009

(I) As used in this section: 4010

(1) "Community control sanction" has the same meaning as 4011
in section 2929.01 of the Revised Code; 4012

(2) "Limited driving privileges" has the same meaning as 4013
in section 4501.01 of the Revised Code; 4014

(3) "Methamphetamine" has the same meaning as in section 4015
2925.01 of the Revised Code. 4016

Sec. 2919.23. (A) No person, knowing the person is without 4017
privilege to do so or being reckless in that regard, shall 4018
entice, take, keep, or harbor a person identified in division 4019
(A) (1), (2), or (3) of this section from the parent, guardian, 4020
or custodian of the person identified in division (A) (1), (2), 4021
or (3) of this section: 4022

(1) A child under the age of eighteen, or a ~~mentally or~~ 4023

~~physically handicapped child with a mental or physical~~ 4024
~~disability~~ under the age of twenty-one; 4025

(2) A person committed by law to an institution for 4026
delinquent, unruly, neglected, abused, or dependent children; 4027

(3) A person committed by law to an institution for ~~the~~ 4028
~~mentally ill persons with mental illnesses~~ or an institution for 4029
persons with intellectual disabilities. 4030

(B) No person shall aid, abet, induce, cause, or encourage 4031
a child or a ward of the juvenile court who has been committed 4032
to the custody of any person, department, or public or private 4033
institution to leave the custody of that person, department, or 4034
institution without legal consent. 4035

(C) It is an affirmative defense to a charge of enticing 4036
or taking under division (A) (1) of this section, that the actor 4037
reasonably believed that the actor's conduct was necessary to 4038
preserve the child's health or safety. It is an affirmative 4039
defense to a charge of keeping or harboring under division (A) 4040
of this section, that the actor in good faith gave notice to law 4041
enforcement or judicial authorities within a reasonable time 4042
after the child or committed person came under the actor's 4043
shelter, protection, or influence. 4044

(D) (1) Whoever violates this section is guilty of 4045
interference with custody. 4046

(2) Except as otherwise provided in this division, a 4047
violation of division (A) (1) of this section is a misdemeanor of 4048
the first degree. If the child who is the subject of a violation 4049
of division (A) (1) of this section is removed from the state or 4050
if the offender previously has been convicted of an offense 4051
under this section, a violation of division (A) (1) of this 4052

section is a felony of the fifth degree. If the child who is the 4053
subject of a violation of division (A) (1) of this section 4054
suffers physical harm as a result of the violation, a violation 4055
of division (A) (1) of this section is a felony of the fourth 4056
degree. 4057

(3) A violation of division (A) (2) or (3) of this section 4058
is a misdemeanor of the third degree. 4059

(4) A violation of division (B) of this section is a 4060
misdemeanor of the first degree. Each day of violation of 4061
division (B) of this section is a separate offense. 4062

Sec. 2921.22. (A) (1) Except as provided in division (A) (2) 4063
of this section, no person, knowing that a felony has been or is 4064
being committed, shall knowingly fail to report such information 4065
to law enforcement authorities. 4066

(2) No person, knowing that a violation of division (B) of 4067
section 2913.04 of the Revised Code has been, or is being 4068
committed or that the person has received information derived 4069
from such a violation, shall knowingly fail to report the 4070
violation to law enforcement authorities. 4071

(B) Except for conditions that are within the scope of 4072
division (E) of this section, no person giving aid to a sick or 4073
injured person shall negligently fail to report to law 4074
enforcement authorities any gunshot or stab wound treated or 4075
observed by the person, or any serious physical harm to persons 4076
that the person knows or has reasonable cause to believe 4077
resulted from an offense of violence. 4078

(C) No person who discovers the body or acquires the first 4079
knowledge of the death of a person shall fail to report the 4080
death immediately to a physician or advanced practice registered 4081

nurse whom the person knows to be treating the deceased for a 4082
condition from which death at such time would not be unexpected, 4083
or to a law enforcement officer, an ambulance service, an 4084
emergency squad, or the coroner in a political subdivision in 4085
which the body is discovered, the death is believed to have 4086
occurred, or knowledge concerning the death is obtained. For 4087
purposes of this division, "advanced practice registered nurse" 4088
does not include a certified registered nurse anesthetist. 4089

(D) No person shall fail to provide upon request of the 4090
person to whom a report required by division (C) of this section 4091
was made, or to any law enforcement officer who has reasonable 4092
cause to assert the authority to investigate the circumstances 4093
surrounding the death, any facts within the person's knowledge 4094
that may have a bearing on the investigation of the death. 4095

(E) (1) As used in this division, "burn injury" means any 4096
of the following: 4097

(a) Second or third degree burns; 4098

(b) Any burns to the upper respiratory tract or laryngeal 4099
edema due to the inhalation of superheated air; 4100

(c) Any burn injury or wound that may result in death; 4101

(d) Any physical harm to persons caused by or as the 4102
result of the use of fireworks, novelties and trick noisemakers, 4103
and wire sparklers, as each is defined by section 3743.01 of the 4104
Revised Code. 4105

(2) No physician, nurse, physician assistant, or limited 4106
practitioner who, outside a hospital, sanitarium, or other 4107
medical facility, attends or treats a person who has sustained a 4108
burn injury that is inflicted by an explosion or other 4109
incendiary device or that shows evidence of having been 4110

inflicted in a violent, malicious, or criminal manner shall fail 4111
to report the burn injury immediately to the local arson, or 4112
fire and explosion investigation, bureau, if there is a bureau 4113
of this type in the jurisdiction in which the person is attended 4114
or treated, or otherwise to local law enforcement authorities. 4115

(3) No manager, superintendent, or other person in charge 4116
of a hospital, sanitarium, or other medical facility in which a 4117
person is attended or treated for any burn injury that is 4118
inflicted by an explosion or other incendiary device or that 4119
shows evidence of having been inflicted in a violent, malicious, 4120
or criminal manner shall fail to report the burn injury 4121
immediately to the local arson, or fire and explosion 4122
investigation, bureau, if there is a bureau of this type in the 4123
jurisdiction in which the person is attended or treated, or 4124
otherwise to local law enforcement authorities. 4125

(4) No person who is required to report any burn injury 4126
under division (E) (2) or (3) of this section shall fail to file, 4127
within three working days after attending or treating the 4128
victim, a written report of the burn injury with the office of 4129
the state fire marshal. The report shall comply with the uniform 4130
standard developed by the state fire marshal pursuant to 4131
division (A) (15) of section 3737.22 of the Revised Code. 4132

(5) Anyone participating in the making of reports under 4133
division (E) of this section or anyone participating in a 4134
judicial proceeding resulting from the reports is immune from 4135
any civil or criminal liability that otherwise might be incurred 4136
or imposed as a result of such actions. Notwithstanding section 4137
4731.22 of the Revised Code, the physician-patient relationship 4138
or advanced practice registered nurse-patient relationship is 4139
not a ground for excluding evidence regarding a person's burn 4140

injury or the cause of the burn injury in any judicial 4141
proceeding resulting from a report submitted under division (E) 4142
of this section. 4143

(F) (1) Any doctor of medicine or osteopathic medicine, 4144
hospital intern or resident, nurse, psychologist, social worker, 4145
independent social worker, social work assistant, licensed 4146
professional clinical counselor, licensed professional 4147
counselor, independent marriage and family therapist, or 4148
marriage and family therapist who knows or has reasonable cause 4149
to believe that a patient or client has been the victim of 4150
domestic violence, as defined in section 3113.31 of the Revised 4151
Code, shall note that knowledge or belief and the basis for it 4152
in the patient's or client's records. 4153

(2) Notwithstanding section 4731.22 of the Revised Code, 4154
the physician-patient privilege or advanced practice registered 4155
nurse-patient privilege shall not be a ground for excluding any 4156
information regarding the report containing the knowledge or 4157
belief noted under division (F) (1) of this section, and the 4158
information may be admitted as evidence in accordance with the 4159
Rules of Evidence. 4160

(G) Divisions (A) and (D) of this section do not require 4161
disclosure of information, when any of the following applies: 4162

(1) The information is privileged by reason of the 4163
relationship between attorney and client; physician and patient; 4164
advanced practice registered nurse and patient; licensed 4165
psychologist or licensed school psychologist and client; 4166
licensed professional clinical counselor, licensed professional 4167
counselor, independent social worker, social worker, independent 4168
marriage and family therapist, or marriage and family therapist 4169
and client; member of the clergy, rabbi, minister, or priest and 4170

any person communicating information confidentially to the 4171
member of the clergy, rabbi, minister, or priest for a religious 4172
counseling purpose of a professional character; husband and 4173
wife; or a communications assistant and those who are a party to 4174
a telecommunications relay service call. 4175

(2) The information would tend to incriminate a member of 4176
the actor's immediate family. 4177

(3) Disclosure of the information would amount to 4178
revealing a news source, privileged under section 2739.04 or 4179
2739.12 of the Revised Code. 4180

(4) Disclosure of the information would amount to 4181
disclosure by a member of the ordained clergy of an organized 4182
religious body of a confidential communication made to that 4183
member of the clergy in that member's capacity as a member of 4184
the clergy by a person seeking the aid or counsel of that member 4185
of the clergy. 4186

(5) Disclosure would amount to revealing information 4187
acquired by the actor in the course of the actor's duties in 4188
connection with a bona fide program of treatment or services for 4189
~~drug dependent persons~~ with drug dependencies or persons in 4190
danger of drug dependence, which program is maintained or 4191
conducted by a hospital, clinic, person, agency, or community 4192
addiction services provider whose alcohol and drug addiction 4193
services are certified pursuant to section 5119.36 of the 4194
Revised Code. 4195

(6) Disclosure would amount to revealing information 4196
acquired by the actor in the course of the actor's duties in 4197
connection with a bona fide program for providing counseling 4198
services to victims of crimes that are violations of section 4199

2907.02 or 2907.05 of the Revised Code or to victims of 4200
felonious sexual penetration in violation of former section 4201
2907.12 of the Revised Code. As used in this division, 4202
"counseling services" include services provided in an informal 4203
setting by a person who, by education or experience, is 4204
competent to provide those services. 4205

(H) No disclosure of information pursuant to this section 4206
gives rise to any liability or recrimination for a breach of 4207
privilege or confidence. 4208

(I) Whoever violates division (A) or (B) of this section 4209
is guilty of failure to report a crime. Violation of division 4210
(A) (1) of this section is a misdemeanor of the fourth degree. 4211
Violation of division (A) (2) or (B) of this section is a 4212
misdemeanor of the second degree. 4213

(J) Whoever violates division (C) or (D) of this section 4214
is guilty of failure to report knowledge of a death, a 4215
misdemeanor of the fourth degree. 4216

(K) (1) Whoever negligently violates division (E) of this 4217
section is guilty of a minor misdemeanor. 4218

(2) Whoever knowingly violates division (E) of this 4219
section is guilty of a misdemeanor of the second degree. 4220

(L) As used in this section, "nurse" includes an advanced 4221
practice registered nurse, registered nurse, and licensed 4222
practical nurse. 4223

Sec. 2921.321. (A) No person shall knowingly cause, or 4224
attempt to cause, physical harm to a police dog or horse in 4225
either of the following circumstances: 4226

(1) The police dog or horse is assisting a law enforcement 4227

officer in the performance of the officer's official duties at	4228
the time the physical harm is caused or attempted.	4229
(2) The police dog or horse is not assisting a law	4230
enforcement officer in the performance of the officer's official	4231
duties at the time the physical harm is caused or attempted, but	4232
the offender has actual knowledge that the dog or horse is a	4233
police dog or horse.	4234
(B) No person shall recklessly do any of the following:	4235
(1) Taunt, torment, or strike a police dog or horse;	4236
(2) Throw an object or substance at a police dog or horse;	4237
(3) Interfere with or obstruct a police dog or horse, or	4238
interfere with or obstruct a law enforcement officer who is	4239
being assisted by a police dog or horse, in a manner that does	4240
any of the following:	4241
(a) Inhibits or restricts the law enforcement officer's	4242
control of the police dog or horse;	4243
(b) Deprives the law enforcement officer of control of the	4244
police dog or horse;	4245
(c) Releases the police dog or horse from its area of	4246
control;	4247
(d) Enters the area of control of the police dog or horse	4248
without the consent of the law enforcement officer, including	4249
placing food or any other object or substance into that area;	4250
(e) Inhibits or restricts the ability of the police dog or	4251
horse to assist a law enforcement officer.	4252
(4) Engage in any conduct that is likely to cause serious	4253
physical injury or death to a police dog or horse;	4254

(5) If the person is the owner, keeper, or harbinger of a dog, fail to reasonably restrain the dog from taunting, tormenting, chasing, approaching in a menacing fashion or apparent attitude of attack, or attempting to bite or otherwise endanger a police dog or horse that at the time of the conduct, the police dog or horse is assisting a law enforcement officer in the performance of the officer's duties or that the person knows is a police dog or horse.

(C) No person shall knowingly cause, or attempt to cause, physical harm to an assistance dog in either of the following circumstances:

(1) The dog, at the time the physical harm is caused or attempted, is assisting or serving a person who is blind, deaf, or hearing impaired, ~~or a person with a mobility impaired person~~ at the time the physical harm is caused or attempted impairment.

(2) The dog, at the time the physical harm is caused or attempted, is not assisting or serving a person who is blind, deaf, or hearing impaired, ~~or a person with a mobility impaired person~~ at the time the physical harm is caused or attempted impairment, but the offender has actual knowledge that the dog is an assistance dog.

(D) No person shall recklessly do any of the following:

(1) Taunt, torment, or strike an assistance dog;

(2) Throw an object or substance at an assistance dog;

(3) Interfere with or obstruct an assistance dog, or interfere with or obstruct a person who is blind, deaf, or hearing impaired, ~~or a person with a mobility impaired person~~ impairment who is being assisted or served by an assistance dog, in a manner that does any of the following:

(a) Inhibits or restricts the assisted or served person's control of the dog;	4284 4285
(b) Deprives the assisted or served person of control of the dog;	4286 4287
(c) Releases the dog from its area of control;	4288
(d) Enters the area of control of the dog without the consent of the assisted or served person, including placing food or any other object or substance into that area;	4289 4290 4291
(e) Inhibits or restricts the ability of the dog to assist the assisted or served person.	4292 4293
(4) Engage in any conduct that is likely to cause serious physical injury or death to an assistance dog;	4294 4295
(5) If the person is the owner, keeper, or harbinger of a dog, fail to reasonably restrain the dog from taunting, tormenting, chasing, approaching in a menacing fashion or apparent attitude of attack, or attempting to bite or otherwise endanger an assistance dog that at the time of the conduct is assisting or serving a <u>person who is blind, deaf, or hearing impaired</u> , or a person with a mobility impaired person impairment or that the person knows is an assistance dog.	4296 4297 4298 4299 4300 4301 4302 4303
(E) (1) Whoever violates division (A) of this section is guilty of assaulting a police dog or horse, and shall be punished as provided in divisions (E) (1) (a) and (b) of this section.	4304 4305 4306 4307
(a) Except as otherwise provided in this division, assaulting a police dog or horse is a misdemeanor of the second degree. If the violation results in the death of the police dog or horse, assaulting a police dog or horse is a felony of the	4308 4309 4310 4311

third degree and the court shall impose as a mandatory prison 4312
term one of the definite prison terms prescribed in division (A) 4313
(3) (b) of section 2929.14 of the Revised Code for a felony of 4314
the third degree. If the violation results in serious physical 4315
harm to the police dog or horse other than its death, assaulting 4316
a police dog or horse is a felony of the fourth degree. If the 4317
violation results in physical harm to the police dog or horse 4318
other than death or serious physical harm, assaulting a police 4319
dog or horse is a misdemeanor of the first degree. 4320

(b) In addition to any other sanction imposed for 4321
assaulting a police dog or horse, if the violation of division 4322
(A) of this section results in the death of the police dog or 4323
horse, the sentencing court shall impose as a financial sanction 4324
a mandatory fine under division (B) (10) of section 2929.18 of 4325
the Revised Code. The fine shall be paid to the law enforcement 4326
agency that was served by the police dog or horse that was 4327
killed, and shall be used by that agency only for one or more of 4328
the following purposes: 4329

(i) If the dog or horse was not owned by the agency, the 4330
payment to the owner of the dog or horse of the cost of the dog 4331
or horse and the cost of the training of the dog or horse to 4332
qualify it as a police dog or horse, if that cost has not 4333
previously been paid by the agency; 4334

(ii) After payment of the costs described in division (E) 4335
(1) (b) (i) of this section, if applicable, payment of the cost of 4336
replacing the dog or horse that was killed; 4337

(iii) After payment of the costs described in division (E) 4338
(1) (b) (i) of this section, if applicable, payment of the cost of 4339
training the replacement dog or horse to qualify it as a police 4340
dog or horse; 4341

(iv) After payment of the costs described in division (E) 4342
(1) (b) (i) of this section, if applicable, payment of the cost of 4343
further training of the replacement dog or horse that is needed 4344
to train it to the level of training that had been achieved by 4345
the dog or horse that was killed. 4346

(2) Whoever violates division (B) of this section is 4347
guilty of harassing a police dog or horse. Except as otherwise 4348
provided in this division, harassing a police dog or horse is a 4349
misdemeanor of the second degree. If the violation results in 4350
the death of the police dog or horse, harassing a police dog or 4351
horse is a felony of the third degree. If the violation results 4352
in serious physical harm to the police dog or horse, but does 4353
not result in its death, harassing a police dog or horse, is a 4354
felony of the fourth degree. If the violation results in 4355
physical harm to the police dog or horse, but does not result in 4356
its death or in serious physical harm to it, harassing a police 4357
dog or horse is a misdemeanor of the first degree. 4358

(3) Whoever violates division (C) of this section is 4359
guilty of assaulting an assistance dog. Except as otherwise 4360
provided in this division, assaulting an assistance dog is a 4361
misdemeanor of the second degree. If the violation results in 4362
the death of the assistance dog, assaulting an assistance dog is 4363
a felony of the third degree. If the violation results in 4364
serious physical harm to the assistance dog other than its 4365
death, assaulting an assistance dog is a felony of the fourth 4366
degree. If the violation results in physical harm to the 4367
assistance dog other than death or serious physical harm, 4368
assaulting an assistance dog is a misdemeanor of the first 4369
degree. 4370

(4) Whoever violates division (D) of this section is 4371

guilty of harassing an assistance dog. Except as otherwise 4372
provided in this division, harassing an assistance dog is a 4373
misdemeanor of the second degree. If the violation results in 4374
the death of the assistance dog, harassing an assistance dog is 4375
a felony of the third degree. If the violation results in 4376
serious physical harm to the assistance dog, but does not result 4377
in its death, harassing an assistance dog is a felony of the 4378
fourth degree. If the violation results in physical harm to the 4379
assistance dog, but does not result in its death or in serious 4380
physical harm to it, harassing an assistance dog is a 4381
misdemeanor of the first degree. 4382

(5) In addition to any other sanction or penalty imposed 4383
for the offense under this section, Chapter 2929., or any other 4384
provision of the Revised Code, whoever violates division (A), 4385
(B), (C), or (D) of this section is responsible for the payment 4386
of all of the following: 4387

(a) Any veterinary bill or bill for medication incurred as 4388
a result of the violation by the police department regarding a 4389
violation of division (A) or (B) of this section or by the 4390
person who is blind, deaf, or hearing impaired, or the person 4391
with a mobility impaired person impairment assisted or served by 4392
the assistance dog regarding a violation of division (C) or (D) 4393
of this section; 4394

(b) The cost of any damaged equipment that results from 4395
the violation; 4396

(c) If the violation did not result in the death of the 4397
police dog or horse or the assistance dog that was the subject 4398
of the violation and if, as a result of that dog or horse being 4399
the subject of the violation, the dog or horse needs further 4400
training or retraining to be able to continue in the capacity of 4401

a police dog or horse or an assistance dog, the cost of any 4402
further training or retraining of that dog or horse by a law 4403
enforcement officer or by the person who is blind, deaf, or 4404
hearing impaired, ~~or the person with a mobility impaired person-~~ 4405
~~impairment~~ assisted or served by the assistance dog; 4406

(d) If the violation resulted in the death of the 4407
assistance dog that was the subject of the violation or resulted 4408
in serious physical harm to the police dog or horse or the 4409
assistance dog or horse that was the subject of the violation to 4410
the extent that the dog or horse needs to be replaced on either 4411
a temporary or a permanent basis, the cost of replacing that dog 4412
or horse and of any further training of a new police dog or 4413
horse or a new assistance dog by a law enforcement officer or by 4414
the person who is blind, deaf, or hearing impaired, or the 4415
person with a mobility impaired person-impairment assisted or 4416
served by the assistance dog, which replacement or training is 4417
required because of the death of or the serious physical harm to 4418
the dog or horse that was the subject of the violation. 4419

(F) This section does not apply to a licensed veterinarian 4420
whose conduct is in accordance with Chapter 4741. of the Revised 4421
Code. 4422

(G) This section only applies to an offender who knows or 4423
should know at the time of the violation that the police dog or 4424
horse or assistance dog that is the subject of a violation under 4425
this section is a police dog or horse or an assistance dog. 4426

(H) As used in this section: 4427

(1) "Physical harm" means any injury, illness, or other 4428
physiological impairment, regardless of its gravity or duration. 4429

(2) "Police dog or horse" means a dog or horse that has 4430

been trained, and may be used, to assist law enforcement 4431
officers in the performance of their official duties. 4432

(3) "Serious physical harm" means any of the following: 4433

(a) Any physical harm that carries a substantial risk of 4434
death; 4435

(b) Any physical harm that causes permanent maiming or 4436
that involves some temporary, substantial maiming; 4437

(c) Any physical harm that causes acute pain of a duration 4438
that results in substantial suffering. 4439

(4) "Assistance dog," "blind," and ~~"mobility impaired-~~ 4440
~~person"~~ "person with a mobility impairment" have the same 4441
meanings as in section 955.011 of the Revised Code. 4442

Sec. 2923.125. It is the intent of the general assembly 4443
that Ohio concealed handgun license law be compliant with the 4444
national instant criminal background check system, that the 4445
bureau of alcohol, tobacco, firearms, and explosives is able to 4446
determine that Ohio law is compliant with the national instant 4447
criminal background check system, and that no person shall be 4448
eligible to receive a concealed handgun license permit under 4449
section 2923.125 or 2923.1213 of the Revised Code unless the 4450
person is eligible lawfully to receive or possess a firearm in 4451
the United States. 4452

(A) This section applies with respect to the application 4453
for and issuance by this state of concealed handgun licenses 4454
other than concealed handgun licenses on a temporary emergency 4455
basis that are issued under section 2923.1213 of the Revised 4456
Code. Upon the request of a person who wishes to obtain a 4457
concealed handgun license with respect to which this section 4458
applies or to renew a concealed handgun license with respect to 4459

which this section applies, a sheriff, as provided in division 4460
(I) of this section, shall provide to the person free of charge 4461
an application form and the web site address at which a 4462
printable version of the application form that can be downloaded 4463
and the pamphlet described in division (B) of section 109.731 of 4464
the Revised Code may be found. A sheriff shall accept a 4465
completed application form and the fee, items, materials, and 4466
information specified in divisions (B)(1) to (5) of this section 4467
at the times and in the manners described in division (I) of 4468
this section. 4469

(B) An applicant for a concealed handgun license who is a 4470
resident of this state shall submit a completed application form 4471
and all of the material and information described in divisions 4472
(B)(1) to (6) of this section to the sheriff of the county in 4473
which the applicant resides or to the sheriff of any county 4474
adjacent to the county in which the applicant resides. An 4475
applicant for a license who resides in another state shall 4476
submit a completed application form and all of the material and 4477
information described in divisions (B)(1) to (7) of this section 4478
to the sheriff of the county in which the applicant is employed 4479
or to the sheriff of any county adjacent to the county in which 4480
the applicant is employed: 4481

(1)(a) A nonrefundable license fee as described in either 4482
of the following: 4483

(i) For an applicant who has been a resident of this state 4484
for five or more years, a fee of sixty-seven dollars; 4485

(ii) For an applicant who has been a resident of this 4486
state for less than five years or who is not a resident of this 4487
state, but who is employed in this state, a fee of sixty-seven 4488
dollars plus the actual cost of having a background check 4489

performed by the federal bureau of investigation. 4490

(b) No sheriff shall require an applicant to pay for the 4491
cost of a background check performed by the bureau of criminal 4492
identification and investigation. 4493

(c) A sheriff shall waive the payment of the license fee 4494
described in division (B) (1) (a) of this section in connection 4495
with an initial or renewal application for a license that is 4496
submitted by an applicant who is an active or reserve member of 4497
the armed forces of the United States or has retired from or was 4498
honorably discharged from military service in the active or 4499
reserve armed forces of the United States, a retired peace 4500
officer, a retired person described in division (B) (1) (b) of 4501
section 109.77 of the Revised Code, or a retired federal law 4502
enforcement officer who, prior to retirement, was authorized 4503
under federal law to carry a firearm in the course of duty, 4504
unless the retired peace officer, person, or federal law 4505
enforcement officer retired as the result of a mental 4506
disability. 4507

(d) The sheriff shall deposit all fees paid by an 4508
applicant under division (B) (1) (a) of this section into the 4509
sheriff's concealed handgun license issuance fund established 4510
pursuant to section 311.42 of the Revised Code. The county shall 4511
distribute the fees in accordance with section 311.42 of the 4512
Revised Code. 4513

(2) A color photograph of the applicant that was taken 4514
within thirty days prior to the date of the application; 4515

(3) One or more of the following competency 4516
certifications, each of which shall reflect that, regarding a 4517
certification described in division (B) (3) (a), (b), (c), (e), or 4518

(f) of this section, within the three years immediately 4519
preceding the application the applicant has performed that to 4520
which the competency certification relates and that, regarding a 4521
certification described in division (B) (3) (d) of this section, 4522
the applicant currently is an active or reserve member of the 4523
armed forces of the United States, the applicant has retired 4524
from or was honorably discharged from military service in the 4525
active or reserve armed forces of the United States, or within 4526
the ten years immediately preceding the application the 4527
retirement of the peace officer, person described in division 4528
(B) (1) (b) of section 109.77 of the Revised Code, or federal law 4529
enforcement officer to which the competency certification 4530
relates occurred: 4531

(a) An original or photocopy of a certificate of 4532
completion of a firearms safety, training, or requalification or 4533
firearms safety instructor course, class, or program that was 4534
offered by or under the auspices of a national gun advocacy 4535
organization and that complies with the requirements set forth 4536
in division (G) of this section; 4537

(b) An original or photocopy of a certificate of 4538
completion of a firearms safety, training, or requalification or 4539
firearms safety instructor course, class, or program that 4540
satisfies all of the following criteria: 4541

(i) It was open to members of the general public. 4542

(ii) It utilized qualified instructors who were certified 4543
by a national gun advocacy organization, the executive director 4544
of the Ohio peace officer training commission pursuant to 4545
section 109.75 or 109.78 of the Revised Code, or a governmental 4546
official or entity of another state. 4547

(iii) It was offered by or under the auspices of a law enforcement agency of this or another state or the United States, a public or private college, university, or other similar postsecondary educational institution located in this or another state, a firearms training school located in this or another state, or another type of public or private entity or organization located in this or another state.

(iv) It complies with the requirements set forth in division (G) of this section.

(c) An original or photocopy of a certificate of completion of a state, county, municipal, or department of natural resources peace officer training school that is approved by the executive director of the Ohio peace officer training commission pursuant to section 109.75 of the Revised Code and that complies with the requirements set forth in division (G) of this section, or the applicant has satisfactorily completed and been issued a certificate of completion of a basic firearms training program, a firearms requalification training program, or another basic training program described in section 109.78 or 109.801 of the Revised Code that complies with the requirements set forth in division (G) of this section;

(d) A document that evidences both of the following:

(i) That the applicant is an active or reserve member of the armed forces of the United States, has retired from or was honorably discharged from military service in the active or reserve armed forces of the United States, is a retired trooper of the state highway patrol, or is a retired peace officer or federal law enforcement officer described in division (B) (1) of this section or a retired person described in division (B) (1) (b) of section 109.77 of the Revised Code and division (B) (1) of

this section; 4578

(ii) That, through participation in the military service 4579
or through the former employment described in division (B) (3) (d) 4580
(i) of this section, the applicant acquired experience with 4581
handling handguns or other firearms, and the experience so 4582
acquired was equivalent to training that the applicant could 4583
have acquired in a course, class, or program described in 4584
division (B) (3) (a), (b), or (c) of this section. 4585

(e) A certificate or another similar document that 4586
evidences satisfactory completion of a firearms training, 4587
safety, or requalification or firearms safety instructor course, 4588
class, or program that is not otherwise described in division 4589
(B) (3) (a), (b), (c), or (d) of this section, that was conducted 4590
by an instructor who was certified by an official or entity of 4591
the government of this or another state or the United States or 4592
by a national gun advocacy organization, and that complies with 4593
the requirements set forth in division (G) of this section; 4594

(f) An affidavit that attests to the applicant's 4595
satisfactory completion of a course, class, or program described 4596
in division (B) (3) (a), (b), (c), or (e) of this section and that 4597
is subscribed by the applicant's instructor or an authorized 4598
representative of the entity that offered the course, class, or 4599
program or under whose auspices the course, class, or program 4600
was offered; 4601

(g) A document that evidences that the applicant has 4602
successfully completed the Ohio peace officer training program 4603
described in section 109.79 of the Revised Code. 4604

(4) A certification by the applicant that the applicant 4605
has read the pamphlet prepared by the Ohio peace officer 4606

training commission pursuant to section 109.731 of the Revised Code that reviews firearms, dispute resolution, and use of deadly force matters.

(5) A set of fingerprints of the applicant provided as described in section 311.41 of the Revised Code through use of an electronic fingerprint reading device or, if the sheriff to whom the application is submitted does not possess and does not have ready access to the use of such a reading device, on a standard impression sheet prescribed pursuant to division (C) (2) of section 109.572 of the Revised Code.

(6) If the applicant is not a citizen or national of the United States, the name of the applicant's country of citizenship and the applicant's alien registration number issued by the United States citizenship and immigration services agency.

(7) If the applicant resides in another state, adequate proof of employment in Ohio.

(C) Upon receipt of the completed application form, supporting documentation, and, if not waived, license fee of an applicant under this section, a sheriff, in the manner specified in section 311.41 of the Revised Code, shall conduct or cause to be conducted the criminal records check and the incompetency records check described in section 311.41 of the Revised Code.

(D) (1) Except as provided in division (D) (3) of this section, within forty-five days after a sheriff's receipt of an applicant's completed application form for a concealed handgun license under this section, the supporting documentation, and, if not waived, the license fee, the sheriff shall make available through the law enforcement automated data system in accordance

with division (H) of this section the information described in 4636
that division and, upon making the information available through 4637
the system, shall issue to the applicant a concealed handgun 4638
license that shall expire as described in division (D) (2) (a) of 4639
this section if all of the following apply: 4640

(a) The applicant is legally living in the United States. 4641
For purposes of division (D) (1) (a) of this section, if a person 4642
is absent from the United States in compliance with military or 4643
naval orders as an active or reserve member of the armed forces 4644
of the United States and if prior to leaving the United States 4645
the person was legally living in the United States, the person, 4646
solely by reason of that absence, shall not be considered to 4647
have lost the person's status as living in the United States. 4648

(b) The applicant is at least twenty-one years of age. 4649

(c) The applicant is not a fugitive from justice. 4650

(d) The applicant is not under indictment for or otherwise 4651
charged with a felony; an offense under Chapter 2925., 3719., or 4652
4729. of the Revised Code that involves the illegal possession, 4653
use, sale, administration, or distribution of or trafficking in 4654
a drug of abuse; a misdemeanor offense of violence; or a 4655
violation of section 2903.14 or 2923.1211 of the Revised Code. 4656

(e) Except as otherwise provided in division (D) (4) or (5) 4657
of this section, the applicant has not been convicted of or 4658
pleaded guilty to a felony or an offense under Chapter 2925., 4659
3719., or 4729. of the Revised Code that involves the illegal 4660
possession, use, sale, administration, or distribution of or 4661
trafficking in a drug of abuse; has not been adjudicated a 4662
delinquent child for committing an act that if committed by an 4663
adult would be a felony or would be an offense under Chapter 4664

2925., 3719., or 4729. of the Revised Code that involves the 4665
illegal possession, use, sale, administration, or distribution 4666
of or trafficking in a drug of abuse; has not been convicted of, 4667
pleaded guilty to, or adjudicated a delinquent child for 4668
committing a violation of section 2903.13 of the Revised Code 4669
when the victim of the violation is a peace officer, regardless 4670
of whether the applicant was sentenced under division (C) (4) of 4671
that section; and has not been convicted of, pleaded guilty to, 4672
or adjudicated a delinquent child for committing any other 4673
offense that is not previously described in this division that 4674
is a misdemeanor punishable by imprisonment for a term exceeding 4675
one year. 4676

(f) Except as otherwise provided in division (D) (4) or (5) 4677
of this section, the applicant, within three years of the date 4678
of the application, has not been convicted of or pleaded guilty 4679
to a misdemeanor offense of violence other than a misdemeanor 4680
violation of section 2921.33 of the Revised Code or a violation 4681
of section 2903.13 of the Revised Code when the victim of the 4682
violation is a peace officer, or a misdemeanor violation of 4683
section 2923.1211 of the Revised Code; and has not been 4684
adjudicated a delinquent child for committing an act that if 4685
committed by an adult would be a misdemeanor offense of violence 4686
other than a misdemeanor violation of section 2921.33 of the 4687
Revised Code or a violation of section 2903.13 of the Revised 4688
Code when the victim of the violation is a peace officer or for 4689
committing an act that if committed by an adult would be a 4690
misdemeanor violation of section 2923.1211 of the Revised Code. 4691

(g) Except as otherwise provided in division (D) (1) (e) of 4692
this section, the applicant, within five years of the date of 4693
the application, has not been convicted of, pleaded guilty to, 4694
or adjudicated a delinquent child for committing two or more 4695

violations of section 2903.13 or 2903.14 of the Revised Code. 4696

(h) Except as otherwise provided in division (D) (4) or (5) 4697
of this section, the applicant, within ten years of the date of 4698
the application, has not been convicted of, pleaded guilty to, 4699
or adjudicated a delinquent child for committing a violation of 4700
section 2921.33 of the Revised Code. 4701

(i) The applicant ~~has not been adjudicated as a mental-~~ 4702
~~defective,~~ has not been committed to any mental institution, is 4703
not under adjudication of mental incompetence, has not been 4704
found by a court to be a ~~mentally ill person with a mental~~ 4705
illness subject to court order, and is not an involuntary 4706
patient other than one who is a patient only for purposes of 4707
observation. As used in this division, "~~mentally ill person with~~ 4708
a mental illness subject to court order" and "patient" have the 4709
same meanings as in section 5122.01 of the Revised Code. 4710

(j) The applicant is not currently subject to a civil 4711
protection order, a temporary protection order, or a protection 4712
order issued by a court of another state. 4713

(k) The applicant certifies that the applicant desires a 4714
legal means to carry a concealed handgun for defense of the 4715
applicant or a member of the applicant's family while engaged in 4716
lawful activity. 4717

(l) The applicant submits a competency certification of 4718
the type described in division (B) (3) of this section and 4719
submits a certification of the type described in division (B) (4) 4720
of this section regarding the applicant's reading of the 4721
pamphlet prepared by the Ohio peace officer training commission 4722
pursuant to section 109.731 of the Revised Code. 4723

(m) The applicant currently is not subject to a suspension 4724

imposed under division (A) (2) of section 2923.128 of the Revised Code of a concealed handgun license that previously was issued to the applicant under this section or section 2923.1213 of the Revised Code or a similar suspension imposed by another state regarding a concealed handgun license issued by that state.

(n) If the applicant resides in another state, the applicant is employed in this state.

(o) The applicant certifies that the applicant is not an unlawful user of or addicted to any controlled substance as defined in 21 U.S.C. 802.

(p) If the applicant is not a United States citizen, the applicant is an alien and has not been admitted to the United States under a nonimmigrant visa, as defined in the "Immigration and Nationality Act," 8 U.S.C. 1101(a) (26).

(q) The applicant has not been discharged from the armed forces of the United States under dishonorable conditions.

(r) The applicant certifies that the applicant has not renounced the applicant's United States citizenship, if applicable.

(s) The applicant has not been convicted of, pleaded guilty to, or adjudicated a delinquent child for committing a violation of section 2919.25 of the Revised Code or a similar violation in another state.

(2) (a) A concealed handgun license that a sheriff issues under division (D) (1) of this section shall expire five years after the date of issuance.

If a sheriff issues a license under this section, the sheriff shall place on the license a unique combination of

letters and numbers identifying the license in accordance with 4753
the procedure prescribed by the Ohio peace officer training 4754
commission pursuant to section 109.731 of the Revised Code. 4755

(b) If a sheriff denies an application under this section 4756
because the applicant does not satisfy the criteria described in 4757
division (D) (1) of this section, the sheriff shall specify the 4758
grounds for the denial in a written notice to the applicant. The 4759
applicant may appeal the denial pursuant to section 119.12 of 4760
the Revised Code in the county served by the sheriff who denied 4761
the application. If the denial was as a result of the criminal 4762
records check conducted pursuant to section 311.41 of the 4763
Revised Code and if, pursuant to section 2923.127 of the Revised 4764
Code, the applicant challenges the criminal records check 4765
results using the appropriate challenge and review procedure 4766
specified in that section, the time for filing the appeal 4767
pursuant to section 119.12 of the Revised Code and this division 4768
is tolled during the pendency of the request or the challenge 4769
and review. 4770

(c) If the court in an appeal under section 119.12 of the 4771
Revised Code and division (D) (2) (b) of this section enters a 4772
judgment sustaining the sheriff's refusal to grant to the 4773
applicant a concealed handgun license, the applicant may file a 4774
new application beginning one year after the judgment is 4775
entered. If the court enters a judgment in favor of the 4776
applicant, that judgment shall not restrict the authority of a 4777
sheriff to suspend or revoke the license pursuant to section 4778
2923.128 or 2923.1213 of the Revised Code or to refuse to renew 4779
the license for any proper cause that may occur after the date 4780
the judgment is entered. In the appeal, the court shall have 4781
full power to dispose of all costs. 4782

(3) If the sheriff with whom an application for a
concealed handgun license was filed under this section becomes
aware that the applicant has been arrested for or otherwise
charged with an offense that would disqualify the applicant from
holding the license, the sheriff shall suspend the processing of
the application until the disposition of the case arising from
the arrest or charge.

(4) If an applicant has been convicted of or pleaded
guilty to an offense identified in division (D)(1)(e), (f), or
(h) of this section or has been adjudicated a delinquent child
for committing an act or violation identified in any of those
divisions, and if a court has ordered the sealing or expungement
of the records of that conviction, guilty plea, or adjudication
pursuant to sections 2151.355 to 2151.358, sections 2953.31 to
2953.36, or section 2953.37 of the Revised Code or the applicant
has been relieved under operation of law or legal process from
the disability imposed pursuant to section 2923.13 of the
Revised Code relative to that conviction, guilty plea, or
adjudication, the sheriff with whom the application was
submitted shall not consider the conviction, guilty plea, or
adjudication in making a determination under division (D)(1) or
(F) of this section or, in relation to an application for a
concealed handgun license on a temporary emergency basis
submitted under section 2923.1213 of the Revised Code, in making
a determination under division (B)(2) of that section.

(5) If an applicant has been convicted of or pleaded
guilty to a minor misdemeanor offense or has been adjudicated a
delinquent child for committing an act or violation that is a
minor misdemeanor offense, the sheriff with whom the application
was submitted shall not consider the conviction, guilty plea, or
adjudication in making a determination under division (D)(1) or

(F) of this section or, in relation to an application for a
concealed handgun license on a temporary basis submitted under
section 2923.1213 of the Revised Code, in making a determination
under division (B) (2) of that section.

(E) If a concealed handgun license issued under this
section is lost or is destroyed, the licensee may obtain from
the sheriff who issued that license a duplicate license upon the
payment of a fee of fifteen dollars and the submission of an
affidavit attesting to the loss or destruction of the license.
The sheriff, in accordance with the procedures prescribed in
section 109.731 of the Revised Code, shall place on the
replacement license a combination of identifying numbers
different from the combination on the license that is being
replaced.

(F) (1) (a) Except as provided in division (F) (1) (b) of this
section, a licensee who wishes to renew a concealed handgun
license issued under this section may do so at any time before
the expiration date of the license or at any time after the
expiration date of the license by filing with the sheriff of the
county in which the applicant resides or with the sheriff of an
adjacent county, or in the case of an applicant who resides in
another state with the sheriff of the county that issued the
applicant's previous concealed handgun license an application
for renewal of the license obtained pursuant to division (D) of
this section, a certification by the applicant that, subsequent
to the issuance of the license, the applicant has reread the
pamphlet prepared by the Ohio peace officer training commission
pursuant to section 109.731 of the Revised Code that reviews
firearms, dispute resolution, and use of deadly force matters,
and a nonrefundable license renewal fee in an amount determined
pursuant to division (F) (4) of this section unless the fee is

waived. 4845

(b) A person on active duty in the armed forces of the 4846
United States or in service with the peace corps, volunteers in 4847
service to America, or the foreign service of the United States 4848
is exempt from the license requirements of this section for the 4849
period of the person's active duty or service and for six months 4850
thereafter, provided the person was a licensee under this 4851
section at the time the person commenced the person's active 4852
duty or service or had obtained a license while on active duty 4853
or service. The spouse or a dependent of any such person on 4854
active duty or in service also is exempt from the license 4855
requirements of this section for the period of the person's 4856
active duty or service and for six months thereafter, provided 4857
the spouse or dependent was a licensee under this section at the 4858
time the person commenced the active duty or service or had 4859
obtained a license while the person was on active duty or 4860
service, and provided further that the person's active duty or 4861
service resulted in the spouse or dependent relocating outside 4862
of this state during the period of the active duty or service. 4863
This division does not prevent such a person or the person's 4864
spouse or dependent from making an application for the renewal 4865
of a concealed handgun license during the period of the person's 4866
active duty or service. 4867

(2) A sheriff shall accept a completed renewal 4868
application, the license renewal fee, and the information 4869
specified in division (F)(1) of this section at the times and in 4870
the manners described in division (I) of this section. Upon 4871
receipt of a completed renewal application, of certification 4872
that the applicant has reread the specified pamphlet prepared by 4873
the Ohio peace officer training commission, and of a license 4874
renewal fee unless the fee is waived, a sheriff, in the manner 4875

specified in section 311.41 of the Revised Code shall conduct or 4876
cause to be conducted the criminal records check and the 4877
incompetency records check described in section 311.41 of the 4878
Revised Code. The sheriff shall renew the license if the sheriff 4879
determines that the applicant continues to satisfy the 4880
requirements described in division (D) (1) of this section, 4881
except that the applicant is not required to meet the 4882
requirements of division (D) (1) (1) of this section. A renewed 4883
license shall expire five years after the date of issuance. A 4884
renewed license is subject to division (E) of this section and 4885
sections 2923.126 and 2923.128 of the Revised Code. A sheriff 4886
shall comply with divisions (D) (2) and (3) of this section when 4887
the circumstances described in those divisions apply to a 4888
requested license renewal. If a sheriff denies the renewal of a 4889
concealed handgun license, the applicant may appeal the denial, 4890
or challenge the criminal record check results that were the 4891
basis of the denial if applicable, in the same manner as 4892
specified in division (D) (2) (b) of this section and in section 4893
2923.127 of the Revised Code, regarding the denial of a license 4894
under this section. 4895

(3) A renewal application submitted pursuant to division 4896
(F) of this section shall only require the licensee to list on 4897
the application form information and matters occurring since the 4898
date of the licensee's last application for a license pursuant 4899
to division (B) or (F) of this section. A sheriff conducting the 4900
criminal records check and the incompetency records check 4901
described in section 311.41 of the Revised Code shall conduct 4902
the check only from the date of the licensee's last application 4903
for a license pursuant to division (B) or (F) of this section 4904
through the date of the renewal application submitted pursuant 4905
to division (F) of this section. 4906

(4) An applicant for a renewal concealed handgun license 4907
under this section shall submit to the sheriff of the county in 4908
which the applicant resides or to the sheriff of any county 4909
adjacent to the county in which the applicant resides, or in the 4910
case of an applicant who resides in another state to the sheriff 4911
of the county that issued the applicant's previous concealed 4912
handgun license, a nonrefundable license fee as described in 4913
either of the following: 4914

(a) For an applicant who has been a resident of this state 4915
for five or more years, a fee of fifty dollars; 4916

(b) For an applicant who has been a resident of this state 4917
for less than five years or who is not a resident of this state 4918
but who is employed in this state, a fee of fifty dollars plus 4919
the actual cost of having a background check performed by the 4920
federal bureau of investigation. 4921

(5) The concealed handgun license of a licensee who is no 4922
longer a resident of this state or no longer employed in this 4923
state, as applicable, is valid until the date of expiration on 4924
the license, and the licensee is prohibited from renewing the 4925
concealed handgun license. 4926

(G) (1) Each course, class, or program described in 4927
division (B) (3) (a), (b), (c), or (e) of this section shall 4928
provide to each person who takes the course, class, or program 4929
the web site address at which the pamphlet prepared by the Ohio 4930
peace officer training commission pursuant to section 109.731 of 4931
the Revised Code that reviews firearms, dispute resolution, and 4932
use of deadly force matters may be found. Each such course, 4933
class, or program described in one of those divisions shall 4934
include at least eight hours of training in the safe handling 4935
and use of a firearm that shall include training, provided as 4936

described in division (G) (3) of this section, on all of the 4937
following: 4938

(a) The ability to name, explain, and demonstrate the 4939
rules for safe handling of a handgun and proper storage 4940
practices for handguns and ammunition; 4941

(b) The ability to demonstrate and explain how to handle 4942
ammunition in a safe manner; 4943

(c) The ability to demonstrate the knowledge, skills, and 4944
attitude necessary to shoot a handgun in a safe manner; 4945

(d) Gun handling training; 4946

(e) A minimum of two hours of in-person training that 4947
consists of range time and live-fire training. 4948

(2) To satisfactorily complete the course, class, or 4949
program described in division (B) (3) (a), (b), (c), or (e) of 4950
this section, the applicant shall pass a competency examination 4951
that shall include both of the following: 4952

(a) A written section, provided as described in division 4953
(G) (3) of this section, on the ability to name and explain the 4954
rules for the safe handling of a handgun and proper storage 4955
practices for handguns and ammunition; 4956

(b) An in-person physical demonstration of competence in 4957
the use of a handgun and in the rules for safe handling and 4958
storage of a handgun and a physical demonstration of the 4959
attitude necessary to shoot a handgun in a safe manner. 4960

(3) (a) Except as otherwise provided in this division, the 4961
training specified in division (G) (1) (a) of this section shall 4962
be provided to the person receiving the training in person by an 4963
instructor. If the training specified in division (G) (1) (a) of 4964

this section is provided by a course, class, or program 4965
described in division (B) (3) (a) of this section, or it is 4966
provided by a course, class, or program described in division 4967
(B) (3) (b), (c), or (e) of this section and the instructor is a 4968
qualified instructor certified by a national gun advocacy 4969
organization, the training so specified, other than the training 4970
that requires the person receiving the training to demonstrate 4971
handling abilities, may be provided online or as a combination 4972
of in-person and online training, as long as the online training 4973
includes an interactive component that regularly engages the 4974
person. 4975

(b) Except as otherwise provided in this division, the 4976
written section of the competency examination specified in 4977
division (G) (2) (a) of this section shall be administered to the 4978
person taking the competency examination in person by an 4979
instructor. If the training specified in division (G) (1) (a) of 4980
this section is provided to the person receiving the training by 4981
a course, class, or program described in division (B) (3) (a) of 4982
this section, or it is provided by a course, class, or program 4983
described in division (B) (3) (b), (c), or (e) of this section and 4984
the instructor is a qualified instructor certified by a national 4985
gun advocacy organization, the written section of the competency 4986
examination specified in division (G) (2) (a) of this section may 4987
be administered online, as long as the online training includes 4988
an interactive component that regularly engages the person. 4989

(4) The competency certification described in division (B) 4990
(3) (a), (b), (c), or (e) of this section shall be dated and 4991
shall attest that the course, class, or program the applicant 4992
successfully completed met the requirements described in 4993
division (G) (1) of this section and that the applicant passed 4994
the competency examination described in division (G) (2) of this 4995

section. 4996

(H) Upon deciding to issue a concealed handgun license, 4997
deciding to issue a replacement concealed handgun license, or 4998
deciding to renew a concealed handgun license pursuant to this 4999
section, and before actually issuing or renewing the license, 5000
the sheriff shall make available through the law enforcement 5001
automated data system all information contained on the license. 5002
If the license subsequently is suspended under division (A) (1) 5003
or (2) of section 2923.128 of the Revised Code, revoked pursuant 5004
to division (B) (1) of section 2923.128 of the Revised Code, or 5005
lost or destroyed, the sheriff also shall make available through 5006
the law enforcement automated data system a notation of that 5007
fact. The superintendent of the state highway patrol shall 5008
ensure that the law enforcement automated data system is so 5009
configured as to permit the transmission through the system of 5010
the information specified in this division. 5011

(I) (1) A sheriff shall accept a completed application form 5012
or renewal application, and the fee, items, materials, and 5013
information specified in divisions (B) (1) to (5) or division (F) 5014
of this section, whichever is applicable, and shall provide an 5015
application form or renewal application to any person during at 5016
least fifteen hours a week and shall provide the web site 5017
address at which a printable version of the application form 5018
that can be downloaded and the pamphlet described in division 5019
(B) of section 109.731 of the Revised Code may be found at any 5020
time, upon request. The sheriff shall post notice of the hours 5021
during which the sheriff is available to accept or provide the 5022
information described in this division. 5023

(2) A sheriff shall transmit a notice to the attorney 5024
general, in a manner determined by the attorney general, every 5025

time a license is issued that waived payment under division (B) 5026
(1) (c) of this section for an applicant who is an active or 5027
reserve member of the armed forces of the United States or has 5028
retired from or was honorably discharged from military service 5029
in the active or reserve armed forces of the United States. The 5030
attorney general shall monitor and inform sheriffs issuing 5031
licenses under this section when the amount of license fee 5032
payments waived and transmitted to the attorney general reach 5033
one million five hundred thousand dollars each year. Once a 5034
sheriff is informed that the payments waived reached one million 5035
five hundred thousand dollars in any year, a sheriff shall no 5036
longer waive payment of a license fee for an applicant who is an 5037
active or reserve member of the armed forces of the United 5038
States or has retired from or was honorably discharged from 5039
military service in the active or reserve armed forces of the 5040
United States for the remainder of that year. 5041

Sec. 2923.128. (A) (1) (a) If a licensee holding a valid 5042
concealed handgun license is arrested for or otherwise charged 5043
with an offense described in division (D) (1) (d) of section 5044
2923.125 of the Revised Code or with a violation of section 5045
2923.15 of the Revised Code or becomes subject to a temporary 5046
protection order or to a protection order issued by a court of 5047
another state that is substantially equivalent to a temporary 5048
protection order, the sheriff who issued the license shall 5049
suspend it and shall comply with division (A) (3) of this section 5050
upon becoming aware of the arrest, charge, or protection order. 5051
Upon suspending the license, the sheriff also shall comply with 5052
division (H) of section 2923.125 of the Revised Code. 5053

(b) A suspension under division (A) (1) (a) of this section 5054
shall be considered as beginning on the date that the licensee 5055
is arrested for or otherwise charged with an offense described 5056

in that division or on the date the appropriate court issued the protection order described in that division, irrespective of when the sheriff notifies the licensee under division (A) (3) of this section. The suspension shall end on the date on which the charges are dismissed or the licensee is found not guilty of the offense described in division (A) (1) (a) of this section or, subject to division (B) of this section, on the date the appropriate court terminates the protection order described in that division. If the suspension so ends, the sheriff shall return the license or temporary emergency license to the licensee.

(2) (a) If a licensee holding a valid concealed handgun license is convicted of or pleads guilty to a misdemeanor violation of division (B) (1), (2), or (4) of section 2923.12 of the Revised Code or of division (E) (1), (2), (3), or (5) of section 2923.16 of the Revised Code, except as provided in division (A) (2) (c) of this section and subject to division (C) of this section, the sheriff who issued the license shall suspend it and shall comply with division (A) (3) of this section upon becoming aware of the conviction or guilty plea. Upon suspending the license, the sheriff also shall comply with division (H) of section 2923.125 of the Revised Code.

(b) A suspension under division (A) (2) (a) of this section shall be considered as beginning on the date that the licensee is convicted of or pleads guilty to the offense described in that division, irrespective of when the sheriff notifies the licensee under division (A) (3) of this section. If the suspension is imposed for a misdemeanor violation of division (B) (1) or (2) of section 2923.12 of the Revised Code or of division (E) (1), (2), or (3) of section 2923.16 of the Revised Code, it shall end on the date that is one year after the date

that the licensee is convicted of or pleads guilty to that 5088
violation. If the suspension is imposed for a misdemeanor 5089
violation of division (B) (4) of section 2923.12 of the Revised 5090
Code or of division (E) (5) of section 2923.16 of the Revised 5091
Code, it shall end on the date that is two years after the date 5092
that the licensee is convicted of or pleads guilty to that 5093
violation. If the licensee's license was issued under section 5094
2923.125 of the Revised Code and the license remains valid after 5095
the suspension ends as described in this division, when the 5096
suspension ends, the sheriff shall return the license to the 5097
licensee. If the licensee's license was issued under section 5098
2923.125 of the Revised Code and the license expires before the 5099
suspension ends as described in this division, or if the 5100
licensee's license was issued under section 2923.1213 of the 5101
Revised Code, the licensee is not eligible to apply for a new 5102
license under section 2923.125 or 2923.1213 of the Revised Code 5103
or to renew the license under section 2923.125 of the Revised 5104
Code until after the suspension ends as described in this 5105
division. 5106

(c) The license of a licensee who is convicted of or 5107
pleads guilty to a violation of division (B) (1) of section 5108
2923.12 or division (E) (1) or (2) of section 2923.16 of the 5109
Revised Code shall not be suspended pursuant to division (A) (2) 5110
(a) of this section if, at the time of the stop of the licensee 5111
for a law enforcement purpose, for a traffic stop, or for a 5112
purpose defined in section 5503.34 of the Revised Code that was 5113
the basis of the violation, any law enforcement officer involved 5114
with the stop or the employee of the motor carrier enforcement 5115
unit who made the stop had actual knowledge of the licensee's 5116
status as a licensee. 5117

(3) Upon becoming aware of an arrest, charge, or 5118

protection order described in division (A) (1) (a) of this section 5119
with respect to a licensee who was issued a concealed handgun 5120
license, or a conviction of or plea of guilty to a misdemeanor 5121
offense described in division (A) (2) (a) of this section with 5122
respect to a licensee who was issued a concealed handgun license 5123
and with respect to which division (A) (2) (c) of this section 5124
does not apply, subject to division (C) of this section, the 5125
sheriff who issued the licensee's license shall notify the 5126
licensee, by certified mail, return receipt requested, at the 5127
licensee's last known residence address that the license has 5128
been suspended and that the licensee is required to surrender 5129
the license at the sheriff's office within ten days of the date 5130
on which the notice was mailed. If the suspension is pursuant to 5131
division (A) (2) of this section, the notice shall identify the 5132
date on which the suspension ends. 5133

(B) (1) A sheriff who issues a concealed handgun license to 5134
a licensee shall revoke the license in accordance with division 5135
(B) (2) of this section upon becoming aware that the licensee 5136
satisfies any of the following: 5137

(a) The licensee is under twenty-one years of age. 5138

(b) Subject to division (C) of this section, at the time 5139
of the issuance of the license, the licensee did not satisfy the 5140
eligibility requirements of division (D) (1) (c), (d), (e), (f), 5141
(g), or (h) of section 2923.125 of the Revised Code. 5142

(c) Subject to division (C) of this section, on or after 5143
the date on which the license was issued, the licensee is 5144
convicted of or pleads guilty to a violation of section 2923.15 5145
of the Revised Code or an offense described in division (D) (1) 5146
(e), (f), (g), or (h) of section 2923.125 of the Revised Code. 5147

(d) On or after the date on which the license was issued, 5148
the licensee becomes subject to a civil protection order or to a 5149
protection order issued by a court of another state that is 5150
substantially equivalent to a civil protection order. 5151

(e) The licensee knowingly carries a concealed handgun 5152
into a place that the licensee knows is an unauthorized place 5153
specified in division (B) of section 2923.126 of the Revised 5154
Code. 5155

(f) On or after the date on which the license was issued, 5156
the licensee is ~~adjudicated as a~~ under adjudication of mental 5157
~~defective~~ incompetence or is committed to a mental institution. 5158

(g) At the time of the issuance of the license, the 5159
licensee did not meet the residency requirements described in 5160
division (D)(1) of section 2923.125 of the Revised Code and 5161
currently does not meet the residency requirements described in 5162
that division. 5163

(h) Regarding a license issued under section 2923.125 of 5164
the Revised Code, the competency certificate the licensee 5165
submitted was forged or otherwise was fraudulent. 5166

(2) Upon becoming aware of any circumstance listed in 5167
division (B)(1) of this section that applies to a particular 5168
licensee who was issued a concealed handgun license, subject to 5169
division (C) of this section, the sheriff who issued the license 5170
to the licensee shall notify the licensee, by certified mail, 5171
return receipt requested, at the licensee's last known residence 5172
address that the license is subject to revocation and that the 5173
licensee may come to the sheriff's office and contest the 5174
sheriff's proposed revocation within fourteen days of the date 5175
on which the notice was mailed. After the fourteen-day period 5176

and after consideration of any information that the licensee 5177
provides during that period, if the sheriff determines on the 5178
basis of the information of which the sheriff is aware that the 5179
licensee is described in division (B) (1) of this section and no 5180
longer satisfies the requirements described in division (D) (1) 5181
of section 2923.125 of the Revised Code that are applicable to 5182
the licensee's type of license, the sheriff shall revoke the 5183
license, notify the licensee of that fact, and require the 5184
licensee to surrender the license. Upon revoking the license, 5185
the sheriff also shall comply with division (H) of section 5186
2923.125 of the Revised Code. 5187

(C) If a sheriff who issues a concealed handgun license to 5188
a licensee becomes aware that at the time of the issuance of the 5189
license the licensee had been convicted of or pleaded guilty to 5190
an offense identified in division (D) (1) (e), (f), or (h) of 5191
section 2923.125 of the Revised Code or had been adjudicated a 5192
delinquent child for committing an act or violation identified 5193
in any of those divisions or becomes aware that on or after the 5194
date on which the license was issued the licensee has been 5195
convicted of or pleaded guilty to an offense identified in 5196
division (A) (2) (a) or (B) (1) (c) of this section, the sheriff 5197
shall not consider that conviction, guilty plea, or adjudication 5198
as having occurred for purposes of divisions (A) (2), (A) (3), (B) 5199
(1), and (B) (2) of this section if a court has ordered the 5200
sealing or expungement of the records of that conviction, guilty 5201
plea, or adjudication pursuant to sections 2151.355 to 2151.358 5202
or sections 2953.31 to 2953.36 of the Revised Code or the 5203
licensee has been relieved under operation of law or legal 5204
process from the disability imposed pursuant to section 2923.13 5205
of the Revised Code relative to that conviction, guilty plea, or 5206
adjudication. 5207

(D) As used in this section, "motor carrier enforcement unit" has the same meaning as in section 2923.16 of the Revised Code. 5208
5209
5210

Sec. 2923.1213. (A) As used in this section: 5211

(1) "Evidence of imminent danger" means any of the following: 5212
5213

(a) A statement sworn by the person seeking to carry a concealed handgun that is made under threat of perjury and that states that the person has reasonable cause to fear a criminal attack upon the person or a member of the person's family, such as would justify a prudent person in going armed; 5214
5215
5216
5217
5218

(b) A written document prepared by a governmental entity or public official describing the facts that give the person seeking to carry a concealed handgun reasonable cause to fear a criminal attack upon the person or a member of the person's family, such as would justify a prudent person in going armed. Written documents of this nature include, but are not limited to, any temporary protection order, civil protection order, protection order issued by another state, or other court order, any court report, and any report filed with or made by a law enforcement agency or prosecutor. 5219
5220
5221
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5228

(2) "Prosecutor" has the same meaning as in section 2935.01 of the Revised Code. 5229
5230

(B) (1) A person seeking a concealed handgun license on a temporary emergency basis shall submit to the sheriff of the county in which the person resides or, if the person usually resides in another state, to the sheriff of the county in which the person is temporarily staying, all of the following: 5231
5232
5233
5234
5235

(a) Evidence of imminent danger to the person or a member 5236

of the person's family; 5237

(b) A sworn affidavit that contains all of the information 5238
required to be on the license and attesting that the person is 5239
legally living in the United States; is at least twenty-one 5240
years of age; is not a fugitive from justice; is not under 5241
indictment for or otherwise charged with an offense identified 5242
in division (D) (1) (d) of section 2923.125 of the Revised Code; 5243
has not been convicted of or pleaded guilty to an offense, and 5244
has not been adjudicated a delinquent child for committing an 5245
act, identified in division (D) (1) (e) of that section and to 5246
which division (B) (3) of this section does not apply; within 5247
three years of the date of the submission, has not been 5248
convicted of or pleaded guilty to an offense, and has not been 5249
adjudicated a delinquent child for committing an act, identified 5250
in division (D) (1) (f) of that section and to which division (B) 5251
(3) of this section does not apply; within five years of the 5252
date of the submission, has not been convicted of, pleaded 5253
guilty, or adjudicated a delinquent child for committing two or 5254
more violations identified in division (D) (1) (g) of that 5255
section; within ten years of the date of the submission, has not 5256
been convicted of, pleaded guilty, or adjudicated a delinquent 5257
child for committing a violation identified in division (D) (1) 5258
(h) of that section and to which division (B) (3) of this section 5259
does not apply; ~~has not been adjudicated as a mental defective,~~ 5260
has not been committed to any mental institution, is not under 5261
adjudication of mental incompetence, has not been found by a 5262
court to be a ~~mentally ill person~~ with a mental illness subject 5263
to court order, and is not an involuntary patient other than one 5264
who is a patient only for purposes of observation, as described 5265
in division (D) (1) (i) of that section; is not currently subject 5266
to a civil protection order, a temporary protection order, or a 5267

protection order issued by a court of another state, as 5268
described in division (D) (1) (j) of that section; is not 5269
currently subject to a suspension imposed under division (A) (2) 5270
of section 2923.128 of the Revised Code of a concealed handgun 5271
license that previously was issued to the person or a similar 5272
suspension imposed by another state regarding a concealed 5273
handgun license issued by that state; is not an unlawful user of 5274
or addicted to any controlled substance as defined in 21 U.S.C. 5275
802; if applicable, is an alien and has not been admitted to the 5276
United States under a nonimmigrant visa, as defined in the 5277
"Immigration and Nationality Act," 8 U.S.C. 1101(a) (26); has not 5278
been discharged from the armed forces of the United States under 5279
dishonorable conditions; if applicable, has not renounced the 5280
applicant's United States citizenship; and has not been 5281
convicted of, pleaded guilty to, or been adjudicated a 5282
delinquent child for committing a violation identified in 5283
division (D) (1) (s) of section 2923.125 of the Revised Code; 5284

(c) A nonrefundable temporary emergency license fee as 5285
described in either of the following: 5286

(i) For an applicant who has been a resident of this state 5287
for five or more years, a fee of fifteen dollars plus the actual 5288
cost of having a background check performed by the bureau of 5289
criminal identification and investigation pursuant to section 5290
311.41 of the Revised Code; 5291

(ii) For an applicant who has been a resident of this 5292
state for less than five years or who is not a resident of this 5293
state, but is temporarily staying in this state, a fee of 5294
fifteen dollars plus the actual cost of having background checks 5295
performed by the federal bureau of investigation and the bureau 5296
of criminal identification and investigation pursuant to section 5297

311.41 of the Revised Code. 5298

(d) A set of fingerprints of the applicant provided as 5299
described in section 311.41 of the Revised Code through use of 5300
an electronic fingerprint reading device or, if the sheriff to 5301
whom the application is submitted does not possess and does not 5302
have ready access to the use of an electronic fingerprint 5303
reading device, on a standard impression sheet prescribed 5304
pursuant to division (C) (2) of section 109.572 of the Revised 5305
Code. If the fingerprints are provided on a standard impression 5306
sheet, the person also shall provide the person's social 5307
security number to the sheriff. 5308

(2) A sheriff shall accept the evidence of imminent 5309
danger, the sworn affidavit, the fee, and the set of 5310
fingerprints required under division (B) (1) of this section at 5311
the times and in the manners described in division (I) of this 5312
section. Upon receipt of the evidence of imminent danger, the 5313
sworn affidavit, the fee, and the set of fingerprints required 5314
under division (B) (1) of this section, the sheriff, in the 5315
manner specified in section 311.41 of the Revised Code, 5316
immediately shall conduct or cause to be conducted the criminal 5317
records check and the incompetency records check described in 5318
section 311.41 of the Revised Code. Immediately upon receipt of 5319
the results of the records checks, the sheriff shall review the 5320
information and shall determine whether the criteria set forth 5321
in divisions (D) (1) (a) to (j) and (m) to (s) of section 2923.125 5322
of the Revised Code apply regarding the person. If the sheriff 5323
determines that all of the criteria set forth in divisions (D) 5324
(1) (a) to (j) and (m) to (s) of section 2923.125 of the Revised 5325
Code apply regarding the person, the sheriff shall immediately 5326
make available through the law enforcement automated data system 5327
all information that will be contained on the temporary 5328

emergency license for the person if one is issued, and the 5329
superintendent of the state highway patrol shall ensure that the 5330
system is so configured as to permit the transmission through 5331
the system of that information. Upon making that information 5332
available through the law enforcement automated data system, the 5333
sheriff shall immediately issue to the person a concealed 5334
handgun license on a temporary emergency basis. 5335

If the sheriff denies the issuance of a license on a 5336
temporary emergency basis to the person, the sheriff shall 5337
specify the grounds for the denial in a written notice to the 5338
person. The person may appeal the denial, or challenge criminal 5339
records check results that were the basis of the denial if 5340
applicable, in the same manners specified in division (D) (2) of 5341
section 2923.125 and in section 2923.127 of the Revised Code, 5342
regarding the denial of an application for a concealed handgun 5343
license under that section. 5344

The license on a temporary emergency basis issued under 5345
this division shall be in the form, and shall include all of the 5346
information, described in divisions (A) (2) (a) and (d) of section 5347
109.731 of the Revised Code, and also shall include a unique 5348
combination of identifying letters and numbers in accordance 5349
with division (A) (2) (c) of that section. 5350

The license on a temporary emergency basis issued under 5351
this division is valid for ninety days and may not be renewed. A 5352
person who has been issued a license on a temporary emergency 5353
basis under this division shall not be issued another license on 5354
a temporary emergency basis unless at least four years has 5355
expired since the issuance of the prior license on a temporary 5356
emergency basis. 5357

(3) If a person seeking a concealed handgun license on a 5358

temporary emergency basis has been convicted of or pleaded 5359
guilty to an offense identified in division (D) (1) (e), (f), or 5360
(h) of section 2923.125 of the Revised Code or has been 5361
adjudicated a delinquent child for committing an act or 5362
violation identified in any of those divisions, and if a court 5363
has ordered the sealing or expungement of the records of that 5364
conviction, guilty plea, or adjudication pursuant to sections 5365
2151.355 to 2151.358 or sections 2953.31 to 2953.36 of the 5366
Revised Code or the applicant has been relieved under operation 5367
of law or legal process from the disability imposed pursuant to 5368
section 2923.13 of the Revised Code relative to that conviction, 5369
guilty plea, or adjudication, the conviction, guilty plea, or 5370
adjudication shall not be relevant for purposes of the sworn 5371
affidavit described in division (B) (1) (b) of this section, and 5372
the person may complete, and swear to the truth of, the 5373
affidavit as if the conviction, guilty plea, or adjudication 5374
never had occurred. 5375

(4) The sheriff shall waive the payment pursuant to 5376
division (B) (1) (c) of this section of the license fee in 5377
connection with an application that is submitted by an applicant 5378
who is a retired peace officer, a retired person described in 5379
division (B) (1) (b) of section 109.77 of the Revised Code, or a 5380
retired federal law enforcement officer who, prior to 5381
retirement, was authorized under federal law to carry a firearm 5382
in the course of duty, unless the retired peace officer, person, 5383
or federal law enforcement officer retired as the result of a 5384
mental disability. 5385

The sheriff shall deposit all fees paid by an applicant 5386
under division (B) (1) (c) of this section into the sheriff's 5387
concealed handgun license issuance fund established pursuant to 5388
section 311.42 of the Revised Code. 5389

(C) A person who holds a concealed handgun license on a temporary emergency basis has the same right to carry a concealed handgun as a person who was issued a concealed handgun license under section 2923.125 of the Revised Code, and any exceptions to the prohibitions contained in section 1547.69 and sections 2923.12 to 2923.16 of the Revised Code for a licensee under section 2923.125 of the Revised Code apply to a licensee under this section. The person is subject to the same restrictions, and to all other procedures, duties, and sanctions, that apply to a person who carries a license issued under section 2923.125 of the Revised Code, other than the license renewal procedures set forth in that section.

(D) A sheriff who issues a concealed handgun license on a temporary emergency basis under this section shall not require a person seeking to carry a concealed handgun in accordance with this section to submit a competency certificate as a prerequisite for issuing the license and shall comply with division (H) of section 2923.125 of the Revised Code in regards to the license. The sheriff shall suspend or revoke the license in accordance with section 2923.128 of the Revised Code. In addition to the suspension or revocation procedures set forth in section 2923.128 of the Revised Code, the sheriff may revoke the license upon receiving information, verifiable by public documents, that the person is not eligible to possess a firearm under either the laws of this state or of the United States or that the person committed perjury in obtaining the license; if the sheriff revokes a license under this additional authority, the sheriff shall notify the person, by certified mail, return receipt requested, at the person's last known residence address that the license has been revoked and that the person is required to surrender the license at the sheriff's office within

ten days of the date on which the notice was mailed. Division 5421
(H) of section 2923.125 of the Revised Code applies regarding 5422
any suspension or revocation of a concealed handgun license on a 5423
temporary emergency basis. 5424

(E) A sheriff who issues a concealed handgun license on a 5425
temporary emergency basis under this section shall retain, for 5426
the entire period during which the license is in effect, the 5427
evidence of imminent danger that the person submitted to the 5428
sheriff and that was the basis for the license, or a copy of 5429
that evidence, as appropriate. 5430

(F) If a concealed handgun license on a temporary 5431
emergency basis issued under this section is lost or is 5432
destroyed, the licensee may obtain from the sheriff who issued 5433
that license a duplicate license upon the payment of a fee of 5434
fifteen dollars and the submission of an affidavit attesting to 5435
the loss or destruction of the license. The sheriff, in 5436
accordance with the procedures prescribed in section 109.731 of 5437
the Revised Code, shall place on the replacement license a 5438
combination of identifying numbers different from the 5439
combination on the license that is being replaced. 5440

(G) The attorney general shall prescribe, and shall make 5441
available to sheriffs, a standard form to be used under division 5442
(B) of this section by a person who applies for a concealed 5443
handgun license on a temporary emergency basis on the basis of 5444
imminent danger of a type described in division (A) (1) (a) of 5445
this section. The attorney general shall design the form to 5446
enable applicants to provide the information that is required by 5447
law to be collected, and shall update the form as necessary. 5448
Burdens or restrictions to obtaining a concealed handgun license 5449
that are not expressly prescribed in law shall not be 5450

incorporated into the form. The attorney general shall post a 5451
printable version of the form on the web site of the attorney 5452
general and shall provide the address of the web site to any 5453
person who requests the form. 5454

(H) A sheriff who receives any fees paid by a person under 5455
this section shall deposit all fees so paid into the sheriff's 5456
concealed handgun license issuance expense fund established 5457
under section 311.42 of the Revised Code. 5458

(I) A sheriff shall accept evidence of imminent danger, a 5459
sworn affidavit, the fee, and the set of fingerprints specified 5460
in division (B)(1) of this section at any time during normal 5461
business hours. In no case shall a sheriff require an 5462
appointment, or designate a specific period of time, for the 5463
submission or acceptance of evidence of imminent danger, a sworn 5464
affidavit, the fee, and the set of fingerprints specified in 5465
division (B)(1) of this section, or for the provision to any 5466
person of a standard form to be used for a person to apply for a 5467
concealed handgun license on a temporary emergency basis. 5468

Sec. 2923.13. (A) Unless relieved from disability under 5469
operation of law or legal process, no person shall knowingly 5470
acquire, have, carry, or use any firearm or dangerous ordnance, 5471
if any of the following apply: 5472

(1) The person is a fugitive from justice. 5473

(2) The person is under indictment for or has been 5474
convicted of any felony offense of violence or has been 5475
adjudicated a delinquent child for the commission of an offense 5476
that, if committed by an adult, would have been a felony offense 5477
of violence. 5478

(3) The person is under indictment for or has been 5479

convicted of any felony offense involving the illegal 5480
possession, use, sale, administration, distribution, or 5481
trafficking in any drug of abuse or has been adjudicated a 5482
delinquent child for the commission of an offense that, if 5483
committed by an adult, would have been a felony offense 5484
involving the illegal possession, use, sale, administration, 5485
distribution, or trafficking in any drug of abuse. 5486

(4) The person ~~is~~ has a drug dependent dependency, is in 5487
danger of drug dependence, or ~~a~~ has chronic alcoholic alcoholism. 5488

(5) The person is under adjudication of mental 5489
incompetence, ~~has been adjudicated as a mental defective~~, ~~has~~ 5490
been committed to a mental institution, has been found by a 5491
court to be a ~~mentally ill person~~ with a mental illness subject 5492
to court order, or is an involuntary patient other than one who 5493
is a patient only for purposes of observation. As used in this 5494
division, "~~mentally ill person~~ with a mental illness subject to 5495
court order" and "patient" have the same meanings as in section 5496
5122.01 of the Revised Code. 5497

(B) Whoever violates this section is guilty of having 5498
weapons while under disability, a felony of the third degree. 5499

(C) For the purposes of this section, "under operation of 5500
law or legal process" shall not itself include mere completion, 5501
termination, or expiration of a sentence imposed as a result of 5502
a criminal conviction. 5503

Sec. 2925.01. As used in this chapter: 5504

(A) "Administer," "controlled substance," "controlled 5505
substance analog," "dispense," "distribute," "hypodermic," 5506
"manufacturer," "official written order," "person," 5507
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 5508

"schedule III," "schedule IV," "schedule V," and "wholesaler" 5509
have the same meanings as in section 3719.01 of the Revised 5510
Code. 5511

(B) ~~"Drug dependent person" and "drug-Drug of abuse" and~~ 5512
"person with a drug dependency" have the same meanings as in 5513
section 3719.011 of the Revised Code. 5514

(C) "Drug," "dangerous drug," "licensed health 5515
professional authorized to prescribe drugs," and "prescription" 5516
have the same meanings as in section 4729.01 of the Revised 5517
Code. 5518

(D) "Bulk amount" of a controlled substance means any of 5519
the following: 5520

(1) For any compound, mixture, preparation, or substance 5521
included in schedule I, schedule II, or schedule III, with the 5522
exception of any controlled substance analog, marihuana, 5523
cocaine, L.S.D., heroin, any fentanyl-related compound, and 5524
hashish and except as provided in division (D) (2), (5), or (6) 5525
of this section, whichever of the following is applicable: 5526

(a) An amount equal to or exceeding ten grams or twenty- 5527
five unit doses of a compound, mixture, preparation, or 5528
substance that is or contains any amount of a schedule I opiate 5529
or opium derivative; 5530

(b) An amount equal to or exceeding ten grams of a 5531
compound, mixture, preparation, or substance that is or contains 5532
any amount of raw or gum opium; 5533

(c) An amount equal to or exceeding thirty grams or ten 5534
unit doses of a compound, mixture, preparation, or substance 5535
that is or contains any amount of a schedule I hallucinogen 5536
other than tetrahydrocannabinol or lysergic acid amide, or a 5537

schedule I stimulant or depressant; 5538

(d) An amount equal to or exceeding twenty grams or five 5539
times the maximum daily dose in the usual dose range specified 5540
in a standard pharmaceutical reference manual of a compound, 5541
mixture, preparation, or substance that is or contains any 5542
amount of a schedule II opiate or opium derivative; 5543

(e) An amount equal to or exceeding five grams or ten unit 5544
doses of a compound, mixture, preparation, or substance that is 5545
or contains any amount of phencyclidine; 5546

(f) An amount equal to or exceeding one hundred twenty 5547
grams or thirty times the maximum daily dose in the usual dose 5548
range specified in a standard pharmaceutical reference manual of 5549
a compound, mixture, preparation, or substance that is or 5550
contains any amount of a schedule II stimulant that is in a 5551
final dosage form manufactured by a person authorized by the 5552
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 5553
U.S.C.A. 301, as amended, and the federal drug abuse control 5554
laws, as defined in section 3719.01 of the Revised Code, that is 5555
or contains any amount of a schedule II depressant substance or 5556
a schedule II hallucinogenic substance; 5557

(g) An amount equal to or exceeding three grams of a 5558
compound, mixture, preparation, or substance that is or contains 5559
any amount of a schedule II stimulant, or any of its salts or 5560
isomers, that is not in a final dosage form manufactured by a 5561
person authorized by the Federal Food, Drug, and Cosmetic Act 5562
and the federal drug abuse control laws. 5563

(2) An amount equal to or exceeding one hundred twenty 5564
grams or thirty times the maximum daily dose in the usual dose 5565
range specified in a standard pharmaceutical reference manual of 5566

a compound, mixture, preparation, or substance that is or 5567
contains any amount of a schedule III or IV substance other than 5568
an anabolic steroid or a schedule III opiate or opium 5569
derivative; 5570

(3) An amount equal to or exceeding twenty grams or five 5571
times the maximum daily dose in the usual dose range specified 5572
in a standard pharmaceutical reference manual of a compound, 5573
mixture, preparation, or substance that is or contains any 5574
amount of a schedule III opiate or opium derivative; 5575

(4) An amount equal to or exceeding two hundred fifty 5576
milliliters or two hundred fifty grams of a compound, mixture, 5577
preparation, or substance that is or contains any amount of a 5578
schedule V substance; 5579

(5) An amount equal to or exceeding two hundred solid 5580
dosage units, sixteen grams, or sixteen milliliters of a 5581
compound, mixture, preparation, or substance that is or contains 5582
any amount of a schedule III anabolic steroid; 5583

(6) For any compound, mixture, preparation, or substance 5584
that is a combination of a fentanyl-related compound and any 5585
other compound, mixture, preparation, or substance included in 5586
schedule III, schedule IV, or schedule V, if the defendant is 5587
charged with a violation of section 2925.11 of the Revised Code 5588
and the sentencing provisions set forth in divisions (C)(10)(b) 5589
and (C)(11) of that section will not apply regarding the 5590
defendant and the violation, the bulk amount of the controlled 5591
substance for purposes of the violation is the amount specified 5592
in division (D)(1), (2), (3), (4), or (5) of this section for 5593
the other schedule III, IV, or V controlled substance that is 5594
combined with the fentanyl-related compound. 5595

(E) "Unit dose" means an amount or unit of a compound, 5596
mixture, or preparation containing a controlled substance that 5597
is separately identifiable and in a form that indicates that it 5598
is the amount or unit by which the controlled substance is 5599
separately administered to or taken by an individual. 5600

(F) "Cultivate" includes planting, watering, fertilizing, 5601
or tilling. 5602

(G) "Drug abuse offense" means any of the following: 5603

(1) A violation of division (A) of section 2913.02 that 5604
constitutes theft of drugs, or a violation of section 2925.02, 5605
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 5606
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 5607
or 2925.37 of the Revised Code; 5608

(2) A violation of an existing or former law of this or 5609
any other state or of the United States that is substantially 5610
equivalent to any section listed in division (G) (1) of this 5611
section; 5612

(3) An offense under an existing or former law of this or 5613
any other state, or of the United States, of which planting, 5614
cultivating, harvesting, processing, making, manufacturing, 5615
producing, shipping, transporting, delivering, acquiring, 5616
possessing, storing, distributing, dispensing, selling, inducing 5617
another to use, administering to another, using, or otherwise 5618
dealing with a controlled substance is an element; 5619

(4) A conspiracy to commit, attempt to commit, or 5620
complicity in committing or attempting to commit any offense 5621
under division (G) (1), (2), or (3) of this section. 5622

(H) "Felony drug abuse offense" means any drug abuse 5623
offense that would constitute a felony under the laws of this 5624

state, any other state, or the United States. 5625

(I) "Harmful intoxicant" does not include beer or 5626
intoxicating liquor but means any of the following: 5627

(1) Any compound, mixture, preparation, or substance the 5628
gas, fumes, or vapor of which when inhaled can induce 5629
intoxication, excitement, giddiness, irrational behavior, 5630
depression, stupefaction, paralysis, unconsciousness, 5631
asphyxiation, or other harmful physiological effects, and 5632
includes, but is not limited to, any of the following: 5633

(a) Any volatile organic solvent, plastic cement, model 5634
cement, fingernail polish remover, lacquer thinner, cleaning 5635
fluid, gasoline, or other preparation containing a volatile 5636
organic solvent; 5637

(b) Any aerosol propellant; 5638

(c) Any fluorocarbon refrigerant; 5639

(d) Any anesthetic gas. 5640

(2) Gamma Butyrolactone; 5641

(3) 1,4 Butanediol. 5642

(J) "Manufacture" means to plant, cultivate, harvest, 5643
process, make, prepare, or otherwise engage in any part of the 5644
production of a drug, by propagation, extraction, chemical 5645
synthesis, or compounding, or any combination of the same, and 5646
includes packaging, repackaging, labeling, and other activities 5647
incident to production. 5648

(K) "Possess" or "possession" means having control over a 5649
thing or substance, but may not be inferred solely from mere 5650
access to the thing or substance through ownership or occupation 5651

of the premises upon which the thing or substance is found. 5652

(L) "Sample drug" means a drug or pharmaceutical 5653
preparation that would be hazardous to health or safety if used 5654
without the supervision of a licensed health professional 5655
authorized to prescribe drugs, or a drug of abuse, and that, at 5656
one time, had been placed in a container plainly marked as a 5657
sample by a manufacturer. 5658

(M) "Standard pharmaceutical reference manual" means the 5659
current edition, with cumulative changes if any, of references 5660
that are approved by the state board of pharmacy. 5661

(N) "Juvenile" means a person under eighteen years of age. 5662

(O) "Counterfeit controlled substance" means any of the 5663
following: 5664

(1) Any drug that bears, or whose container or label 5665
bears, a trademark, trade name, or other identifying mark used 5666
without authorization of the owner of rights to that trademark, 5667
trade name, or identifying mark; 5668

(2) Any unmarked or unlabeled substance that is 5669
represented to be a controlled substance manufactured, 5670
processed, packed, or distributed by a person other than the 5671
person that manufactured, processed, packed, or distributed it; 5672

(3) Any substance that is represented to be a controlled 5673
substance but is not a controlled substance or is a different 5674
controlled substance; 5675

(4) Any substance other than a controlled substance that a 5676
reasonable person would believe to be a controlled substance 5677
because of its similarity in shape, size, and color, or its 5678
markings, labeling, packaging, distribution, or the price for 5679

which it is sold or offered for sale. 5680

(P) An offense is "committed in the vicinity of a school" 5681
if the offender commits the offense on school premises, in a 5682
school building, or within one thousand feet of the boundaries 5683
of any school premises, regardless of whether the offender knows 5684
the offense is being committed on school premises, in a school 5685
building, or within one thousand feet of the boundaries of any 5686
school premises. 5687

(Q) "School" means any school operated by a board of 5688
education, any community school established under Chapter 3314. 5689
of the Revised Code, or any nonpublic school for which the state 5690
board of education prescribes minimum standards under section 5691
3301.07 of the Revised Code, whether or not any instruction, 5692
extracurricular activities, or training provided by the school 5693
is being conducted at the time a criminal offense is committed. 5694

(R) "School premises" means either of the following: 5695

(1) The parcel of real property on which any school is 5696
situated, whether or not any instruction, extracurricular 5697
activities, or training provided by the school is being 5698
conducted on the premises at the time a criminal offense is 5699
committed; 5700

(2) Any other parcel of real property that is owned or 5701
leased by a board of education of a school, the governing 5702
authority of a community school established under Chapter 3314. 5703
of the Revised Code, or the governing body of a nonpublic school 5704
for which the state board of education prescribes minimum 5705
standards under section 3301.07 of the Revised Code and on which 5706
some of the instruction, extracurricular activities, or training 5707
of the school is conducted, whether or not any instruction, 5708

extracurricular activities, or training provided by the school 5709
is being conducted on the parcel of real property at the time a 5710
criminal offense is committed. 5711

(S) "School building" means any building in which any of 5712
the instruction, extracurricular activities, or training 5713
provided by a school is conducted, whether or not any 5714
instruction, extracurricular activities, or training provided by 5715
the school is being conducted in the school building at the time 5716
a criminal offense is committed. 5717

(T) "Disciplinary counsel" means the disciplinary counsel 5718
appointed by the board of commissioners on grievances and 5719
discipline of the supreme court under the Rules for the 5720
Government of the Bar of Ohio. 5721

(U) "Certified grievance committee" means a duly 5722
constituted and organized committee of the Ohio state bar 5723
association or of one or more local bar associations of the 5724
state of Ohio that complies with the criteria set forth in Rule 5725
V, section 6 of the Rules for the Government of the Bar of Ohio. 5726

(V) "Professional license" means any license, permit, 5727
certificate, registration, qualification, admission, temporary 5728
license, temporary permit, temporary certificate, or temporary 5729
registration that is described in divisions (W) (1) to (37) of 5730
this section and that qualifies a person as a professionally 5731
licensed person. 5732

(W) "Professionally licensed person" means any of the 5733
following: 5734

(1) A person who has received a certificate or temporary 5735
certificate as a certified public accountant or who has 5736
registered as a public accountant under Chapter 4701. of the 5737

Revised Code and who holds an Ohio permit issued under that	5738
chapter;	5739
(2) A person who holds a certificate of qualification to	5740
practice architecture issued or renewed and registered under	5741
Chapter 4703. of the Revised Code;	5742
(3) A person who is registered as a landscape architect	5743
under Chapter 4703. of the Revised Code or who holds a permit as	5744
a landscape architect issued under that chapter;	5745
(4) A person licensed under Chapter 4707. of the Revised	5746
Code;	5747
(5) A person who has been issued a certificate of	5748
registration as a registered barber under Chapter 4709. of the	5749
Revised Code;	5750
(6) A person licensed and regulated to engage in the	5751
business of a debt pooling company by a legislative authority,	5752
under authority of Chapter 4710. of the Revised Code;	5753
(7) A person who has been issued a cosmetologist's	5754
license, hair designer's license, manicurist's license,	5755
esthetician's license, natural hair stylist's license, advanced	5756
cosmetologist's license, advanced hair designer's license,	5757
advanced manicurist's license, advanced esthetician's license,	5758
advanced natural hair stylist's license, cosmetology	5759
instructor's license, hair design instructor's license,	5760
manicurist instructor's license, esthetics instructor's license,	5761
natural hair style instructor's license, independent	5762
contractor's license, or tanning facility permit under Chapter	5763
4713. of the Revised Code;	5764
(8) A person who has been issued a license to practice	5765
dentistry, a general anesthesia permit, a conscious sedation	5766

permit, a limited resident's license, a limited teaching 5767
license, a dental hygienist's license, or a dental hygienist's 5768
teacher's certificate under Chapter 4715. of the Revised Code; 5769

(9) A person who has been issued an embalmer's license, a 5770
funeral director's license, a funeral home license, or a 5771
crematory license, or who has been registered for an embalmer's 5772
or funeral director's apprenticeship under Chapter 4717. of the 5773
Revised Code; 5774

(10) A person who has been licensed as a registered nurse 5775
or practical nurse, or who has been issued a certificate for the 5776
practice of nurse-midwifery under Chapter 4723. of the Revised 5777
Code; 5778

(11) A person who has been licensed to practice optometry 5779
or to engage in optical dispensing under Chapter 4725. of the 5780
Revised Code; 5781

(12) A person licensed to act as a pawnbroker under 5782
Chapter 4727. of the Revised Code; 5783

(13) A person licensed to act as a precious metals dealer 5784
under Chapter 4728. of the Revised Code; 5785

(14) A person licensed under Chapter 4729. of the Revised 5786
Code as a pharmacist or pharmacy intern or registered under that 5787
chapter as a registered pharmacy technician, certified pharmacy 5788
technician, or pharmacy technician trainee; 5789

(15) A person licensed under Chapter 4729. of the Revised 5790
Code as a manufacturer of dangerous drugs, outsourcing facility, 5791
third-party logistics provider, repackager of dangerous drugs, 5792
wholesale distributor of dangerous drugs, or terminal 5793
distributor of dangerous drugs; 5794

(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;	5795 5796
(17) A person who has been issued a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery under Chapter 4731. of the Revised Code or has been issued a certificate to practice a limited branch of medicine under that chapter;	5797 5798 5799 5800 5801
(18) A person licensed as a psychologist or school psychologist under Chapter 4732. of the Revised Code;	5802 5803
(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;	5804 5805 5806
(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	5807 5808
(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;	5809 5810
(22) A person registered as a registered environmental health specialist under Chapter 4736. of the Revised Code;	5811 5812
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	5813 5814
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	5815 5816
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	5817 5818
(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under	5819 5820 5821

Chapter 4741. of the Revised Code;	5822
(27) A person who has been issued a hearing aid dealer's	5823
or fitter's license or trainee permit under Chapter 4747. of the	5824
Revised Code;	5825
(28) A person who has been issued a class A, class B, or	5826
class C license or who has been registered as an investigator or	5827
security guard employee under Chapter 4749. of the Revised Code;	5828
(29) A person licensed to practice as a nursing home	5829
administrator under Chapter 4751. of the Revised Code;	5830
(30) A person licensed to practice as a speech-language	5831
pathologist or audiologist under Chapter 4753. of the Revised	5832
Code;	5833
(31) A person issued a license as an occupational	5834
therapist or physical therapist under Chapter 4755. of the	5835
Revised Code;	5836
(32) A person who is licensed as a licensed professional	5837
clinical counselor, licensed professional counselor, social	5838
worker, independent social worker, independent marriage and	5839
family therapist, or marriage and family therapist, or	5840
registered as a social work assistant under Chapter 4757. of the	5841
Revised Code;	5842
(33) A person issued a license to practice dietetics under	5843
Chapter 4759. of the Revised Code;	5844
(34) A person who has been issued a license or limited	5845
permit to practice respiratory therapy under Chapter 4761. of	5846
the Revised Code;	5847
(35) A person who has been issued a real estate appraiser	5848
certificate under Chapter 4763. of the Revised Code;	5849

- (36) A person who has been issued a home inspector license 5850
under Chapter 4764. of the Revised Code; 5851
- (37) A person who has been admitted to the bar by order of 5852
the supreme court in compliance with its prescribed and 5853
published rules. 5854
- (X) "Cocaine" means any of the following: 5855
- (1) A cocaine salt, isomer, or derivative, a salt of a 5856
cocaine isomer or derivative, or the base form of cocaine; 5857
- (2) Coca leaves or a salt, compound, derivative, or 5858
preparation of coca leaves, including ecgonine, a salt, isomer, 5859
or derivative of ecgonine, or a salt of an isomer or derivative 5860
of ecgonine; 5861
- (3) A salt, compound, derivative, or preparation of a 5862
substance identified in division (X) (1) or (2) of this section 5863
that is chemically equivalent to or identical with any of those 5864
substances, except that the substances shall not include 5865
decocainized coca leaves or extraction of coca leaves if the 5866
extractions do not contain cocaine or ecgonine. 5867
- (Y) "L.S.D." means lysergic acid diethylamide. 5868
- (Z) "Hashish" means a resin or a preparation of a resin to 5869
which both of the following apply: 5870
- (1) It is contained in or derived from any part of the 5871
plant of the genus cannabis, whether in solid form or in a 5872
liquid concentrate, liquid extract, or liquid distillate form. 5873
- (2) It has a delta-9 tetrahydrocannabinol concentration of 5874
more than three-tenths per cent. 5875
- "Hashish" does not include a hemp byproduct in the 5876

possession of a licensed hemp processor under Chapter 928. of 5877
the Revised Code, provided that the hemp byproduct is being 5878
produced, stored, and disposed of in accordance with rules 5879
adopted under section 928.03 of the Revised Code. 5880

(AA) "Marihuana" has the same meaning as in section 5881
3719.01 of the Revised Code, except that it does not include 5882
hashish. 5883

(BB) An offense is "committed in the vicinity of a 5884
juvenile" if the offender commits the offense within one hundred 5885
feet of a juvenile or within the view of a juvenile, regardless 5886
of whether the offender knows the age of the juvenile, whether 5887
the offender knows the offense is being committed within one 5888
hundred feet of or within view of the juvenile, or whether the 5889
juvenile actually views the commission of the offense. 5890

(CC) "Presumption for a prison term" or "presumption that 5891
a prison term shall be imposed" means a presumption, as 5892
described in division (D) of section 2929.13 of the Revised 5893
Code, that a prison term is a necessary sanction for a felony in 5894
order to comply with the purposes and principles of sentencing 5895
under section 2929.11 of the Revised Code. 5896

(DD) "Major drug offender" has the same meaning as in 5897
section 2929.01 of the Revised Code. 5898

(EE) "Minor drug possession offense" means either of the 5899
following: 5900

(1) A violation of section 2925.11 of the Revised Code as 5901
it existed prior to July 1, 1996; 5902

(2) A violation of section 2925.11 of the Revised Code as 5903
it exists on and after July 1, 1996, that is a misdemeanor or a 5904
felony of the fifth degree. 5905

(FF) "Mandatory prison term" has the same meaning as in section 2929.01 of the Revised Code.	5906 5907
(GG) "Adulterate" means to cause a drug to be adulterated as described in section 3715.63 of the Revised Code.	5908 5909
(HH) "Public premises" means any hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort.	5910 5911 5912
(II) "Methamphetamine" means methamphetamine, any salt, isomer, or salt of an isomer of methamphetamine, or any compound, mixture, preparation, or substance containing methamphetamine or any salt, isomer, or salt of an isomer of methamphetamine.	5913 5914 5915 5916 5917
(JJ) "Deception" has the same meaning as in section 2913.01 of the Revised Code.	5918 5919
(KK) "Fentanyl-related compound" means any of the following:	5920 5921
(1) Fentanyl;	5922
(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4- piperidyl]propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);	5923 5924 5925
(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4- piperidinyl]-N-phenylpropanamide);	5926 5927
(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl] -N-phenylpropanamide);	5928 5929
(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2- phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);	5930 5931 5932

- (6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide); 5933
5934
- (7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide); 5935
5936
- (8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide; 5937
5938
- (9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide; 5939
5940
- (10) Alfentanil; 5941
- (11) Carfentanil; 5942
- (12) Remifentanil; 5943
- (13) Sufentanil; 5944
- (14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); and 5945
5946
- (15) Any compound that meets all of the following fentanyl 5947
pharmacophore requirements to bind at the mu receptor, as 5948
identified by a report from an established forensic laboratory, 5949
including acetylfentanyl, furanylfentanyl, valerylfentanyl, 5950
butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, 5951
para-fluorobutyrylfentanyl, acrylfentanyl, and ortho- 5952
fluorofentanyl: 5953
- (a) A chemical scaffold consisting of both of the 5954
following: 5955
- (i) A five, six, or seven member ring structure containing 5956
a nitrogen, whether or not further substituted; 5957
- (ii) An attached nitrogen to the ring, whether or not that 5958
nitrogen is enclosed in a ring structure, including an attached 5959

aromatic ring or other lipophilic group to that nitrogen. 5960

(b) A polar functional group attached to the chemical 5961
scaffold, including but not limited to a hydroxyl, ketone, 5962
amide, or ester; 5963

(c) An alkyl or aryl substitution off the ring nitrogen of 5964
the chemical scaffold; and 5965

(d) The compound has not been approved for medical use by 5966
the United States food and drug administration. 5967

(LL) "First degree felony mandatory prison term" means one 5968
of the definite prison terms prescribed in division (A) (1) (b) of 5969
section 2929.14 of the Revised Code for a felony of the first 5970
degree, except that if the violation for which sentence is being 5971
imposed is committed on or after March 22, 2019, it means one of 5972
the minimum prison terms prescribed in division (A) (1) (a) of 5973
that section for a felony of the first degree. 5974

(MM) "Second degree felony mandatory prison term" means 5975
one of the definite prison terms prescribed in division (A) (2) 5976
(b) of section 2929.14 of the Revised Code for a felony of the 5977
second degree, except that if the violation for which sentence 5978
is being imposed is committed on or after March 22, 2019, it 5979
means one of the minimum prison terms prescribed in division (A) 5980
(2) (a) of that section for a felony of the second degree. 5981

(NN) "Maximum first degree felony mandatory prison term" 5982
means the maximum definite prison term prescribed in division 5983
(A) (1) (b) of section 2929.14 of the Revised Code for a felony of 5984
the first degree, except that if the violation for which 5985
sentence is being imposed is committed on or after March 22, 5986
2019, it means the longest minimum prison term prescribed in 5987
division (A) (1) (a) of that section for a felony of the first 5988

degree. 5989

(OO) "Maximum second degree felony mandatory prison term" 5990
means the maximum definite prison term prescribed in division 5991
(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 5992
the second degree, except that if the violation for which 5993
sentence is being imposed is committed on or after March 22, 5994
2019, it means the longest minimum prison term prescribed in 5995
division (A) (2) (a) of that section for a felony of the second 5996
degree. 5997

(PP) "Delta-9 tetrahydrocannabinol" has the same meaning 5998
as in section 928.01 of the Revised Code. 5999

Sec. 2925.02. (A) No person shall knowingly do any of the 6000
following: 6001

(1) By force, threat, or deception, administer to another 6002
or induce or cause another to use a controlled substance; 6003

(2) By any means, administer or furnish to another or 6004
induce or cause another to use a controlled substance with 6005
purpose to cause serious physical harm to the other person, or 6006
with purpose to cause the other person to become ~~drug dependent~~a 6007
person with drug dependency; 6008

(3) By any means, administer or furnish to another or 6009
induce or cause another to use a controlled substance, and 6010
thereby cause serious physical harm to the other person, or 6011
cause the other person to become ~~drug dependent~~a person with 6012
drug dependency; 6013

(4) By any means, do any of the following: 6014

(a) Furnish or administer a controlled substance to a 6015
juvenile who is at least two years the offender's junior, when 6016

the offender knows the age of the juvenile or is reckless in 6017
that regard; 6018

(b) Induce or cause a juvenile who is at least two years 6019
the offender's junior to use a controlled substance, when the 6020
offender knows the age of the juvenile or is reckless in that 6021
regard; 6022

(c) Induce or cause a juvenile who is at least two years 6023
the offender's junior to commit a felony drug abuse offense, 6024
when the offender knows the age of the juvenile or is reckless 6025
in that regard; 6026

(d) Use a juvenile, whether or not the offender knows the 6027
age of the juvenile, to perform any surveillance activity that 6028
is intended to prevent the detection of the offender or any 6029
other person in the commission of a felony drug abuse offense or 6030
to prevent the arrest of the offender or any other person for 6031
the commission of a felony drug abuse offense. 6032

(5) By any means, furnish or administer a controlled 6033
substance to a pregnant woman or induce or cause a pregnant 6034
woman to use a controlled substance, when the offender knows 6035
that the woman is pregnant or is reckless in that regard. 6036

(B) Division (A) (1), (3), (4), or (5) of this section does 6037
not apply to manufacturers, wholesalers, licensed health 6038
professionals authorized to prescribe drugs, pharmacists, owners 6039
of pharmacies, and other persons whose conduct is in accordance 6040
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 6041
4741. of the Revised Code. 6042

(C) Whoever violates this section is guilty of corrupting 6043
another with drugs. The penalty for the offense shall be 6044
determined as follows: 6045

(1) If the offense is a violation of division (A) (1), (2), (3), or (4) of this section and the drug involved is any compound, mixture, preparation, or substance included in schedule I or II, with the exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the offender shall be punished as follows:

(a) Except as otherwise provided in division (C) (1) (b) of this section, corrupting another with drugs committed in those circumstances is a felony of the second degree and, subject to division (E) of this section, the court shall impose as a mandatory prison term a second degree felony mandatory prison term.

(b) If the offense was committed in the vicinity of a school, corrupting another with drugs committed in those circumstances is a felony of the first degree, and, subject to division (E) of this section, the court shall impose as a mandatory prison term a first degree felony mandatory prison term.

(2) If the offense is a violation of division (A) (1), (2), (3), or (4) of this section and the drug involved is any compound, mixture, preparation, or substance included in schedule III, IV, or V, the offender shall be punished as follows:

(a) Except as otherwise provided in division (C) (2) (b) of this section, corrupting another with drugs committed in those circumstances is a felony of the second degree and there is a presumption for a prison term for the offense.

(b) If the offense was committed in the vicinity of a school, corrupting another with drugs committed in those circumstances is a felony of the second degree and the court shall impose as a mandatory prison term a second degree felony mandatory prison term.

(3) If the offense is a violation of division (A) (1), (2), (3), or (4) of this section and the drug involved is marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the offender shall be punished as follows:

(a) Except as otherwise provided in division (C) (3) (b) of this section, corrupting another with drugs committed in those circumstances is a felony of the fourth degree and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(b) If the offense was committed in the vicinity of a school, corrupting another with drugs committed in those circumstances is a felony of the third degree and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(4) If the offense is a violation of division (A) (5) of this section and the drug involved is any compound, mixture, preparation, or substance included in schedule I or II, with the exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, corrupting another with drugs is a

felony of the first degree and, subject to division (E) of this section, the court shall impose as a mandatory prison term a first degree felony mandatory prison term.

(5) If the offense is a violation of division (A) (5) of this section and the drug involved is any compound, mixture, preparation, or substance included in schedule III, IV, or V, corrupting another with drugs is a felony of the second degree and the court shall impose as a mandatory prison term a second degree felony mandatory prison term.

(6) If the offense is a violation of division (A) (5) of this section and the drug involved is marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, corrupting another with drugs is a felony of the third degree and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(D) In addition to any prison term authorized or required by division (C) or (E) of this section and sections 2929.13 and 2929.14 of the Revised Code and in addition to any other sanction imposed for the offense under this section or sections 2929.11 to 2929.18 of the Revised Code, the court that sentences an offender who is convicted of or pleads guilty to a violation of division (A) of this section may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same

set of circumstances as the violation, the court shall suspend 6136
the offender's driver's or commercial driver's license or permit 6137
for not more than five years. The court also shall do all of the 6138
following that are applicable regarding the offender: 6139

(1) (a) If the violation is a felony of the first, second, 6140
or third degree, the court shall impose upon the offender the 6141
mandatory fine specified for the offense under division (B) (1) 6142
of section 2929.18 of the Revised Code unless, as specified in 6143
that division, the court determines that the offender is 6144
indigent. 6145

(b) Notwithstanding any contrary provision of section 6146
3719.21 of the Revised Code, any mandatory fine imposed pursuant 6147
to division (D) (1) (a) of this section and any fine imposed for a 6148
violation of this section pursuant to division (A) of section 6149
2929.18 of the Revised Code shall be paid by the clerk of the 6150
court in accordance with and subject to the requirements of, and 6151
shall be used as specified in, division (F) of section 2925.03 6152
of the Revised Code. 6153

(c) If a person is charged with any violation of this 6154
section that is a felony of the first, second, or third degree, 6155
posts bail, and forfeits the bail, the forfeited bail shall be 6156
paid by the clerk of the court pursuant to division (D) (1) (b) of 6157
this section as if it were a fine imposed for a violation of 6158
this section. 6159

(2) If the offender is a professionally licensed person, 6160
in addition to any other sanction imposed for a violation of 6161
this section, the court immediately shall comply with section 6162
2925.38 of the Revised Code. 6163

(E) Notwithstanding the prison term otherwise authorized 6164

or required for the offense under division (C) of this section 6165
and sections 2929.13 and 2929.14 of the Revised Code, if the 6166
violation of division (A) of this section involves the sale, 6167
offer to sell, or possession of a schedule I or II controlled 6168
substance, with the exception of marihuana, 1-Pentyl-3-(1- 6169
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 6170
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 6171
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 6172
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 6173
if the court imposing sentence upon the offender finds that the 6174
offender as a result of the violation is a major drug offender 6175
and is guilty of a specification of the type described in 6176
division (A) of section 2941.1410 of the Revised Code, the 6177
court, in lieu of the prison term that otherwise is authorized 6178
or required, shall impose upon the offender the mandatory prison 6179
term specified in division (B) (3) (a) of section 2929.14 of the 6180
Revised Code. 6181

(F) (1) If the sentencing court suspends the offender's 6182
driver's or commercial driver's license or permit under division 6183
(D) of this section, the offender, at any time after the 6184
expiration of two years from the day on which the offender's 6185
sentence was imposed or from the day on which the offender 6186
finally was released from a prison term under the sentence, 6187
whichever is later, may file a motion with the sentencing court 6188
requesting termination of the suspension. Upon the filing of the 6189
motion and the court's finding of good cause for the 6190
determination, the court may terminate the suspension. 6191

(2) Any offender who received a mandatory suspension of 6192
the offender's driver's or commercial driver's license or permit 6193
under this section prior to September 13, 2016, may file a 6194
motion with the sentencing court requesting the termination of 6195

the suspension. However, an offender who pleaded guilty to or
was convicted of a violation of section 4511.19 of the Revised
Code or a substantially similar municipal ordinance or law of
another state or the United States that arose out of the same
set of circumstances as the violation for which the offender's
license or permit was suspended under this section shall not
file such a motion.

Upon the filing of a motion under division (F) (2) of this
section, the sentencing court, in its discretion, may terminate
the suspension.

Sec. 2929.15. (A) (1) If in sentencing an offender for a
felony the court is not required to impose a prison term, a
mandatory prison term, or a term of life imprisonment upon the
offender, the court may directly impose a sentence that consists
of one or more community control sanctions authorized pursuant
to section 2929.16, 2929.17, or 2929.18 of the Revised Code. If
the court is sentencing an offender for a fourth degree felony
OVI offense under division (G) (1) of section 2929.13 of the
Revised Code, in addition to the mandatory term of local
incarceration imposed under that division and the mandatory fine
required by division (B) (3) of section 2929.18 of the Revised
Code, the court may impose upon the offender a community control
sanction or combination of community control sanctions in
accordance with sections 2929.16 and 2929.17 of the Revised
Code. If the court is sentencing an offender for a third or
fourth degree felony OVI offense under division (G) (2) of
section 2929.13 of the Revised Code, in addition to the
mandatory prison term or mandatory prison term and additional
prison term imposed under that division, the court also may
impose upon the offender a community control sanction or
combination of community control sanctions under section 2929.16

or 2929.17 of the Revised Code, but the offender shall serve all 6227
of the prison terms so imposed prior to serving the community 6228
control sanction. 6229

The duration of all community control sanctions imposed on 6230
an offender under this division shall not exceed five years. If 6231
the offender absconds or otherwise leaves the jurisdiction of 6232
the court in which the offender resides without obtaining 6233
permission from the court or the offender's probation officer to 6234
leave the jurisdiction of the court, or if the offender is 6235
confined in any institution for the commission of any offense 6236
while under a community control sanction, the period of the 6237
community control sanction ceases to run until the offender is 6238
brought before the court for its further action. If the court 6239
sentences the offender to one or more nonresidential sanctions 6240
under section 2929.17 of the Revised Code, the court shall 6241
impose as a condition of the nonresidential sanctions that, 6242
during the period of the sanctions, the offender must abide by 6243
the law and must not leave the state without the permission of 6244
the court or the offender's probation officer. The court may 6245
impose any other conditions of release under a community control 6246
sanction that the court considers appropriate, including, but 6247
not limited to, requiring that the offender not ingest or be 6248
injected with a drug of abuse and submit to random drug testing 6249
as provided in division (D) of this section to determine whether 6250
the offender ingested or was injected with a drug of abuse and 6251
requiring that the results of the drug test indicate that the 6252
offender did not ingest or was not injected with a drug of 6253
abuse. 6254

(2) (a) If a court sentences an offender to any community 6255
control sanction or combination of community control sanctions 6256
authorized pursuant to section 2929.16, 2929.17, or 2929.18 of 6257

the Revised Code, the court shall place the offender under the 6258
general control and supervision of a department of probation in 6259
the county that serves the court for purposes of reporting to 6260
the court a violation of any condition of the sanctions, any 6261
condition of release under a community control sanction imposed 6262
by the court, a violation of law, or the departure of the 6263
offender from this state without the permission of the court or 6264
the offender's probation officer. Alternatively, if the offender 6265
resides in another county and a county department of probation 6266
has been established in that county or that county is served by 6267
a multicounty probation department established under section 6268
2301.27 of the Revised Code, the court may request the court of 6269
common pleas of that county to receive the offender into the 6270
general control and supervision of that county or multicounty 6271
department of probation for purposes of reporting to the court a 6272
violation of any condition of the sanctions, any condition of 6273
release under a community control sanction imposed by the court, 6274
a violation of law, or the departure of the offender from this 6275
state without the permission of the court or the offender's 6276
probation officer, subject to the jurisdiction of the trial 6277
judge over and with respect to the person of the offender, and 6278
to the rules governing that department of probation. 6279

If there is no department of probation in the county that 6280
serves the court, the court shall place the offender, regardless 6281
of the offender's county of residence, under the general control 6282
and supervision of the adult parole authority or an entity 6283
authorized under division (B) of section 2301.27 of the Revised 6284
Code to provide probation and supervisory services to counties 6285
for purposes of reporting to the court a violation of any of the 6286
sanctions, any condition of release under a community control 6287
sanction imposed by the court, a violation of law, or the 6288

departure of the offender from this state without the permission 6289
of the court or the offender's probation officer. 6290

(b) If the court imposing sentence on an offender 6291
sentences the offender to any community control sanction or 6292
combination of community control sanctions authorized pursuant 6293
to section 2929.16, 2929.17, or 2929.18 of the Revised Code, and 6294
if the offender violates any condition of the sanctions, 6295
violates any condition of release under a community control 6296
sanction imposed by the court, violates any law, or departs the 6297
state without the permission of the court or the offender's 6298
probation officer, the public or private person or entity that 6299
operates or administers the sanction or the program or activity 6300
that comprises the sanction shall report the violation or 6301
departure directly to the sentencing court, or shall report the 6302
violation or departure to the county or multicounty department 6303
of probation with general control and supervision over the 6304
offender under division (A) (2) (a) of this section or the officer 6305
of that department who supervises the offender, or, if there is 6306
no such department with general control and supervision over the 6307
offender under that division, to the adult parole authority or 6308
an entity authorized under division (B) of section 2301.27 of 6309
the Revised Code to provide probation and supervisory services 6310
to the county. If the public or private person or entity that 6311
operates or administers the sanction or the program or activity 6312
that comprises the sanction reports the violation or departure 6313
to the county or multicounty department of probation, the adult 6314
parole authority, or any other entity providing probation and 6315
supervisory services to the county, the department's, 6316
authority's, or other entity's officers may treat the offender 6317
as if the offender were on probation and in violation of the 6318
probation, and shall report the violation of the condition of 6319

the sanction, any condition of release under a community control 6320
sanction imposed by the court, the violation of law, or the 6321
departure from the state without the required permission to the 6322
sentencing court. 6323

(3) If an offender who is eligible for community control 6324
sanctions under this section admits to ~~being having a drug~~ 6325
~~addicted~~ addiction or the court has reason to believe that the 6326
offender ~~is has a drug~~ ~~addicted~~ addiction, and if the offense for 6327
which the offender is being sentenced was related to the 6328
addiction, the court may require that the offender be assessed 6329
by a properly credentialed professional within a specified 6330
period of time and shall require the professional to file a 6331
written assessment of the offender with the court. If a court 6332
imposes treatment and recovery support services as a community 6333
control sanction, the court shall direct the level and type of 6334
treatment and recovery support services after consideration of 6335
the written assessment, if available at the time of sentencing, 6336
and recommendations of the professional and other treatment and 6337
recovery support services providers. 6338

(4) If an assessment completed pursuant to division (A) (3) 6339
of this section indicates that the offender ~~is addicted~~ has an 6340
addiction to drugs or alcohol, the court may include in any 6341
community control sanction imposed for a violation of section 6342
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 6343
2925.22, 2925.23, 2925.36, or 2925.37 of the Revised Code a 6344
requirement that the offender participate in alcohol and drug 6345
addiction services and recovery supports certified under section 6346
5119.36 of the Revised Code or offered by a properly 6347
credentialed community addiction services provider. 6348

(B) (1) If the conditions of a community control sanction 6349

imposed for a felony are violated or if the offender violates a law or leaves the state without the permission of the court or the offender's probation officer, the sentencing court may impose on the violator one or more of the following penalties:

(a) A longer time under the same sanction if the total time under the sanctions does not exceed the five-year limit specified in division (A) of this section;

(b) A more restrictive sanction under section 2929.16, 2929.17, or 2929.18 of the Revised Code, including but not limited to, a new term in a community-based correctional facility, halfway house, or jail pursuant to division (A)(6) of section 2929.16 of the Revised Code;

(c) A prison term on the offender pursuant to section 2929.14 of the Revised Code and division (B)(3) of this section, provided that a prison term imposed under this division is subject to the following limitations, as applicable:

(i) If the prison term is imposed for any technical violation of the conditions of a community control sanction imposed for a felony of the fifth degree, the prison term shall not exceed ninety days, provided that if the remaining period of community control at the time of the violation or the remaining period of the suspended prison sentence at that time is less than ninety days, the prison term shall not exceed the length of the remaining period of community control or the remaining period of the suspended prison sentence. If the court imposes a prison term as described in this division, division (B)(2)(b) of this section applies.

(ii) If the prison term is imposed for any technical violation of the conditions of a community control sanction

imposed for a felony of the fourth degree that is not an offense 6379
of violence and is not a sexually oriented offense, the prison 6380
term shall not exceed one hundred eighty days, provided that if 6381
the remaining period of the community control at the time of the 6382
violation or the remaining period of the suspended prison 6383
sentence at that time is less than one hundred eighty days, the 6384
prison term shall not exceed the length of the remaining period 6385
of community control or the remaining period of the suspended 6386
prison sentence. If the court imposes a prison term as described 6387
in this division, division (B) (2) (b) of this section applies. 6388

(2) (a) If an offender was acting pursuant to division (B) 6389
(2) (b) of section 2925.11 of the Revised Code and in so doing 6390
violated the conditions of a community control sanction based on 6391
a minor drug possession offense, as defined in section 2925.11 6392
of the Revised Code, the sentencing court may consider the 6393
offender's conduct in seeking or obtaining medical assistance 6394
for another in good faith or for self or may consider the 6395
offender being the subject of another person seeking or 6396
obtaining medical assistance in accordance with that division as 6397
a mitigating factor before imposing any of the penalties 6398
described in division (B) (1) of this section. 6399

(b) If a court imposes a prison term on an offender under 6400
division (B) (1) (c) (i) or (ii) of this section for a technical 6401
violation of the conditions of a community control sanction, one 6402
of the following is applicable with respect to the time that the 6403
offender spends in prison under the term: 6404

(i) Subject to division (B) (2) (b) (ii) of this section, it 6405
shall be credited against the offender's community control 6406
sanction that was being served at the time of the violation, and 6407
the remaining time under that community control sanction shall 6408

be reduced by the time that the offender spends in prison under 6409
the prison term. The offender upon release from the prison term 6410
shall continue serving the remaining time under the community 6411
control sanction, as reduced under this division. 6412

(ii) If the offender at the time of the violation was 6413
serving a community control sanction as part of a suspended 6414
prison sentence, it shall be credited against the offender's 6415
community control sanction that was being served at the time of 6416
the violation and against the suspended prison sentence, and the 6417
remaining time under that community control sanction and under 6418
the suspended prison sentence shall be reduced by the time that 6419
the offender spends in prison under the prison term. The 6420
offender upon release from the prison term shall continue 6421
serving the remaining time under the community control sanction, 6422
as reduced under this division. 6423

(c) A court is not limited in the number of times it may 6424
sentence an offender to a prison term under division (B) (1) (c) 6425
of this section for a violation of the conditions of a community 6426
control sanction or for a violation of a law or leaving the 6427
state without the permission of the court or the offender's 6428
probation officer. If an offender who is under a community 6429
control sanction violates the conditions of the sanction or 6430
violates a law or leaves the state without the permission of the 6431
court or the offender's probation officer, is sentenced to a 6432
prison term for the violation or conduct, is released from the 6433
term after serving it, and subsequently violates the conditions 6434
of the sanction or violates a law or leaves the state without 6435
the permission of the court or the offender's probation officer, 6436
the court may impose a new prison term sanction on the offender 6437
under division (B) (1) (c) of this section for the subsequent 6438
violation or conduct. 6439

(3) The prison term, if any, imposed on a violator 6440
pursuant to this division and division (B) (1) of this section 6441
shall be within the range of prison terms described in this 6442
division and shall not exceed the prison term specified in the 6443
notice provided to the offender at the sentencing hearing 6444
pursuant to division (B) (2) of section 2929.19 of the Revised 6445
Code. The court may reduce the longer period of time that the 6446
offender is required to spend under the longer sanction, the 6447
more restrictive sanction, or a prison term imposed pursuant to 6448
division (B) (1) of this section by the time the offender 6449
successfully spent under the sanction that was initially 6450
imposed. Except as otherwise specified in this division, the 6451
prison term imposed under this division and division (B) (1) of 6452
this section shall be within the range of prison terms available 6453
as a definite term for the offense for which the sanction that 6454
was violated was imposed. If the offense for which the sanction 6455
that was violated was imposed is a felony of the first or second 6456
degree committed on or after March 22, 2019, the prison term so 6457
imposed under this division shall be within the range of prison 6458
terms available as a minimum term for the offense under division 6459
(A) (1) (a) or (2) (a) of section 2929.14 of the Revised Code. 6460

(C) If an offender, for a significant period of time, 6461
fulfills the conditions of a sanction imposed pursuant to 6462
section 2929.16, 2929.17, or 2929.18 of the Revised Code in an 6463
exemplary manner, the court may reduce the period of time under 6464
the sanction or impose a less restrictive sanction, but the 6465
court shall not permit the offender to violate any law or permit 6466
the offender to leave the state without the permission of the 6467
court or the offender's probation officer. 6468

(D) (1) If a court under division (A) (1) of this section 6469
imposes a condition of release under a community control 6470

sanction that requires the offender to submit to random drug 6471
testing, the department of probation, the adult parole 6472
authority, or any other entity that has general control and 6473
supervision of the offender under division (A)(2)(a) of this 6474
section may cause the offender to submit to random drug testing 6475
performed by a laboratory or entity that has entered into a 6476
contract with any of the governmental entities or officers 6477
authorized to enter into a contract with that laboratory or 6478
entity under section 341.26, 753.33, or 5120.63 of the Revised 6479
Code. 6480

(2) If no laboratory or entity described in division (D) 6481
(1) of this section has entered into a contract as specified in 6482
that division, the department of probation, the adult parole 6483
authority, or any other entity that has general control and 6484
supervision of the offender under division (A)(2)(a) of this 6485
section shall cause the offender to submit to random drug 6486
testing performed by a reputable public laboratory to determine 6487
whether the individual who is the subject of the drug test 6488
ingested or was injected with a drug of abuse. 6489

(3) A laboratory or entity that has entered into a 6490
contract pursuant to section 341.26, 753.33, or 5120.63 of the 6491
Revised Code shall perform the random drug tests under division 6492
(D)(1) of this section in accordance with the applicable 6493
standards that are included in the terms of that contract. A 6494
public laboratory shall perform the random drug tests under 6495
division (D)(2) of this section in accordance with the standards 6496
set forth in the policies and procedures established by the 6497
department of rehabilitation and correction pursuant to section 6498
5120.63 of the Revised Code. An offender who is required under 6499
division (A)(1) of this section to submit to random drug testing 6500
as a condition of release under a community control sanction and 6501

whose test results indicate that the offender ingested or was 6502
injected with a drug of abuse shall pay the fee for the drug 6503
test if the department of probation, the adult parole authority, 6504
or any other entity that has general control and supervision of 6505
the offender requires payment of a fee. A laboratory or entity 6506
that performs the random drug testing on an offender under 6507
division (D) (1) or (2) of this section shall transmit the 6508
results of the drug test to the appropriate department of 6509
probation, the adult parole authority, or any other entity that 6510
has general control and supervision of the offender under 6511
division (A) (2) (a) of this section. 6512

(E) As used in this section, "technical violation" means a 6513
violation of the conditions of a community control sanction 6514
imposed for a felony of the fifth degree, or for a felony of the 6515
fourth degree that is not an offense of violence and is not a 6516
sexually oriented offense, and to which neither of the following 6517
applies: 6518

(1) The violation consists of a new criminal offense that 6519
is a felony or that is a misdemeanor other than a minor 6520
misdemeanor, and the violation is committed while under the 6521
community control sanction. 6522

(2) The violation consists of or includes the offender's 6523
articulated or demonstrated refusal to participate in the 6524
community control sanction imposed on the offender or any of its 6525
conditions, and the refusal demonstrates to the court that the 6526
offender has abandoned the objects of the community control 6527
sanction or condition. 6528

Sec. 2929.20. (A) As used in this section: 6529

(1) (a) Except as provided in division (A) (1) (b) of this 6530

section, "eligible offender" means any person who, on or after
April 7, 2009, is serving a stated prison term that includes one
or more nonmandatory prison terms.

(b) "Eligible offender" does not include any person who,
on or after April 7, 2009, is serving a stated prison term for
any of the following criminal offenses that was a felony and was
committed while the person held a public office in this state:

(i) A violation of section 2921.02, 2921.03, 2921.05,
2921.31, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised
Code;

(ii) A violation of section 2913.42, 2921.04, 2921.11, or
2921.12 of the Revised Code, when the conduct constituting the
violation was related to the duties of the offender's public
office or to the offender's actions as a public official holding
that public office;

(iii) A violation of an existing or former municipal
ordinance or law of this or any other state or the United States
that is substantially equivalent to any violation listed in
division (A) (1) (b) (i) of this section;

(iv) A violation of an existing or former municipal
ordinance or law of this or any other state or the United States
that is substantially equivalent to any violation listed in
division (A) (1) (b) (ii) of this section, when the conduct
constituting the violation was related to the duties of the
offender's public office or to the offender's actions as a
public official holding that public office;

(v) A conspiracy to commit, attempt to commit, or
complicity in committing any offense listed in division (A) (1)
(b) (i) or described in division (A) (1) (b) (iii) of this section;

(vi) A conspiracy to commit, attempt to commit, or 6560
complicity in committing any offense listed in division (A) (1) 6561
(b) (ii) or described in division (A) (1) (b) (iv) of this section, 6562
if the conduct constituting the offense that was the subject of 6563
the conspiracy, that would have constituted the offense 6564
attempted, or constituting the offense in which the offender was 6565
complicit was or would have been related to the duties of the 6566
offender's public office or to the offender's actions as a 6567
public official holding that public office. 6568

(2) "Nonmandatory prison term" means a prison term that is 6569
not a mandatory prison term. 6570

(3) "Public office" means any elected federal, state, or 6571
local government office in this state. 6572

(4) "Victim's representative" has the same meaning as in 6573
section 2930.01 of the Revised Code. 6574

(5) "Imminent danger of death," "medically incapacitated," 6575
and "terminal illness" have the same meanings as in section 6576
2967.05 of the Revised Code. 6577

(6) "Aggregated nonmandatory prison term or terms" means 6578
the aggregate of the following: 6579

(a) All nonmandatory definite prison terms; 6580

(b) With respect to any non-life felony indefinite prison 6581
term, all nonmandatory minimum prison terms imposed as part of 6582
the non-life felony indefinite prison term or terms. 6583

(B) On the motion of an eligible offender or upon its own 6584
motion, the sentencing court may reduce the eligible offender's 6585
aggregated nonmandatory prison term or terms through a judicial 6586
release under this section. 6587

(C) An eligible offender may file a motion for judicial 6588
release with the sentencing court within the following 6589
applicable periods: 6590

(1) If the aggregated nonmandatory prison term or terms is 6591
less than two years, the eligible offender may file the motion 6592
at any time after the offender is delivered to a state 6593
correctional institution or, if the prison term includes a 6594
mandatory prison term or terms, at any time after the expiration 6595
of all mandatory prison terms. 6596

(2) If the aggregated nonmandatory prison term or terms is 6597
at least two years but less than five years, the eligible 6598
offender may file the motion not earlier than one hundred eighty 6599
days after the offender is delivered to a state correctional 6600
institution or, if the prison term includes a mandatory prison 6601
term or terms, not earlier than one hundred eighty days after 6602
the expiration of all mandatory prison terms. 6603

(3) If the aggregated nonmandatory prison term or terms is 6604
five years, the eligible offender may file the motion not 6605
earlier than the date on which the eligible offender has served 6606
four years of the offender's stated prison term or, if the 6607
prison term includes a mandatory prison term or terms, not 6608
earlier than four years after the expiration of all mandatory 6609
prison terms. 6610

(4) If the aggregated nonmandatory prison term or terms is 6611
more than five years but not more than ten years, the eligible 6612
offender may file the motion not earlier than the date on which 6613
the eligible offender has served five years of the offender's 6614
stated prison term or, if the prison term includes a mandatory 6615
prison term or terms, not earlier than five years after the 6616
expiration of all mandatory prison terms. 6617

(5) If the aggregated nonmandatory prison term or terms is 6618
more than ten years, the eligible offender may file the motion 6619
not earlier than the later of the date on which the offender has 6620
served one-half of the offender's stated prison term or the date 6621
specified in division (C) (4) of this section. 6622

(D) Upon receipt of a timely motion for judicial release 6623
filed by an eligible offender under division (C) of this section 6624
or upon the sentencing court's own motion made within the 6625
appropriate time specified in that division, the court may deny 6626
the motion without a hearing or schedule a hearing on the 6627
motion. The court shall not grant the motion without a hearing. 6628
If a court denies a motion without a hearing, the court later 6629
may consider judicial release for that eligible offender on a 6630
subsequent motion filed by that eligible offender unless the 6631
court denies the motion with prejudice. If a court denies a 6632
motion with prejudice, the court may later consider judicial 6633
release on its own motion. If a court denies a motion after a 6634
hearing, the court shall not consider a subsequent motion for 6635
that eligible offender. The court shall hold only one hearing 6636
for any eligible offender. 6637

A hearing under this section shall be conducted in open 6638
court not less than thirty or more than sixty days after the 6639
motion is filed, provided that the court may delay the hearing 6640
for one hundred eighty additional days. If the court holds a 6641
hearing, the court shall enter a ruling on the motion within ten 6642
days after the hearing. If the court denies the motion without a 6643
hearing, the court shall enter its ruling on the motion within 6644
sixty days after the motion is filed. 6645

(E) If a court schedules a hearing under division (D) of 6646
this section, the court shall notify the eligible offender and 6647

the head of the state correctional institution in which the 6648
eligible offender is confined prior to the hearing. The head of 6649
the state correctional institution immediately shall notify the 6650
appropriate person at the department of rehabilitation and 6651
correction of the hearing, and the department within twenty-four 6652
hours after receipt of the notice, shall post on the database it 6653
maintains pursuant to section 5120.66 of the Revised Code the 6654
offender's name and all of the information specified in division 6655
(A) (1) (c) (i) of that section. If the court schedules a hearing 6656
for judicial release, the court promptly shall give notice of 6657
the hearing to the prosecuting attorney of the county in which 6658
the eligible offender was indicted. Upon receipt of the notice 6659
from the court, the prosecuting attorney shall do whichever of 6660
the following is applicable: 6661

(1) Subject to division (E) (2) of this section, notify the 6662
victim of the offense or the victim's representative pursuant to 6663
division (B) of section 2930.16 of the Revised Code; 6664

(2) If the offense was an offense of violence that is a 6665
felony of the first, second, or third degree, except as 6666
otherwise provided in this division, notify the victim or the 6667
victim's representative of the hearing regardless of whether the 6668
victim or victim's representative has requested the 6669
notification. The notice of the hearing shall not be given under 6670
this division to a victim or victim's representative if the 6671
victim or victim's representative has requested pursuant to 6672
division (B) (2) of section 2930.03 of the Revised Code that the 6673
victim or the victim's representative not be provided the 6674
notice. If notice is to be provided to a victim or victim's 6675
representative under this division, the prosecuting attorney may 6676
give the notice by any reasonable means, including regular mail, 6677
telephone, and electronic mail, in accordance with division (D) 6678

(1) of section 2930.16 of the Revised Code. If the notice is 6679
based on an offense committed prior to March 22, 2013, the 6680
notice also shall include the opt-out information described in 6681
division (D) (1) of section 2930.16 of the Revised Code. The 6682
prosecuting attorney, in accordance with division (D) (2) of 6683
section 2930.16 of the Revised Code, shall keep a record of all 6684
attempts to provide the notice, and of all notices provided, 6685
under this division. Division (E) (2) of this section, and the 6686
notice-related provisions of division (K) of this section, 6687
division (D) (1) of section 2930.16, division (H) of section 6688
2967.12, division (E) (1) (b) of section 2967.19, division (A) (3) 6689
(b) of section 2967.26, division (D) (1) of section 2967.28, and 6690
division (A) (2) of section 5149.101 of the Revised Code enacted 6691
in the act in which division (E) (2) of this section was enacted, 6692
shall be known as "Roberta's Law." 6693

(F) Upon an offender's successful completion of 6694
rehabilitative activities, the head of the state correctional 6695
institution may notify the sentencing court of the successful 6696
completion of the activities. 6697

(G) Prior to the date of the hearing on a motion for 6698
judicial release under this section, the head of the state 6699
correctional institution in which the eligible offender is 6700
confined shall send to the court an institutional summary report 6701
on the eligible offender's conduct in the institution and in any 6702
institution from which the eligible offender may have been 6703
transferred. Upon the request of the prosecuting attorney of the 6704
county in which the eligible offender was indicted or of any law 6705
enforcement agency, the head of the state correctional 6706
institution, at the same time the person sends the institutional 6707
summary report to the court, also shall send a copy of the 6708
report to the requesting prosecuting attorney and law 6709

enforcement agencies. The institutional summary report shall 6710
cover the eligible offender's participation in school, 6711
vocational training, work, treatment, and other rehabilitative 6712
activities and any disciplinary action taken against the 6713
eligible offender. The report shall be made part of the record 6714
of the hearing. A presentence investigation report is not 6715
required for judicial release. 6716

(H) If the court grants a hearing on a motion for judicial 6717
release under this section, the eligible offender shall attend 6718
the hearing if ordered to do so by the court. Upon receipt of a 6719
copy of the journal entry containing the order, the head of the 6720
state correctional institution in which the eligible offender is 6721
incarcerated shall deliver the eligible offender to the sheriff 6722
of the county in which the hearing is to be held. The sheriff 6723
shall convey the eligible offender to and from the hearing. 6724

(I) At the hearing on a motion for judicial release under 6725
this section, the court shall afford the eligible offender and 6726
the eligible offender's attorney an opportunity to present 6727
written and, if present, oral information relevant to the 6728
motion. The court shall afford a similar opportunity to the 6729
prosecuting attorney, the victim or the victim's representative, 6730
and any other person the court determines is likely to present 6731
additional relevant information. The court shall consider any 6732
statement of a victim made pursuant to section 2930.14 or 6733
2930.17 of the Revised Code, any victim impact statement 6734
prepared pursuant to section 2947.051 of the Revised Code, and 6735
any report made under division (G) of this section. The court 6736
may consider any written statement of any person submitted to 6737
the court pursuant to division (L) of this section. After ruling 6738
on the motion, the court shall notify the victim of the ruling 6739
in accordance with sections 2930.03 and 2930.16 of the Revised 6740

Code. 6741

(J) (1) A court shall not grant a judicial release under 6742
this section to an eligible offender who is imprisoned for a 6743
felony of the first or second degree, or to an eligible offender 6744
who committed an offense under Chapter 2925. or 3719. of the 6745
Revised Code and for whom there was a presumption under section 6746
2929.13 of the Revised Code in favor of a prison term, unless 6747
the court, with reference to factors under section 2929.12 of 6748
the Revised Code, finds both of the following: 6749

(a) That a sanction other than a prison term would 6750
adequately punish the offender and protect the public from 6751
future criminal violations by the eligible offender because the 6752
applicable factors indicating a lesser likelihood of recidivism 6753
outweigh the applicable factors indicating a greater likelihood 6754
of recidivism; 6755

(b) That a sanction other than a prison term would not 6756
demean the seriousness of the offense because factors indicating 6757
that the eligible offender's conduct in committing the offense 6758
was less serious than conduct normally constituting the offense 6759
outweigh factors indicating that the eligible offender's conduct 6760
was more serious than conduct normally constituting the offense. 6761

(2) A court that grants a judicial release to an eligible 6762
offender under division (J) (1) of this section shall specify on 6763
the record both findings required in that division and also 6764
shall list all the factors described in that division that were 6765
presented at the hearing. 6766

(K) If the court grants a motion for judicial release 6767
under this section, the court shall order the release of the 6768
eligible offender, shall place the eligible offender under an 6769

appropriate community control sanction, under appropriate 6770
conditions, and under the supervision of the department of 6771
probation serving the court and shall reserve the right to 6772
reimpose the sentence that it reduced if the offender violates 6773
the sanction. If the court reimposes the reduced sentence, it 6774
may do so either concurrently with, or consecutive to, any new 6775
sentence imposed upon the eligible offender as a result of the 6776
violation that is a new offense. Except as provided in division 6777
(R) (2) of this section, the period of community control shall be 6778
no longer than five years. The court, in its discretion, may 6779
reduce the period of community control by the amount of time the 6780
eligible offender spent in jail or prison for the offense and in 6781
prison. If the court made any findings pursuant to division (J) 6782
(1) of this section, the court shall serve a copy of the 6783
findings upon counsel for the parties within fifteen days after 6784
the date on which the court grants the motion for judicial 6785
release. 6786

If the court grants a motion for judicial release, the 6787
court shall notify the appropriate person at the department of 6788
rehabilitation and correction, and the department shall post 6789
notice of the release on the database it maintains pursuant to 6790
section 5120.66 of the Revised Code. The court also shall notify 6791
the prosecuting attorney of the county in which the eligible 6792
offender was indicted that the motion has been granted. Unless 6793
the victim or the victim's representative has requested pursuant 6794
to division (B) (2) of section 2930.03 of the Revised Code that 6795
the victim or victim's representative not be provided the 6796
notice, the prosecuting attorney shall notify the victim or the 6797
victim's representative of the judicial release in any manner, 6798
and in accordance with the same procedures, pursuant to which 6799
the prosecuting attorney is authorized to provide notice of the 6800

hearing pursuant to division (E)(2) of this section. If the 6801
notice is based on an offense committed prior to March 22, 2013, 6802
the notice to the victim or victim's representative also shall 6803
include the opt-out information described in division (D)(1) of 6804
section 2930.16 of the Revised Code. 6805

(L) In addition to and independent of the right of a 6806
victim to make a statement pursuant to section 2930.14, 2930.17, 6807
or 2946.051 of the Revised Code and any right of a person to 6808
present written information or make a statement pursuant to 6809
division (I) of this section, any person may submit to the 6810
court, at any time prior to the hearing on the offender's motion 6811
for judicial release, a written statement concerning the effects 6812
of the offender's crime or crimes, the circumstances surrounding 6813
the crime or crimes, the manner in which the crime or crimes 6814
were perpetrated, and the person's opinion as to whether the 6815
offender should be released. 6816

(M) The changes to this section that are made on September 6817
30, 2011, apply to any judicial release decision made on or 6818
after September 30, 2011, for any eligible offender. 6819

(N) Notwithstanding the eligibility requirements specified 6820
in division (A) of this section and the filing time frames 6821
specified in division (C) of this section and notwithstanding 6822
the findings required under division (J) of this section, the 6823
sentencing court, upon the court's own motion and after 6824
considering whether the release of the offender into society 6825
would create undue risk to public safety, may grant a judicial 6826
release to an offender who is not serving a life sentence at any 6827
time during the offender's imposed sentence when the director of 6828
rehabilitation and correction certifies to the sentencing court 6829
through the chief medical officer for the department of 6830

rehabilitation and correction that the offender is in imminent 6831
danger of death, is medically incapacitated, or ~~is suffering~~ 6832
~~from~~ has a terminal illness. 6833

(O) The director of rehabilitation and correction shall 6834
not certify any offender under division (N) of this section who 6835
is serving a death sentence. 6836

(P) A motion made by the court under division (N) of this 6837
section is subject to the notice, hearing, and other procedural 6838
requirements specified in divisions (D), (E), (G), (H), (I), 6839
(K), and (L) of this section, except for the following: 6840

(1) The court may waive the offender's appearance at any 6841
hearing scheduled by the court if the offender's condition makes 6842
it impossible for the offender to participate meaningfully in 6843
the proceeding. 6844

(2) The court may grant the motion without a hearing, 6845
provided that the prosecuting attorney and victim or victim's 6846
representative to whom notice of the hearing was provided under 6847
division (E) of this section indicate that they do not wish to 6848
participate in the hearing or present information relevant to 6849
the motion. 6850

(Q) The court may request health care records from the 6851
department of rehabilitation and correction to verify the 6852
certification made under division (N) of this section. 6853

(R) (1) If the court grants judicial release under division 6854
(N) of this section, the court shall do all of the following: 6855

(a) Order the release of the offender; 6856

(b) Place the offender under an appropriate community 6857
control sanction, under appropriate conditions; 6858

(c) Place the offender under the supervision of the 6859
department of probation serving the court or under the 6860
supervision of the adult parole authority. 6861

(2) The court, in its discretion, may revoke the judicial 6862
release if the offender violates the community control sanction 6863
described in division (R)(1) of this section. The period of that 6864
community control is not subject to the five-year limitation 6865
described in division (K) of this section and shall not expire 6866
earlier than the date on which all of the offender's mandatory 6867
prison terms expire. 6868

(S) If the health of an offender who is released under 6869
division (N) of this section improves so that the offender is no 6870
longer terminally ill, medically incapacitated, or in imminent 6871
danger of death, the court shall, upon the court's own motion, 6872
revoke the judicial release. The court shall not grant the 6873
motion without a hearing unless the offender waives a hearing. 6874
If a hearing is held, the court shall afford the offender and 6875
the offender's attorney an opportunity to present written and, 6876
if the offender or the offender's attorney is present, oral 6877
information relevant to the motion. The court shall afford a 6878
similar opportunity to the prosecuting attorney, the victim or 6879
the victim's representative, and any other person the court 6880
determines is likely to present additional relevant information. 6881
A court that grants a motion under this division shall specify 6882
its findings on the record. 6883

Sec. 2931.02. A judge of a county court is a conservator 6884
of the peace and has jurisdiction in criminal cases throughout 6885
~~his~~ the judge's area of jurisdiction. ~~He~~ The judge of a county
court may hear complaints of the peace and issue search 6886
warrants. Judges of county courts have jurisdiction on sworn 6887
6888

complaint, to issue a warrant for the arrest of a person charged 6889
with the commission of a felony where it is made to appear that 6890
such person has fled or is outside this state and it is 6891
necessary or desirable to extradite such person. Judges of 6892
county courts have jurisdiction within their respective areas of 6893
jurisdiction in all cases of violation of any law relating to: 6894

(A) Adulteration or deception in the sale of dairy 6895
products and other food, drink, drugs, and medicines; 6896

(B) Prevention of cruelty to animals and children; 6897

(C) The abandonment, nonsupport, or ill treatment of a 6898
child under eighteen years of age ~~or a physically and mentally~~ 6899
~~handicapped child under the age of eighteen years by its the~~ 6900
child's parents; 6901

(D) The abandonment, or ill treatment of a child under 6902
eighteen years of age ~~or a physically and mentally handicapped~~ 6903
~~child under the age of eighteen years by its the child's~~ 6904
guardian; 6905

(E) The employment of a child under fourteen years of age 6906
in public exhibitions or vocations injurious to health, life, or 6907
morals, or which will cause or permit ~~him~~the child to suffer 6908
unnecessary physical or mental pain; 6909

(F) The regulation, restriction, or prohibition of the 6910
employment of females and minors; 6911

(G) The torturing, unlawfully punishing, ill treating, or 6912
depriving anyone of necessary food, clothing, or shelter; 6913

(H) Any violation of Chapters 4301. and 4303. of the 6914
Revised Code, or keeping a place where intoxicating liquor is 6915
sold, given away, or furnished in violation of any law 6916

prohibiting such acts;	6917
(I) The shipping, selling, using, permitting the use of,	6918
branding, or having unlawful quantities of illuminating oil for	6919
or in a mine;	6920
(J) The sale, shipment, or adulteration of commercial	6921
feeds;	6922
(K) The use of dust-creating machinery in workshops and	6923
factories;	6924
(L) The conducting of a pharmacy, or retail drug or	6925
chemical store, or the dispensing or selling of drugs,	6926
chemicals, poisons, or pharmaceutical preparations therein;	6927
(M) The failure to place and keep in a sanitary condition	6928
a bakery, confectionery, creamery, dairy barn, milk depot,	6929
laboratory, hotel, restaurant, eating house, packing house,	6930
slaughterhouse, ice cream factory, or place where a food product	6931
is manufactured, packed, stored, deposited, collected, prepared,	6932
produced, or sold for any purpose, or for the violation of any	6933
law relating to public health;	6934
(N) Inspection of steam boilers, and of laws licensing	6935
steam engineers and boiler operators;	6936
(O) Prevention of short weighing and measuring and all	6937
violations of the weights and measures laws;	6938
(P) Laws relating to the practice of medicine or surgery,	6939
or any of its branches;	6940
(Q) Laws relating to the filling or refilling of	6941
registered containers by other than the owner, or the defacing	6942
of the marks of ownership thereon;	6943

(R) Offenses arising from or growing out of the violation 6944
of conservation laws. 6945

Sec. 2935.33. (A) If a person charged with a misdemeanor 6946
is taken before a judge of a court of record and if it appears 6947
to the judge that the person ~~is an alcoholic~~ has alcoholism or 6948
is ~~suffering from~~ experiencing acute alcohol intoxication and 6949
that the person would benefit from services provided by a 6950
community addiction services provider, the judge may place the 6951
person temporarily with a community addiction services provider 6952
in the area in which the court has jurisdiction for inpatient 6953
care and treatment for an indefinite period not exceeding five 6954
days. The commitment does not limit the right to release on 6955
bail. The judge may dismiss a charge of a violation of division 6956
(B) of section 2917.11 of the Revised Code or of a municipal 6957
ordinance substantially equivalent to that division if the 6958
defendant complies with all the conditions of treatment ordered 6959
by the court. 6960

The court may order that any fines or court costs 6961
collected by the court from defendants who have received 6962
inpatient care from a community addiction services provider be 6963
paid, for the benefit of the program, to the board of alcohol, 6964
drug addiction, and mental health services of the alcohol, drug 6965
addiction, and mental health service district in which the 6966
community addiction services provider is located or to the 6967
director of mental health and addiction services. 6968

(B) If a person is being sentenced for a violation of 6969
division (B) of section 2917.11 or section 4511.19 of the 6970
Revised Code, a misdemeanor violation of section 2919.25 of the 6971
Revised Code, a misdemeanor violation of section 2919.27 of the 6972
Revised Code involving a protection order issued or consent 6973

agreement approved pursuant to section 2919.26 or 3113.31 of the Revised Code, or a violation of a municipal ordinance substantially equivalent to that division or any of those sections and if it appears to the judge at the time of sentencing that the person ~~is an alcoholic~~ has alcoholism or is ~~suffering from~~ experiencing acute alcohol intoxication and that, in lieu of imprisonment, the person would benefit from services provided by a community addiction services provider, the court may commit the person to close supervision in any facility in the area in which the court has jurisdiction that is, or is operated by, such a services provider. Such close supervision may include outpatient services and part-time release, except that a person convicted of a violation of division (A) of section 4511.19 of the Revised Code shall be confined to the facility for at least three days and except that a person convicted of a misdemeanor violation of section 2919.25 of the Revised Code, a misdemeanor violation of section 2919.27 of the Revised Code involving a protection order issued or consent agreement approved pursuant to section 2919.26 or 3113.31 of the Revised Code, or a violation of a substantially equivalent municipal ordinance shall be confined to the facility in accordance with the order of commitment. A commitment of a person to a facility for purposes of close supervision shall not exceed the maximum term for which the person could be imprisoned.

(C) A law enforcement officer who finds a person subject to prosecution for violation of division (B) of section 2917.11 of the Revised Code or a municipal ordinance substantially equivalent to that division and who has reasonable cause to believe that the person ~~is an alcoholic~~ has alcoholism or is ~~suffering from~~ experiencing acute alcohol intoxication and would

benefit from immediate treatment immediately may place the 7005
person with a community addiction services provider in the area 7006
in which the person is found, for emergency treatment, in lieu 7007
of other arrest procedures, for a maximum period of forty-eight 7008
hours. During that time, if the person desires to leave such 7009
custody, the person shall be released forthwith. 7010

(D) As used in this section: 7011

(1) "~~Alcoholic~~" and "~~community~~" Community addiction 7012
services provider" ~~have~~ has the same ~~meanings~~ meaning as in 7013
section 5119.01 of the Revised Code; 7014

(2) "Acute alcohol intoxication" means a heavy consumption 7015
of alcohol over a relatively short period of time, resulting in 7016
dysfunction of the brain centers controlling behavior, speech, 7017
and memory and causing characteristic withdrawal symptoms. 7018

Sec. 2945.25. A person called as a juror in a criminal 7019
case may be challenged for the following causes: 7020

(A) That ~~he~~ the person was a member of the grand jury that 7021
found the indictment in the case; 7022

(B) That ~~he~~ the person is possessed of a state of mind 7023
evincing enmity or bias toward the defendant or the state; but 7024
no person summoned as a juror shall be disqualified by reason of 7025
a previously formed or expressed opinion with reference to the 7026
guilt or innocence of the accused, if the court is satisfied, 7027
from examination of the juror or from other evidence, that ~~he~~ the 7028
juror will render an impartial verdict according to the law and 7029
the evidence submitted to the jury at the trial; 7030

(C) In the trial of a capital offense, that ~~he~~ the person 7031
unequivocally states that under no circumstances will ~~he~~ the 7032
person follow the instructions of a trial judge and consider 7033

fairly the imposition of a sentence of death in a particular 7034
case. A prospective juror's conscientious or religious 7035
opposition to the death penalty in and of itself is not grounds 7036
for a challenge for cause. All parties shall be given wide 7037
latitude in voir dire questioning in this regard. 7038

(D) That ~~he~~the person is related by consanguinity or 7039
affinity within the fifth degree to the person alleged to be 7040
injured or attempted to be injured by the offense charged, or to 7041
the person on whose complaint the prosecution was instituted, or 7042
to the defendant; 7043

(E) That ~~he~~the person served on a petit jury drawn in the 7044
same cause against the same defendant, and that jury was 7045
discharged after hearing the evidence or rendering a verdict on 7046
the evidence that was set aside; 7047

(F) That ~~he~~the person served as a juror in a civil case 7048
brought against the defendant for the same act; 7049

(G) That ~~he~~the person has been subpoenaed in good faith as 7050
a witness in the case; 7051

(H) That ~~he~~the person ~~is a chronic alcoholic~~has chronic
alcoholism, or a drug dependent person~~dependency~~; 7052
7053

(I) That ~~he~~the person has been convicted of a crime that 7054
by law disqualifies ~~him~~the person from serving on a jury; 7055

(J) That ~~he~~the person has an action pending between ~~him~~
the person and the state or the defendant; 7056
7057

(K) That ~~he~~the person or ~~his~~the person's spouse is a party 7058
to another action then pending in any court in which an attorney 7059
in the cause then on trial is an attorney, either for or against 7060
~~him~~the person; 7061

(L) That ~~he~~the person is the person alleged to be injured 7062
or attempted to be injured by the offense charged, or is the 7063
person on whose complaint the prosecution was instituted, or the 7064
defendant; 7065

(M) That ~~he~~the person is the employer or employee, or the 7066
spouse, parent, son, or daughter of the employer or employee, or 7067
the counselor, agent, or attorney of any person included in 7068
division (L) of this section; 7069

(N) That English is not ~~his~~the person's native language, 7070
and ~~his~~the person's knowledge of English is insufficient to 7071
permit ~~him~~the person to understand the facts and law in the 7072
case; 7073

(O) That ~~he~~the person otherwise is unsuitable for any 7074
other cause to serve as a juror. 7075

The validity of each challenge listed in this section 7076
shall be determined by the court. 7077

Sec. 2945.37. (A) As used in sections 2945.37 to 2945.402 7078
of the Revised Code: 7079

(1) "Prosecutor" means a prosecuting attorney or a city 7080
director of law, village solicitor, or similar chief legal 7081
officer of a municipal corporation who has authority to 7082
prosecute a criminal case that is before the court or the 7083
criminal case in which a defendant in a criminal case has been 7084
found incompetent to stand trial or not guilty by reason of 7085
insanity. 7086

(2) "Examiner" means either of the following: 7087

(a) A psychiatrist or a licensed clinical psychologist who 7088
satisfies the criteria of division (I) of section 5122.01 of the 7089

Revised Code or is employed by a certified forensic center 7090
designated by the department of mental health and addiction 7091
services to conduct examinations or evaluations. 7092

(b) For purposes of a separate intellectual disability 7093
evaluation that is ordered by a court pursuant to division (H) 7094
of section 2945.371 of the Revised Code, a psychologist 7095
designated by the director of developmental disabilities 7096
pursuant to that section to conduct that separate intellectual 7097
disability evaluation. 7098

(3) "Nonsecured status" means any unsupervised, off- 7099
grounds movement or trial visit from a hospital or institution, 7100
or any conditional release, that is granted to a person who is 7101
found incompetent to stand trial and is committed pursuant to 7102
section 2945.39 of the Revised Code or to a person who is found 7103
not guilty by reason of insanity and is committed pursuant to 7104
section 2945.40 of the Revised Code. 7105

(4) "Unsupervised, off-grounds movement" includes only 7106
off-grounds privileges that are unsupervised and that have an 7107
expectation of return to the hospital or institution on a daily 7108
basis. 7109

(5) "Trial visit" means a patient privilege of a longer 7110
stated duration of unsupervised community contact with an 7111
expectation of return to the hospital or institution at 7112
designated times. 7113

(6) "Conditional release" means a commitment status under 7114
which the trial court at any time may revoke a person's 7115
conditional release and order the rehospitalization or 7116
reinstitutionalization of the person as described in division 7117
(A) of section 2945.402 of the Revised Code and pursuant to 7118

which a person who is found incompetent to stand trial or a 7119
person who is found not guilty by reason of insanity lives and 7120
receives treatment in the community for a period of time that 7121
does not exceed the maximum prison term or term of imprisonment 7122
that the person could have received for the offense in question 7123
had the person been convicted of the offense instead of being 7124
found incompetent to stand trial on the charge of the offense or 7125
being found not guilty by reason of insanity relative to the 7126
offense. 7127

(7) "Licensed clinical psychologist," "~~mentally ill person~~ 7128
with a mental illness subject to court order," and 7129
"psychiatrist" have the same meanings as in section 5122.01 of 7130
the Revised Code. 7131

(8) "Person with an intellectual disability subject to 7132
institutionalization by court order" has the same meaning as in 7133
section 5123.01 of the Revised Code. 7134

(B) In a criminal action in a court of common pleas, a 7135
county court, or a municipal court, the court, prosecutor, or 7136
defense may raise the issue of the defendant's competence to 7137
stand trial. If the issue is raised before the trial has 7138
commenced, the court shall hold a hearing on the issue as 7139
provided in this section. If the issue is raised after the trial 7140
has commenced, the court shall hold a hearing on the issue only 7141
for good cause shown or on the court's own motion. 7142

(C) The court shall conduct the hearing required or 7143
authorized under division (B) of this section within thirty days 7144
after the issue is raised, unless the defendant has been 7145
referred for evaluation in which case the court shall conduct 7146
the hearing within ten days after the filing of the report of 7147
the evaluation or, in the case of a defendant who is ordered by 7148

the court pursuant to division (H) of section 2945.371 of the Revised Code to undergo a separate intellectual disability evaluation conducted by a psychologist designated by the director of developmental disabilities, within ten days after the filing of the report of the separate intellectual disability evaluation under that division. A hearing may be continued for good cause.

(D) The defendant shall be represented by counsel at the hearing conducted under division (C) of this section. If the defendant is unable to obtain counsel, the court shall appoint counsel under Chapter 120. of the Revised Code or under the authority recognized in division (C) of section 120.06, division (E) of section 120.16, division (E) of section 120.26, or section 2941.51 of the Revised Code before proceeding with the hearing.

(E) The prosecutor and defense counsel may submit evidence on the issue of the defendant's competence to stand trial. A written report of the evaluation of the defendant may be admitted into evidence at the hearing by stipulation, but, if either the prosecution or defense objects to its admission, the report may be admitted under sections 2317.36 to 2317.38 of the Revised Code or any other applicable statute or rule.

(F) The court shall not find a defendant incompetent to stand trial solely because the defendant is receiving or has received treatment as a voluntary or involuntary ~~mentally ill~~ patient with a mental illness under Chapter 5122. or a voluntary or involuntary resident with an intellectual disability under Chapter 5123. of the Revised Code or because the defendant is receiving or has received psychotropic drugs or other medication, even if the defendant might become incompetent to

stand trial without the drugs or medication. 7179

(G) A defendant is presumed to be competent to stand 7180
trial. If, after a hearing, the court finds by a preponderance 7181
of the evidence that, because of the defendant's present mental 7182
condition, the defendant is incapable of understanding the 7183
nature and objective of the proceedings against the defendant or 7184
of assisting in the defendant's defense, the court shall find 7185
the defendant incompetent to stand trial and shall enter an 7186
order authorized by section 2945.38 of the Revised Code. 7187

(H) Municipal courts shall follow the procedures set forth 7188
in sections 2945.37 to 2945.402 of the Revised Code. Except as 7189
provided in section 2945.371 of the Revised Code, a municipal 7190
court shall not order an evaluation of the defendant's 7191
competence to stand trial or the defendant's mental condition at 7192
the time of the commission of the offense to be conducted at any 7193
hospital operated by the department of mental health and 7194
addiction services. Those evaluations shall be performed through 7195
community resources including, but not limited to, certified 7196
forensic centers, court probation departments, and community 7197
mental health services providers. All expenses of the 7198
evaluations shall be borne by the legislative authority of the 7199
municipal court, as defined in section 1901.03 of the Revised 7200
Code, and shall be taxed as costs in the case. If a defendant is 7201
found incompetent to stand trial or not guilty by reason of 7202
insanity, a municipal court may commit the defendant as provided 7203
in sections 2945.38 to 2945.402 of the Revised Code. 7204

Sec. 2945.38. (A) If the issue of a defendant's competence 7205
to stand trial is raised and if the court, upon conducting the 7206
hearing provided for in section 2945.37 of the Revised Code, 7207
finds that the defendant is competent to stand trial, the 7208

defendant shall be proceeded against as provided by law. If the 7209
court finds the defendant competent to stand trial and the 7210
defendant is receiving psychotropic drugs or other medication, 7211
the court may authorize the continued administration of the 7212
drugs or medication or other appropriate treatment in order to 7213
maintain the defendant's competence to stand trial, unless the 7214
defendant's attending physician advises the court against 7215
continuation of the drugs, other medication, or treatment. 7216

(B) (1) (a) If, after taking into consideration all relevant 7217
reports, information, and other evidence, the court finds that 7218
the defendant is incompetent to stand trial and that there is a 7219
substantial probability that the defendant will become competent 7220
to stand trial within one year if the defendant is provided with 7221
a course of treatment, the court shall order the defendant to 7222
undergo treatment. If the defendant has been charged with a 7223
felony offense and if, after taking into consideration all 7224
relevant reports, information, and other evidence, the court 7225
finds that the defendant is incompetent to stand trial, but the 7226
court is unable at that time to determine whether there is a 7227
substantial probability that the defendant will become competent 7228
to stand trial within one year if the defendant is provided with 7229
a course of treatment, the court shall order continuing 7230
evaluation and treatment of the defendant for a period not to 7231
exceed four months to determine whether there is a substantial 7232
probability that the defendant will become competent to stand 7233
trial within one year if the defendant is provided with a course 7234
of treatment. 7235

(b) The court order for the defendant to undergo treatment 7236
or continuing evaluation and treatment under division (B) (1) (a) 7237
of this section shall specify that the defendant, if determined 7238
to require mental health treatment or continuing evaluation and 7239

treatment, either shall be committed to the department of mental 7240
health and addiction services for treatment or continuing 7241
evaluation and treatment at a hospital, facility, or agency, as 7242
determined to be clinically appropriate by the department of 7243
mental health and addiction services or shall be committed to a 7244
facility certified by the department of mental health and 7245
addiction services as being qualified to treat mental illness, 7246
to a public or community mental health facility, or to a 7247
psychiatrist or another mental health professional for treatment 7248
or continuing evaluation and treatment. Prior to placing the 7249
defendant, the department of mental health and addiction 7250
services shall obtain court approval for that placement 7251
following a hearing. The court order for the defendant to 7252
undergo treatment or continuing evaluation and treatment under 7253
division (B)(1)(a) of this section shall specify that the 7254
defendant, if determined to require treatment or continuing 7255
evaluation and treatment for an intellectual disability, shall 7256
receive treatment or continuing evaluation and treatment at an 7257
institution or facility operated by the department of 7258
developmental disabilities, at a facility certified by the 7259
department of developmental disabilities as being qualified to 7260
treat intellectual disabilities, at a public or private 7261
intellectual disabilities facility, or by a psychiatrist or 7262
another intellectual disabilities professional. In any case, the 7263
order may restrict the defendant's freedom of movement as the 7264
court considers necessary. The prosecutor in the defendant's 7265
case shall send to the chief clinical officer of the hospital, 7266
facility, or agency where the defendant is placed by the 7267
department of mental health and addiction services, or to the 7268
managing officer of the institution, the director of the program 7269
or facility, or the person to which the defendant is committed, 7270
copies of relevant police reports and other background 7271

information that pertains to the defendant and is available to 7272
the prosecutor unless the prosecutor determines that the release 7273
of any of the information in the police reports or any of the 7274
other background information to unauthorized persons would 7275
interfere with the effective prosecution of any person or would 7276
create a substantial risk of harm to any person. 7277

In determining the place of commitment, the court shall 7278
consider the extent to which the person is a danger to the 7279
person and to others, the need for security, and the type of 7280
crime involved and shall order the least restrictive alternative 7281
available that is consistent with public safety and treatment 7282
goals. In weighing these factors, the court shall give 7283
preference to protecting public safety. 7284

(c) If the defendant is found incompetent to stand trial, 7285
if the chief clinical officer of the hospital, facility, or 7286
agency where the defendant is placed, or the managing officer of 7287
the institution, the director of the program or facility, or the 7288
person to which the defendant is committed for treatment or 7289
continuing evaluation and treatment under division (B) (1) (b) of 7290
this section determines that medication is necessary to restore 7291
the defendant's competency to stand trial, and if the defendant 7292
lacks the capacity to give informed consent or refuses 7293
medication, the chief clinical officer of the hospital, 7294
facility, or agency where the defendant is placed, or the 7295
managing officer of the institution, the director of the program 7296
or facility, or the person to which the defendant is committed 7297
for treatment or continuing evaluation and treatment may 7298
petition the court for authorization for the involuntary 7299
administration of medication. The court shall hold a hearing on 7300
the petition within five days of the filing of the petition if 7301
the petition was filed in a municipal court or a county court 7302

regarding an incompetent defendant charged with a misdemeanor or 7303
within ten days of the filing of the petition if the petition 7304
was filed in a court of common pleas regarding an incompetent 7305
defendant charged with a felony offense. Following the hearing, 7306
the court may authorize the involuntary administration of 7307
medication or may dismiss the petition. 7308

(2) If the court finds that the defendant is incompetent 7309
to stand trial and that, even if the defendant is provided with 7310
a course of treatment, there is not a substantial probability 7311
that the defendant will become competent to stand trial within 7312
one year, the court shall order the discharge of the defendant, 7313
unless upon motion of the prosecutor or on its own motion, the 7314
court either seeks to retain jurisdiction over the defendant 7315
pursuant to section 2945.39 of the Revised Code or files an 7316
affidavit in the probate court for the civil commitment of the 7317
defendant pursuant to Chapter 5122. or 5123. of the Revised Code 7318
alleging that the defendant is a ~~mentally ill~~ person with a 7319
mental illness subject to court order or a person with an 7320
intellectual disability subject to institutionalization by court 7321
order. If an affidavit is filed in the probate court, the trial 7322
court shall send to the probate court copies of all written 7323
reports of the defendant's mental condition that were prepared 7324
pursuant to section 2945.371 of the Revised Code. 7325

The trial court may issue the temporary order of detention 7326
that a probate court may issue under section 5122.11 or 5123.71 7327
of the Revised Code, to remain in effect until the probable 7328
cause or initial hearing in the probate court. Further 7329
proceedings in the probate court are civil proceedings governed 7330
by Chapter 5122. or 5123. of the Revised Code. 7331

(C) No defendant shall be required to undergo treatment, 7332

including any continuing evaluation and treatment, under 7333
division (B) (1) of this section for longer than whichever of the 7334
following periods is applicable: 7335

(1) One year, if the most serious offense with which the 7336
defendant is charged is one of the following offenses: 7337

(a) Aggravated murder, murder, or an offense of violence 7338
for which a sentence of death or life imprisonment may be 7339
imposed; 7340

(b) An offense of violence that is a felony of the first 7341
or second degree; 7342

(c) A conspiracy to commit, an attempt to commit, or 7343
complicity in the commission of an offense described in division 7344
(C) (1) (a) or (b) of this section if the conspiracy, attempt, or 7345
complicity is a felony of the first or second degree. 7346

(2) Six months, if the most serious offense with which the 7347
defendant is charged is a felony other than a felony described 7348
in division (C) (1) of this section; 7349

(3) Sixty days, if the most serious offense with which the 7350
defendant is charged is a misdemeanor of the first or second 7351
degree; 7352

(4) Thirty days, if the most serious offense with which 7353
the defendant is charged is a misdemeanor of the third or fourth 7354
degree, a minor misdemeanor, or an unclassified misdemeanor. 7355

(D) Any defendant who is committed pursuant to this 7356
section shall not voluntarily admit the defendant or be 7357
voluntarily admitted to a hospital or institution pursuant to 7358
section 5122.02, 5122.15, 5123.69, or 5123.76 of the Revised 7359
Code. 7360

(E) Except as otherwise provided in this division, a 7361
defendant who is charged with an offense and is committed by the 7362
court under this section to the department of mental health and 7363
addiction services or is committed to an institution or facility 7364
for the treatment of intellectual disabilities shall not be 7365
granted unsupervised on-grounds movement, supervised off-grounds 7366
movement, or nonsecured status except in accordance with the 7367
court order. The court may grant a defendant supervised off- 7368
grounds movement to obtain medical treatment or specialized 7369
habilitation treatment services if the person who supervises the 7370
treatment or the continuing evaluation and treatment of the 7371
defendant ordered under division (B) (1) (a) of this section 7372
informs the court that the treatment or continuing evaluation 7373
and treatment cannot be provided at the hospital or facility 7374
where the defendant is placed by the department of mental health 7375
and addiction services or the institution or facility to which 7376
the defendant is committed. The chief clinical officer of the 7377
hospital or facility where the defendant is placed by the 7378
department of mental health and addiction services or the 7379
managing officer of the institution or director of the facility 7380
to which the defendant is committed, or a designee of any of 7381
those persons, may grant a defendant movement to a medical 7382
facility for an emergency medical situation with appropriate 7383
supervision to ensure the safety of the defendant, staff, and 7384
community during that emergency medical situation. The chief 7385
clinical officer of the hospital or facility where the defendant 7386
is placed by the department of mental health and addiction 7387
services or the managing officer of the institution or director 7388
of the facility to which the defendant is committed shall notify 7389
the court within twenty-four hours of the defendant's movement 7390
to the medical facility for an emergency medical situation under 7391
this division. 7392

(F) The person who supervises the treatment or continuing
evaluation and treatment of a defendant ordered to undergo
treatment or continuing evaluation and treatment under division
(B) (1) (a) of this section shall file a written report with the
court at the following times:

(1) Whenever the person believes the defendant is capable
of understanding the nature and objective of the proceedings
against the defendant and of assisting in the defendant's
defense;

(2) For a felony offense, fourteen days before expiration
of the maximum time for treatment as specified in division (C)
of this section and fourteen days before the expiration of the
maximum time for continuing evaluation and treatment as
specified in division (B) (1) (a) of this section, and, for a
misdemeanor offense, ten days before the expiration of the
maximum time for treatment, as specified in division (C) of this
section;

(3) At a minimum, after each six months of treatment;

(4) Whenever the person who supervises the treatment or
continuing evaluation and treatment of a defendant ordered under
division (B) (1) (a) of this section believes that there is not a
substantial probability that the defendant will become capable
of understanding the nature and objective of the proceedings
against the defendant or of assisting in the defendant's defense
even if the defendant is provided with a course of treatment.

(G) A report under division (F) of this section shall
contain the examiner's findings, the facts in reasonable detail
on which the findings are based, and the examiner's opinion as
to the defendant's capability of understanding the nature and

objective of the proceedings against the defendant and of 7422
assisting in the defendant's defense. If, in the examiner's 7423
opinion, the defendant remains incapable of understanding the 7424
nature and objective of the proceedings against the defendant 7425
and of assisting in the defendant's defense and there is a 7426
substantial probability that the defendant will become capable 7427
of understanding the nature and objective of the proceedings 7428
against the defendant and of assisting in the defendant's 7429
defense if the defendant is provided with a course of treatment, 7430
if in the examiner's opinion the defendant ~~remains mentally ill~~ 7431
~~or~~ continues to have a mental illness or an intellectual 7432
disability, and if the maximum time for treatment as specified 7433
in division (C) of this section has not expired, the report also 7434
shall contain the examiner's recommendation as to the least 7435
restrictive placement or commitment alternative that is 7436
consistent with the defendant's treatment needs for restoration 7437
to competency and with the safety of the community. The court 7438
shall provide copies of the report to the prosecutor and defense 7439
counsel. 7440

(H) If a defendant is committed pursuant to division (B) 7441
(1) of this section, within ten days after the treating 7442
physician of the defendant or the examiner of the defendant who 7443
is employed or retained by the treating facility advises that 7444
there is not a substantial probability that the defendant will 7445
become capable of understanding the nature and objective of the 7446
proceedings against the defendant or of assisting in the 7447
defendant's defense even if the defendant is provided with a 7448
course of treatment, within ten days after the expiration of the 7449
maximum time for treatment as specified in division (C) of this 7450
section, within ten days after the expiration of the maximum 7451
time for continuing evaluation and treatment as specified in 7452

division (B) (1) (a) of this section, within thirty days after a 7453
defendant's request for a hearing that is made after six months 7454
of treatment, or within thirty days after being advised by the 7455
treating physician or examiner that the defendant is competent 7456
to stand trial, whichever is the earliest, the court shall 7457
conduct another hearing to determine if the defendant is 7458
competent to stand trial and shall do whichever of the following 7459
is applicable: 7460

(1) If the court finds that the defendant is competent to 7461
stand trial, the defendant shall be proceeded against as 7462
provided by law. 7463

(2) If the court finds that the defendant is incompetent 7464
to stand trial, but that there is a substantial probability that 7465
the defendant will become competent to stand trial if the 7466
defendant is provided with a course of treatment, and the 7467
maximum time for treatment as specified in division (C) of this 7468
section has not expired, the court, after consideration of the 7469
examiner's recommendation, shall order that treatment be 7470
continued, may change the facility or program at which the 7471
treatment is to be continued, and shall specify whether the 7472
treatment is to be continued at the same or a different facility 7473
or program. 7474

(3) If the court finds that the defendant is incompetent 7475
to stand trial, if the defendant is charged with an offense 7476
listed in division (C) (1) of this section, and if the court 7477
finds that there is not a substantial probability that the 7478
defendant will become competent to stand trial even if the 7479
defendant is provided with a course of treatment, or if the 7480
maximum time for treatment relative to that offense as specified 7481
in division (C) of this section has expired, further proceedings 7482

shall be as provided in sections 2945.39, 2945.401, and 2945.402 7483
of the Revised Code. 7484

(4) If the court finds that the defendant is incompetent 7485
to stand trial, if the most serious offense with which the 7486
defendant is charged is a misdemeanor or a felony other than a 7487
felony listed in division (C)(1) of this section, and if the 7488
court finds that there is not a substantial probability that the 7489
defendant will become competent to stand trial even if the 7490
defendant is provided with a course of treatment, or if the 7491
maximum time for treatment relative to that offense as specified 7492
in division (C) of this section has expired, the court shall 7493
dismiss the indictment, information, or complaint against the 7494
defendant. A dismissal under this division is not a bar to 7495
further prosecution based on the same conduct. The court shall 7496
discharge the defendant unless the court or prosecutor files an 7497
affidavit in probate court for civil commitment pursuant to 7498
Chapter 5122. or 5123. of the Revised Code. If an affidavit for 7499
civil commitment is filed, the court may detain the defendant 7500
for ten days pending civil commitment. All of the following 7501
provisions apply to persons charged with a misdemeanor or a 7502
felony other than a felony listed in division (C)(1) of this 7503
section who are committed by the probate court subsequent to the 7504
court's or prosecutor's filing of an affidavit for civil 7505
commitment under authority of this division: 7506

(a) The chief clinical officer of the entity, hospital, or 7507
facility, the managing officer of the institution, the director 7508
of the program, or the person to which the defendant is 7509
committed or admitted shall do all of the following: 7510

(i) Notify the prosecutor, in writing, of the discharge of 7511
the defendant, send the notice at least ten days prior to the 7512

discharge unless the discharge is by the probate court, and 7513
state in the notice the date on which the defendant will be 7514
discharged; 7515

(ii) Notify the prosecutor, in writing, when the defendant 7516
is absent without leave or is granted unsupervised, off-grounds 7517
movement, and send this notice promptly after the discovery of 7518
the absence without leave or prior to the granting of the 7519
unsupervised, off-grounds movement, whichever is applicable; 7520

(iii) Notify the prosecutor, in writing, of the change of 7521
the defendant's commitment or admission to voluntary status, 7522
send the notice promptly upon learning of the change to 7523
voluntary status, and state in the notice the date on which the 7524
defendant was committed or admitted on a voluntary status. 7525

(b) Upon receiving notice that the defendant will be 7526
granted unsupervised, off-grounds movement, the prosecutor 7527
either shall re-indict the defendant or promptly notify the 7528
court that the prosecutor does not intend to prosecute the 7529
charges against the defendant. 7530

(I) If a defendant is convicted of a crime and sentenced 7531
to a jail or workhouse, the defendant's sentence shall be 7532
reduced by the total number of days the defendant is confined 7533
for evaluation to determine the defendant's competence to stand 7534
trial or treatment under this section and sections 2945.37 and 7535
2945.371 of the Revised Code or by the total number of days the 7536
defendant is confined for evaluation to determine the 7537
defendant's mental condition at the time of the offense charged. 7538

Sec. 2945.39. (A) If a defendant who is charged with an 7539
offense described in division (C) (1) of section 2945.38 of the 7540
Revised Code is found incompetent to stand trial, after the 7541

expiration of the maximum time for treatment as specified in 7542
division (C) of that section or after the court finds that there 7543
is not a substantial probability that the defendant will become 7544
competent to stand trial even if the defendant is provided with 7545
a course of treatment, one of the following applies: 7546

(1) The court or the prosecutor may file an affidavit in 7547
probate court for civil commitment of the defendant in the 7548
manner provided in Chapter 5122. or 5123. of the Revised Code. 7549
If the court or prosecutor files an affidavit for civil 7550
commitment, the court may detain the defendant for ten days 7551
pending civil commitment. If the probate court commits the 7552
defendant subsequent to the court's or prosecutor's filing of an 7553
affidavit for civil commitment, the chief clinical officer of 7554
the entity, hospital, or facility, the managing officer of the 7555
institution, the director of the program, or the person to which 7556
the defendant is committed or admitted shall send to the 7557
prosecutor the notices described in divisions (H) (4) (a) (i) to 7558
(iii) of section 2945.38 of the Revised Code within the periods 7559
of time and under the circumstances specified in those 7560
divisions. 7561

(2) On the motion of the prosecutor or on its own motion, 7562
the court may retain jurisdiction over the defendant if, at a 7563
hearing, the court finds both of the following by clear and 7564
convincing evidence: 7565

(a) The defendant committed the offense with which the 7566
defendant is charged. 7567

(b) The defendant is a ~~mentally ill~~ person with a mental 7568
illness subject to court order or a person with an intellectual 7569
disability subject to institutionalization by court order. 7570

(B) In making its determination under division (A) (2) of this section as to whether to retain jurisdiction over the defendant, the court may consider all relevant evidence, including, but not limited to, any relevant psychiatric, psychological, or medical testimony or reports, the acts constituting the offense charged, and any history of the defendant that is relevant to the defendant's ability to conform to the law.

(C) If the court conducts a hearing as described in division (A) (2) of this section and if the court does not make both findings described in divisions (A) (2) (a) and (b) of this section by clear and convincing evidence, the court shall dismiss the indictment, information, or complaint against the defendant. Upon the dismissal, the court shall discharge the defendant unless the court or prosecutor files an affidavit in probate court for civil commitment of the defendant pursuant to Chapter 5122. or 5123. of the Revised Code. If the court or prosecutor files an affidavit for civil commitment, the court may order that the defendant be detained for up to ten days pending the civil commitment. If the probate court commits the defendant subsequent to the court's or prosecutor's filing of an affidavit for civil commitment, the chief clinical officer of the entity, hospital, or facility, the managing officer of the institution, the director of the program, or the person to which the defendant is committed or admitted shall send to the prosecutor the notices described in divisions (H) (4) (a) (i) to (iii) of section 2945.38 of the Revised Code within the periods of time and under the circumstances specified in those divisions. A dismissal of charges under this division is not a bar to further criminal proceedings based on the same conduct.

(D) (1) If the court conducts a hearing as described in

division (A) (2) of this section and if the court makes the 7602
findings described in divisions (A) (2) (a) and (b) of this 7603
section by clear and convincing evidence, the court shall commit 7604
the defendant, if determined to require mental health treatment, 7605
either to the department of mental health and addiction services 7606
for treatment at a hospital, facility, or agency as determined 7607
clinically appropriate by the department of mental health and 7608
addiction services or to another medical or psychiatric 7609
facility, as appropriate. Prior to placing the defendant, the 7610
department of mental health and addiction services shall obtain 7611
court approval for that placement. If the court conducts such a 7612
hearing and if it makes those findings by clear and convincing 7613
evidence, the court shall commit the defendant, if determined to 7614
require treatment for an intellectual disability, to a facility 7615
operated by the department of developmental disabilities, or 7616
another facility, as appropriate. In determining the place of 7617
commitment, the court shall consider the extent to which the 7618
person is a danger to the person and to others, the need for 7619
security, and the type of crime involved and shall order the 7620
least restrictive alternative available that is consistent with 7621
public safety and the welfare of the defendant. In weighing 7622
these factors, the court shall give preference to protecting 7623
public safety. 7624

(2) If a court makes a commitment of a defendant under 7625
division (D) (1) of this section, the prosecutor shall send to 7626
the hospital, facility, or agency where the defendant is placed 7627
by the department of mental health and addiction services or to 7628
the defendant's place of commitment all reports of the 7629
defendant's current mental condition and, except as otherwise 7630
provided in this division, any other relevant information, 7631
including, but not limited to, a transcript of the hearing held 7632

pursuant to division (A) (2) of this section, copies of relevant 7633
police reports, and copies of any prior arrest and conviction 7634
records that pertain to the defendant and that the prosecutor 7635
possesses. The prosecutor shall send the reports of the 7636
defendant's current mental condition in every case of 7637
commitment, and, unless the prosecutor determines that the 7638
release of any of the other relevant information to unauthorized 7639
persons would interfere with the effective prosecution of any 7640
person or would create a substantial risk of harm to any person, 7641
the prosecutor also shall send the other relevant information. 7642
Upon admission of a defendant committed under division (D) (1) of 7643
this section, the place of commitment shall send to the board of 7644
alcohol, drug addiction, and mental health services or the 7645
community mental health board serving the county in which the 7646
charges against the defendant were filed a copy of all reports 7647
of the defendant's current mental condition and a copy of the 7648
other relevant information provided by the prosecutor under this 7649
division, including, if provided, a transcript of the hearing 7650
held pursuant to division (A) (2) of this section, the relevant 7651
police reports, and the prior arrest and conviction records that 7652
pertain to the defendant and that the prosecutor possesses. 7653

(3) If a court makes a commitment under division (D) (1) of 7654
this section, all further proceedings shall be in accordance 7655
with sections 2945.401 and 2945.402 of the Revised Code. 7656

Sec. 2945.40. (A) If a person is found not guilty by 7657
reason of insanity, the verdict shall state that finding, and 7658
the trial court shall conduct a full hearing to determine 7659
whether the person is a ~~mentally ill person with a mental~~ 7660
illness subject to court order or a person with an intellectual 7661
disability subject to institutionalization by court order. Prior 7662
to the hearing, if the trial judge believes that there is 7663

probable cause that the person found not guilty by reason of 7664
insanity is a ~~mentally ill person~~ with a mental illness subject 7665
to court order or a person with an intellectual disability 7666
subject to institutionalization by court order, the trial judge 7667
may issue a temporary order of detention for that person to 7668
remain in effect for ten court days or until the hearing, 7669
whichever occurs first. 7670

Any person detained pursuant to a temporary order of 7671
detention issued under this division shall be held in a suitable 7672
facility, taking into consideration the place and type of 7673
confinement prior to and during trial. 7674

(B) The court shall hold the hearing under division (A) of 7675
this section to determine whether the person found not guilty by 7676
reason of insanity is a ~~mentally ill person~~ with a mental 7677
illness subject to court order or a person with an intellectual 7678
disability subject to institutionalization by court order within 7679
ten court days after the finding of not guilty by reason of 7680
insanity. Failure to conduct the hearing within the ten-day 7681
period shall cause the immediate discharge of the respondent, 7682
unless the judge grants a continuance for not longer than ten 7683
court days for good cause shown or for any period of time upon 7684
motion of the respondent. 7685

(C) If a person is found not guilty by reason of insanity, 7686
the person has the right to attend all hearings conducted 7687
pursuant to sections 2945.37 to 2945.402 of the Revised Code. At 7688
any hearing conducted pursuant to one of those sections, the 7689
court shall inform the person that the person has all of the 7690
following rights: 7691

(1) The right to be represented by counsel and to have 7692
that counsel provided at public expense if the person is 7693

indigent, with the counsel to be appointed by the court under 7694
Chapter 120. of the Revised Code or under the authority 7695
recognized in division (C) of section 120.06, division (E) of 7696
section 120.16, division (E) of section 120.26, or section 7697
2941.51 of the Revised Code; 7698

(2) The right to have independent expert evaluation and to 7699
have that independent expert evaluation provided at public 7700
expense if the person is indigent; 7701

(3) The right to subpoena witnesses and documents, to 7702
present evidence on the person's behalf, and to cross-examine 7703
witnesses against the person; 7704

(4) The right to testify in the person's own behalf and to 7705
not be compelled to testify; 7706

(5) The right to have copies of any relevant medical or 7707
mental health document in the custody of the state or of any 7708
place of commitment other than a document for which the court 7709
finds that the release to the person of information contained in 7710
the document would create a substantial risk of harm to any 7711
person. 7712

(D) The hearing under division (A) of this section shall 7713
be open to the public, and the court shall conduct the hearing 7714
in accordance with the Rules of Civil Procedure. The court shall 7715
make and maintain a full transcript and record of the hearing 7716
proceedings. The court may consider all relevant evidence, 7717
including, but not limited to, any relevant psychiatric, 7718
psychological, or medical testimony or reports, the acts 7719
constituting the offense in relation to which the person was 7720
found not guilty by reason of insanity, and any history of the 7721
person that is relevant to the person's ability to conform to 7722

the law. 7723

(E) Upon completion of the hearing under division (A) of 7724
this section, if the court finds there is not clear and 7725
convincing evidence that the person is a ~~mentally ill person~~ 7726
with a mental illness subject to court order or a person with an 7727
intellectual disability subject to institutionalization by court 7728
order, the court shall discharge the person, unless a detainer 7729
has been placed upon the person by the department of 7730
rehabilitation and correction, in which case the person shall be 7731
returned to that department. 7732

(F) If, at the hearing under division (A) of this section, 7733
the court finds by clear and convincing evidence that the person 7734
is a ~~mentally ill person~~ with a mental illness subject to court 7735
order, the court shall commit the person either to the 7736
department of mental health and addiction services for treatment 7737
in a hospital, facility, or agency as determined clinically 7738
appropriate by the department of mental health and addiction 7739
services or to another medical or psychiatric facility, as 7740
appropriate. Prior to placing the defendant, the department of 7741
mental health and addiction services shall obtain court approval 7742
for that placement. If, at the hearing under division (A) of 7743
this section, the court determines by clear and convincing 7744
evidence that the person requires treatment for an intellectual 7745
disability, it shall commit the person to a facility operated by 7746
the department of developmental disabilities or another 7747
facility, as appropriate. Further proceedings shall be in 7748
accordance with sections 2945.401 and 2945.402 of the Revised 7749
Code. In determining the place of commitment, the court shall 7750
consider the extent to which the person is a danger to the 7751
person and to others, the need for security, and the type of 7752
crime involved and shall order the least restrictive alternative 7753

available that is consistent with public safety and the welfare 7754
of the person. In weighing these factors, the court shall give 7755
preference to protecting public safety. 7756

(G) If a court makes a commitment of a person under 7757
division (F) of this section, the prosecutor shall send to the 7758
hospital, facility, or agency where the person is placed by the 7759
department of mental health and addiction services or to the 7760
defendant's place of commitment all reports of the person's 7761
current mental condition, and, except as otherwise provided in 7762
this division, any other relevant information, including, but 7763
not limited to, a transcript of the hearing held pursuant to 7764
division (A) of this section, copies of relevant police reports, 7765
and copies of any prior arrest and conviction records that 7766
pertain to the person and that the prosecutor possesses. The 7767
prosecutor shall send the reports of the person's current mental 7768
condition in every case of commitment, and, unless the 7769
prosecutor determines that the release of any of the other 7770
relevant information to unauthorized persons would interfere 7771
with the effective prosecution of any person or would create a 7772
substantial risk of harm to any person, the prosecutor also 7773
shall send the other relevant information. Upon admission of a 7774
person committed under division (F) of this section, the place 7775
of commitment shall send to the board of alcohol, drug 7776
addiction, and mental health services or the community mental 7777
health board serving the county in which the charges against the 7778
person were filed a copy of all reports of the person's current 7779
mental condition and a copy of the other relevant information 7780
provided by the prosecutor under this division, including, if 7781
provided, a transcript of the hearing held pursuant to division 7782
(A) of this section, the relevant police reports, and the prior 7783
arrest and conviction records that pertain to the person and 7784

that the prosecutor possesses. 7785

(H) A person who is committed pursuant to this section 7786
shall not voluntarily admit the person or be voluntarily 7787
admitted to a hospital or institution pursuant to section 7788
5122.02, 5122.15, 5123.69, or 5123.76 of the Revised Code. 7789

Sec. 2945.401. (A) A defendant found incompetent to stand 7790
trial and committed pursuant to section 2945.39 of the Revised 7791
Code or a person found not guilty by reason of insanity and 7792
committed pursuant to section 2945.40 of the Revised Code shall 7793
remain subject to the jurisdiction of the trial court pursuant 7794
to that commitment, and to the provisions of this section, until 7795
the final termination of the commitment as described in division 7796
(J) (1) of this section. If the jurisdiction is terminated under 7797
this division because of the final termination of the commitment 7798
resulting from the expiration of the maximum prison term or term 7799
of imprisonment described in division (J) (1) (b) of this section, 7800
the court or prosecutor may file an affidavit for the civil 7801
commitment of the defendant or person pursuant to Chapter 5122. 7802
or 5123. of the Revised Code. 7803

(B) A hearing conducted under any provision of sections 7804
2945.37 to 2945.402 of the Revised Code shall not be conducted 7805
in accordance with Chapters 5122. and 5123. of the Revised Code. 7806
Any person who is committed pursuant to section 2945.39 or 7807
2945.40 of the Revised Code shall not voluntarily admit the 7808
person or be voluntarily admitted to a hospital or institution 7809
pursuant to section 5122.02, 5122.15, 5123.69, or 5123.76 of the 7810
Revised Code. All other provisions of Chapters 5122. and 5123. 7811
of the Revised Code regarding hospitalization or 7812
institutionalization shall apply to the extent they are not in 7813
conflict with this chapter. A commitment under section 2945.39 7814

or 2945.40 of the Revised Code shall not be terminated and the 7815
conditions of the commitment shall not be changed except as 7816
otherwise provided in division (D) (2) of this section with 7817
respect to a person with an intellectual disability subject to 7818
institutionalization by court order or except by order of the 7819
trial court. 7820

(C) The department of mental health and addiction services 7821
or the institution, facility, or program to which a defendant or 7822
person has been committed under section 2945.39 or 2945.40 of 7823
the Revised Code shall report in writing to the trial court, at 7824
the times specified in this division, as to whether the 7825
defendant or person remains a ~~mentally ill person~~ with a mental 7826
illness subject to court order or a person with an intellectual 7827
disability subject to institutionalization by court order and, 7828
in the case of a defendant committed under section 2945.39 of 7829
the Revised Code, as to whether the defendant remains 7830
incompetent to stand trial. The department, institution, 7831
facility, or program shall make the reports after the initial 7832
six months of treatment and every two years after the initial 7833
report is made. The trial court shall provide copies of the 7834
reports to the prosecutor and to the counsel for the defendant 7835
or person. Within thirty days after its receipt pursuant to this 7836
division of a report from the department, institution, facility, 7837
or program, the trial court shall hold a hearing on the 7838
continued commitment of the defendant or person or on any 7839
changes in the conditions of the commitment of the defendant or 7840
person. The defendant or person may request a change in the 7841
conditions of confinement, and the trial court shall conduct a 7842
hearing on that request if six months or more have elapsed since 7843
the most recent hearing was conducted under this section. 7844

(D) (1) Except as otherwise provided in division (D) (2) of 7845

this section, when a defendant or person has been committed 7846
under section 2945.39 or 2945.40 of the Revised Code, at any 7847
time after evaluating the risks to public safety and the welfare 7848
of the defendant or person, the designee of the department of 7849
mental health and addiction services or the managing officer of 7850
the institution or director of the facility or program to which 7851
the defendant or person is committed may recommend a termination 7852
of the defendant's or person's commitment or a change in the 7853
conditions of the defendant's or person's commitment. 7854

Except as otherwise provided in division (D) (2) of this 7855
section, if the designee of the department of mental health and 7856
addiction services recommends on-grounds unsupervised movement, 7857
off-grounds supervised movement, or nonsecured status for the 7858
defendant or person or termination of the defendant's or 7859
person's commitment, the following provisions apply: 7860

(a) If the department's designee recommends on-grounds 7861
unsupervised movement or off-grounds supervised movement, the 7862
department's designee shall file with the trial court an 7863
application for approval of the movement and shall send a copy 7864
of the application to the prosecutor. Within fifteen days after 7865
receiving the application, the prosecutor may request a hearing 7866
on the application and, if a hearing is requested, shall so 7867
inform the department's designee. If the prosecutor does not 7868
request a hearing within the fifteen-day period, the trial court 7869
shall approve the application by entering its order approving 7870
the requested movement or, within five days after the expiration 7871
of the fifteen-day period, shall set a date for a hearing on the 7872
application. If the prosecutor requests a hearing on the 7873
application within the fifteen-day period, the trial court shall 7874
hold a hearing on the application within thirty days after the 7875
hearing is requested. If the trial court, within five days after 7876

the expiration of the fifteen-day period, sets a date for a 7877
hearing on the application, the trial court shall hold the 7878
hearing within thirty days after setting the hearing date. At 7879
least fifteen days before any hearing is held under this 7880
division, the trial court shall give the prosecutor written 7881
notice of the date, time, and place of the hearing. At the 7882
conclusion of each hearing conducted under this division, the 7883
trial court either shall approve or disapprove the application 7884
and shall enter its order accordingly. 7885

(b) If the department's designee recommends termination of 7886
the defendant's or person's commitment at any time or if the 7887
department's designee recommends the first of any nonsecured 7888
status for the defendant or person, the department's designee 7889
shall send written notice of this recommendation to the trial 7890
court and to the local forensic center. The local forensic 7891
center shall evaluate the committed defendant or person and, 7892
within thirty days after its receipt of the written notice, 7893
shall submit to the trial court and the department's designee a 7894
written report of the evaluation. The trial court shall provide 7895
a copy of the department's designee's written notice and of the 7896
local forensic center's written report to the prosecutor and to 7897
the counsel for the defendant or person. Upon the local forensic 7898
center's submission of the report to the trial court and the 7899
department's designee, all of the following apply: 7900

(i) If the forensic center disagrees with the 7901
recommendation of the department's designee, it shall inform the 7902
department's designee and the trial court of its decision and 7903
the reasons for the decision. The department's designee, after 7904
consideration of the forensic center's decision, shall either 7905
withdraw, proceed with, or modify and proceed with the 7906
recommendation. If the department's designee proceeds with, or 7907

modifies and proceeds with, the recommendation, the department's 7908
designee shall proceed in accordance with division (D) (1) (b) 7909
(iii) of this section. 7910

(ii) If the forensic center agrees with the recommendation 7911
of the department's designee, it shall inform the department's 7912
designee and the trial court of its decision and the reasons for 7913
the decision, and the department's designee shall proceed in 7914
accordance with division (D) (1) (b) (iii) of this section. 7915

(iii) If the forensic center disagrees with the 7916
recommendation of the department's designee and the department's 7917
designee proceeds with, or modifies and proceeds with, the 7918
recommendation or if the forensic center agrees with the 7919
recommendation of the department's designee, the department's 7920
designee shall work with community mental health services 7921
providers, programs, facilities, or boards of alcohol, drug 7922
addiction, and mental health services or community mental health 7923
boards to develop a plan to implement the recommendation. If the 7924
defendant or person is on medication, the plan shall include, 7925
but shall not be limited to, a system to monitor the defendant's 7926
or person's compliance with the prescribed medication treatment 7927
plan. The system shall include a schedule that clearly states 7928
when the defendant or person shall report for a medication 7929
compliance check. The medication compliance checks shall be 7930
based upon the effective duration of the prescribed medication, 7931
taking into account the route by which it is taken, and shall be 7932
scheduled at intervals sufficiently close together to detect a 7933
potential increase in mental illness symptoms that the 7934
medication is intended to prevent. 7935

The department's designee, after consultation with the 7936
board of alcohol, drug addiction, and mental health services or 7937

the community mental health board serving the area, shall send 7938
the recommendation and plan developed under division (D) (1) (b) 7939
(iii) of this section, in writing, to the trial court, the 7940
prosecutor, and the counsel for the committed defendant or 7941
person. The trial court shall conduct a hearing on the 7942
recommendation and plan developed under division (D) (1) (b) (iii) 7943
of this section. Divisions (D) (1) (c) and (d) and (E) to (J) of 7944
this section apply regarding the hearing. 7945

(c) If the department's designee's recommendation is for 7946
nonsecured status or termination of commitment, the prosecutor 7947
may obtain an independent expert evaluation of the defendant's 7948
or person's mental condition, and the trial court may continue 7949
the hearing on the recommendation for a period of not more than 7950
thirty days to permit time for the evaluation. 7951

The prosecutor may introduce the evaluation report or 7952
present other evidence at the hearing in accordance with the 7953
Rules of Evidence. 7954

(d) The trial court shall schedule the hearing on a 7955
department's designee's recommendation for nonsecured status or 7956
termination of commitment and shall give reasonable notice to 7957
the prosecutor and the counsel for the defendant or person. 7958
Unless continued for independent evaluation at the prosecutor's 7959
request or for other good cause, the hearing shall be held 7960
within thirty days after the trial court's receipt of the 7961
recommendation and plan. 7962

(2) (a) Division (D) (1) of this section does not apply to 7963
on-grounds unsupervised movement of a defendant or person who 7964
has been committed under section 2945.39 or 2945.40 of the 7965
Revised Code, who is a person with an intellectual disability 7966
subject to institutionalization by court order, and who is being 7967

provided residential habilitation, care, and treatment in a 7968
facility operated by the department of developmental 7969
disabilities. 7970

(b) If, pursuant to section 2945.39 of the Revised Code, 7971
the trial court commits a defendant who is found incompetent to 7972
stand trial and who is a person with an intellectual disability 7973
subject to institutionalization by court order, if the defendant 7974
is being provided residential habilitation, care, and treatment 7975
in a facility operated by the department of developmental 7976
disabilities, if an individual who is conducting a survey for 7977
the department of health to determine the facility's compliance 7978
with the certification requirements of the medicaid program 7979
cites the defendant's receipt of the residential habilitation, 7980
care, and treatment in the facility as being inappropriate under 7981
the certification requirements, if the defendant's receipt of 7982
the residential habilitation, care, and treatment in the 7983
facility potentially jeopardizes the facility's continued 7984
receipt of federal medicaid moneys, and if as a result of the 7985
citation the chief clinical officer of the facility determines 7986
that the conditions of the defendant's commitment should be 7987
changed, the department of developmental disabilities may cause 7988
the defendant to be removed from the particular facility and, 7989
after evaluating the risks to public safety and the welfare of 7990
the defendant and after determining whether another type of 7991
placement is consistent with the certification requirements, may 7992
place the defendant in another facility that the department 7993
selects as an appropriate facility for the defendant's continued 7994
receipt of residential habilitation, care, and treatment and 7995
that is a no less secure setting than the facility in which the 7996
defendant had been placed at the time of the citation. Within 7997
three days after the defendant's removal and alternative 7998

placement under the circumstances described in division (D) (2) 7999
(b) of this section, the department of developmental 8000
disabilities shall notify the trial court and the prosecutor in 8001
writing of the removal and alternative placement. 8002

The trial court shall set a date for a hearing on the 8003
removal and alternative placement, and the hearing shall be held 8004
within twenty-one days after the trial court's receipt of the 8005
notice from the department of developmental disabilities. At 8006
least ten days before the hearing is held, the trial court shall 8007
give the prosecutor, the department of developmental 8008
disabilities, and the counsel for the defendant written notice 8009
of the date, time, and place of the hearing. At the hearing, the 8010
trial court shall consider the citation issued by the individual 8011
who conducted the survey for the department of health to be 8012
prima-facie evidence of the fact that the defendant's commitment 8013
to the particular facility was inappropriate under the 8014
certification requirements of the medicaid program and 8015
potentially jeopardizes the particular facility's continued 8016
receipt of federal medicaid moneys. At the conclusion of the 8017
hearing, the trial court may approve or disapprove the 8018
defendant's removal and alternative placement. If the trial 8019
court approves the defendant's removal and alternative 8020
placement, the department of developmental disabilities may 8021
continue the defendant's alternative placement. If the trial 8022
court disapproves the defendant's removal and alternative 8023
placement, it shall enter an order modifying the defendant's 8024
removal and alternative placement, but that order shall not 8025
require the department of developmental disabilities to replace 8026
the defendant for purposes of continued residential 8027
habilitation, care, and treatment in the facility associated 8028
with the citation issued by the individual who conducted the 8029

survey for the department of health. 8030

(E) In making a determination under this section regarding 8031
nonsecured status or termination of commitment, the trial court 8032
shall consider all relevant factors, including, but not limited 8033
to, all of the following: 8034

(1) Whether, in the trial court's view, the defendant or 8035
person currently represents a substantial risk of physical harm 8036
to the defendant or person or others; 8037

(2) Psychiatric and medical testimony as to the current 8038
mental and physical condition of the defendant or person; 8039

(3) Whether the defendant or person has insight into the 8040
defendant's or person's condition so that the defendant or 8041
person will continue treatment as prescribed or seek 8042
professional assistance as needed; 8043

(4) The grounds upon which the state relies for the 8044
proposed commitment; 8045

(5) Any past history that is relevant to establish the 8046
defendant's or person's degree of conformity to the laws, rules, 8047
regulations, and values of society; 8048

(6) If there is evidence that the defendant's or person's 8049
mental illness is in a state of remission, the medically 8050
suggested cause and degree of the remission and the probability 8051
that the defendant or person will continue treatment to maintain 8052
the remissive state of the defendant's or person's illness 8053
should the defendant's or person's commitment conditions be 8054
altered. 8055

(F) At any hearing held pursuant to division (C) or (D) (1) 8056
or (2) of this section, the defendant or the person shall have 8057

all the rights of a defendant or person at a commitment hearing 8058
as described in section 2945.40 of the Revised Code. 8059

(G) In a hearing held pursuant to division (C) or (D) (1) 8060
of this section, the prosecutor has the burden of proof as 8061
follows: 8062

(1) For a recommendation of termination of commitment, to 8063
show by clear and convincing evidence that the defendant or 8064
person remains a ~~mentally ill person~~ with a mental illness 8065
subject to court order or a person with an intellectual 8066
disability subject to institutionalization by court order; 8067

(2) For a recommendation for a change in the conditions of 8068
the commitment to a less restrictive status, to show by clear 8069
and convincing evidence that the proposed change represents a 8070
threat to public safety or a threat to the safety of any person. 8071

(H) In a hearing held pursuant to division (C) or (D) (1) 8072
or (2) of this section, the prosecutor shall represent the state 8073
or the public interest. 8074

(I) At the conclusion of a hearing conducted under 8075
division (D) (1) of this section regarding a recommendation from 8076
the designee of the department of mental health and addiction 8077
services, managing officer of the institution, or director of a 8078
facility or program, the trial court may approve, disapprove, or 8079
modify the recommendation and shall enter an order accordingly. 8080

(J) (1) A defendant or person who has been committed 8081
pursuant to section 2945.39 or 2945.40 of the Revised Code 8082
continues to be under the jurisdiction of the trial court until 8083
the final termination of the commitment. For purposes of 8084
division (J) of this section, the final termination of a 8085
commitment occurs upon the earlier of one of the following: 8086

(a) The defendant or person no longer is a ~~mentally ill~~ person with a mental illness subject to court order or a person with an intellectual disability subject to institutionalization by court order, as determined by the trial court;

(b) The expiration of the maximum prison term or term of imprisonment that the defendant or person could have received if the defendant or person had been convicted of the most serious offense with which the defendant or person is charged or in relation to which the defendant or person was found not guilty by reason of insanity;

(c) The trial court enters an order terminating the commitment under the circumstances described in division (J) (2) (a) (ii) of this section.

(2) (a) If a defendant is found incompetent to stand trial and committed pursuant to section 2945.39 of the Revised Code, if neither of the circumstances described in divisions (J) (1) (a) and (b) of this section applies to that defendant, and if a report filed with the trial court pursuant to division (C) of this section indicates that the defendant presently is competent to stand trial or if, at any other time during the period of the defendant's commitment, the prosecutor, the counsel for the defendant, or the designee of the department of mental health and addiction services or the managing officer of the institution or director of the facility or program to which the defendant is committed files an application with the trial court alleging that the defendant presently is competent to stand trial and requesting a hearing on the competency issue or the trial court otherwise has reasonable cause to believe that the defendant presently is competent to stand trial and determines on its own motion to hold a hearing on the competency issue, the

trial court shall schedule a hearing on the competency of the 8117
defendant to stand trial, shall give the prosecutor, the counsel 8118
for the defendant, and the department's designee or the managing 8119
officer of the institution or the director of the facility to 8120
which the defendant is committed notice of the date, time, and 8121
place of the hearing at least fifteen days before the hearing, 8122
and shall conduct the hearing within thirty days of the filing 8123
of the application or of its own motion. If, at the conclusion 8124
of the hearing, the trial court determines that the defendant 8125
presently is capable of understanding the nature and objective 8126
of the proceedings against the defendant and of assisting in the 8127
defendant's defense, the trial court shall order that the 8128
defendant is competent to stand trial and shall be proceeded 8129
against as provided by law with respect to the applicable 8130
offenses described in division (C)(1) of section 2945.38 of the 8131
Revised Code and shall enter whichever of the following 8132
additional orders is appropriate: 8133

(i) If the trial court determines that the defendant 8134
remains a ~~mentally ill~~ person with a mental illness subject to 8135
court order or a person with an intellectual disability subject 8136
to institutionalization by court order, the trial court shall 8137
order that the defendant's commitment to the department of 8138
mental health and addiction services or to an institution, 8139
facility, or program for the treatment of intellectual 8140
disabilities be continued during the pendency of the trial on 8141
the applicable offenses described in division (C)(1) of section 8142
2945.38 of the Revised Code. 8143

(ii) If the trial court determines that the defendant no 8144
longer is a ~~mentally ill~~ person with a mental illness subject to 8145
court order or a person with an intellectual disability subject 8146
to institutionalization by court order, the trial court shall 8147

order that the defendant's commitment to the department of 8148
mental health and addiction services or to an institution, 8149
facility, or program for the treatment of intellectual 8150
disabilities shall not be continued during the pendency of the 8151
trial on the applicable offenses described in division (C) (1) of 8152
section 2945.38 of the Revised Code. This order shall be a final 8153
termination of the commitment for purposes of division (J) (1) (c) 8154
of this section. 8155

(b) If, at the conclusion of the hearing described in 8156
division (J) (2) (a) of this section, the trial court determines 8157
that the defendant remains incapable of understanding the nature 8158
and objective of the proceedings against the defendant or of 8159
assisting in the defendant's defense, the trial court shall 8160
order that the defendant continues to be incompetent to stand 8161
trial, that the defendant's commitment to the department of 8162
mental health and addiction services or to an institution, 8163
facility, or program for the treatment of intellectual 8164
disabilities shall be continued, and that the defendant remains 8165
subject to the jurisdiction of the trial court pursuant to that 8166
commitment, and to the provisions of this section, until the 8167
final termination of the commitment as described in division (J) 8168
(1) of this section. 8169

Sec. 2945.42. No person is disqualified as a witness in a 8170
criminal prosecution by reason of the person's interest in the 8171
prosecution as a party or otherwise or by reason of the person's 8172
conviction of crime. Husband and wife are competent witnesses to 8173
testify in behalf of each other in all criminal prosecutions and 8174
to testify against each other in all actions, prosecutions, and 8175
proceedings for personal injury of either by the other, bigamy, 8176
or failure to provide for, neglect of, or cruelty to their 8177
children under eighteen years of age or their ~~physically or~~ 8178

~~mentally handicapped child with a mental or physical disability~~ 8179
under twenty-one years of age. A spouse may testify against his 8180
or her spouse in a prosecution under a provision of sections 8181
2903.11 to 2903.13, 2919.21, 2919.22, or 2919.25 of the Revised 8182
Code for cruelty to, neglect of, or abandonment of such spouse, 8183
in a prosecution against his or her spouse under section 8184
2903.211 or 2911.211, of the Revised Code for the commission of 8185
the offense against the spouse who is testifying, in a 8186
prosecution under section 2919.27 of the Revised Code involving 8187
a protection order issued or consent agreement approved pursuant 8188
to section 2919.26 or 3113.31 of the Revised Code for the 8189
commission of the offense against the spouse who is testifying, 8190
or in a prosecution under section 2907.02 of the Revised Code 8191
for the commission of rape or under former section 2907.12 of 8192
the Revised Code for felonious sexual penetration against such 8193
spouse in a case in which the offense can be committed against a 8194
spouse. Such interest, conviction, or relationship may be shown 8195
for the purpose of affecting the credibility of the witness. 8196
Husband or wife shall not testify concerning a communication 8197
made by one to the other, or act done by either in the presence 8198
of the other, during coverture, unless the communication was 8199
made or act done in the known presence or hearing of a third 8200
person competent to be a witness, or in case of personal injury 8201
by either the husband or wife to the other, or rape or the 8202
former offense of felonious sexual penetration in a case in 8203
which the offense can be committed against a spouse, or bigamy, 8204
or failure to provide for, or neglect or cruelty of either to 8205
their children under eighteen years of age or their ~~physically-~~ 8206
~~or mentally handicapped child with a mental or physical~~ 8207
disability under twenty-one years of age, violation of a 8208
protection order or consent agreement, or neglect or abandonment 8209
of a spouse under a provision of those sections. The presence or 8210

whereabouts of the husband or wife is not an act under this 8211
section. The rule is the same if the marital relation has ceased 8212
to exist. 8213

Sec. 2949.29. (A) The prosecuting attorney, the convict, 8214
and the convict's counsel shall attend an inquiry commenced as 8215
provided in section 2949.28 of the Revised Code. The prosecuting 8216
attorney and the convict or the convict's counsel may produce, 8217
examine, and cross-examine witnesses, and all findings shall be 8218
in writing signed by the judge. If it is found that the convict 8219
is not insane, the sentence shall be executed at the time 8220
previously appointed, unless that time has passed pending 8221
completion of the inquiry, in which case the judge conducting 8222
the inquiry, if authorized by the supreme court, shall appoint a 8223
time for execution of the sentence to be effective fifteen days 8224
from the date of the entry of the judge's findings in the 8225
inquiry. 8226

(B) If it is found that the convict is insane and if 8227
authorized by the supreme court, the judge shall continue any 8228
stay of execution of the sentence previously issued, order the 8229
convict to be confined in the area at which other convicts 8230
sentenced to death are confined or in a maximum security medical 8231
or psychiatric facility operated by the department of 8232
rehabilitation and correction, and order treatment of the 8233
convict. Thereafter, the court at any time may conduct and, on 8234
motion of the prosecuting attorney, shall conduct a hearing 8235
pursuant to division (A) of this section to continue the inquiry 8236
into the convict's insanity and, as provided in section 2949.28 8237
of the Revised Code, may appoint one or more psychiatrists or 8238
psychologists to make a further examination of the convict and 8239
to submit a report to the court. If the court finds at the 8240
hearing that the convict is not insane and if the time 8241

previously appointed for execution of the sentence has not 8242
passed, the sentence shall be executed at the previously 8243
appointed time. If the court finds at the hearing that the 8244
convict is not insane and if the time previously appointed for 8245
execution of the sentence has passed, the judge who conducts the 8246
hearing, if authorized by the supreme court, shall appoint a new 8247
time for execution of the sentence to be effective fifteen days 8248
from the date of the entry of the judge's findings in the 8249
hearing. 8250

(C) In all proceedings under this section, the convict is 8251
presumed not to be insane, and the court shall find that the 8252
convict is not insane unless the court finds by a preponderance 8253
of the evidence that the convict is insane. 8254

(D) Proceedings for inquiry into the insanity of any 8255
convict sentenced to death shall be exclusively pursuant to this 8256
section, section 2949.28 of the Revised Code, and the Rules of 8257
Evidence. Neither Chapter 5122. or 5123. of the Revised Code nor 8258
any other provision of the Revised Code nor any other rule 8259
concerning ~~mentally ill persons~~ with mental illnesses, persons 8260
with intellectual disabilities, or insane persons applies to any 8261
proceeding for inquiry into the insanity of any convict 8262
sentenced to death. 8263

Sec. 2967.22. Whenever it is brought to the attention of 8264
the adult parole authority or a department of probation that a 8265
parolee, person under a community control sanction, person under 8266
transitional control, or releasee appears to be a ~~mentally ill~~ 8267
person with a mental illness subject to court order, as defined 8268
in section 5122.01 of the Revised Code, or a person with an 8269
intellectual disability subject to institutionalization by court 8270
order, as defined in section 5123.01 of the Revised Code, the 8271

parole or probation officer, subject to the approval of the 8272
chief of the adult parole authority, the designee of the chief 8273
of the adult parole authority, or the chief probation officer, 8274
may file an affidavit under section 5122.11 or 5123.71 of the 8275
Revised Code. A parolee, person under a community control 8276
sanction, or releasee who is involuntarily detained under 8277
Chapter 5122. or 5123. of the Revised Code shall receive credit 8278
against the period of parole or community control or the term of 8279
post-release control for the period of involuntary detention. 8280

If a parolee, person under a community control sanction, 8281
person under transitional control, or releasee escapes from an 8282
institution or facility within the department of mental health 8283
and addiction services or the department of developmental 8284
disabilities, the superintendent of the institution immediately 8285
shall notify the chief of the adult parole authority or the 8286
chief probation officer. Notwithstanding the provisions of 8287
section 5122.26 of the Revised Code, the procedure for the 8288
apprehension, detention, and return of the parolee, person under 8289
a community control sanction, person under transitional control, 8290
or releasee is the same as that provided for the apprehension, 8291
detention, and return of persons who escape from institutions 8292
operated by the department of rehabilitation and correction. If 8293
the escaped parolee, person under transitional control, or 8294
releasee is not apprehended and returned to the custody of the 8295
department of mental health and addiction services or the 8296
department of developmental disabilities within ninety days 8297
after the escape, the parolee, person under transitional 8298
control, or releasee shall be discharged from the custody of the 8299
department of mental health and addiction services or the 8300
department of developmental disabilities and returned to the 8301
custody of the department of rehabilitation and correction. If 8302

the escaped person under a community control sanction is not 8303
apprehended and returned to the custody of the department of 8304
mental health and addiction services or the department of 8305
developmental disabilities within ninety days after the escape, 8306
the person under a community control sanction shall be 8307
discharged from the custody of the department of mental health 8308
and addiction services or the department of developmental 8309
disabilities and returned to the custody of the court that 8310
sentenced that person. 8311

Sec. 3113.06. No father, or mother when she is charged 8312
with the maintenance, of a child under eighteen years of age, or 8313
a ~~mentally or physically handicapped~~ child with a mental or 8314
physical disability under age twenty-one, who is legally a ward 8315
of a public children services agency or is the recipient of aid 8316
pursuant to Chapter 5107. of the Revised Code, shall neglect or 8317
refuse to pay such agency the reasonable cost of maintaining 8318
such child when such father or mother is able to do so by reason 8319
of property, labor, or earnings. 8320

An offense under this section shall be held committed in 8321
the county in which the agency is located. The agency shall file 8322
charges against any parent who violates this section, unless the 8323
agency files charges under section 2919.21 of the Revised Code, 8324
or unless charges of nonsupport are filed by a relative or 8325
guardian of the child, or unless an action to enforce support is 8326
brought under Chapter 3115. of the Revised Code. 8327

Sec. 3113.08. Upon failure of the father or mother of a 8328
child under eighteen years of age, or of a ~~physically or~~ 8329
~~mentally handicapped~~ child with a mental or physical disability 8330
under twenty-one years of age, or the husband of a pregnant 8331
woman to comply with any order and undertaking provided for in 8332

sections 3113.01 to 3113.14, ~~inclusive,~~ of the Revised Code, 8333
such person may be arrested by the sheriff or other officer, on 8334
a warrant issued on the praecipe of the prosecuting attorney, 8335
and brought before the court of common pleas for sentence. 8336
Thereupon the court may pass sentence, or for good cause shown, 8337
may modify the order as to the time and amount of payments, or 8338
take a new undertaking and further suspend sentence, whichever 8339
is for the best interests of such child or pregnant woman and of 8340
the public. 8341

Sec. 3304.31. (A) Licenses issued by the bureau of 8342
services for the visually impaired under section 3304.29 of the 8343
Revised Code shall be in effect until suspended or revoked. 8344
Except as provided in division (B) of this section, the bureau 8345
may deny, revoke, or suspend a license or otherwise discipline a 8346
licensee upon proof that the licensee is guilty of fraud or 8347
deceit in procuring or attempting to procure a license, is 8348
guilty of a felony or a crime of moral turpitude, is addicted to 8349
the use of habit-forming drugs or alcohol, or is mentally 8350
incompetent. Such license may also be denied, revoked, or 8351
suspended on proof of violation by the applicant or licensee of 8352
the rules established by the bureau for the operation of 8353
suitable vending facilities by ~~the individuals who are~~ blind or 8354
if a licensee fails to maintain a vending facility as a suitable 8355
vending facility. 8356

(B) The bureau shall not refuse to issue a license to an 8357
applicant because of a conviction of or plea of guilty to an 8358
offense unless the refusal is in accordance with section 9.79 of 8359
the Revised Code. 8360

(C) Any individual who is blind and who has had the 8361
individual's license suspended or revoked or the individual's 8362

application denied by the bureau may reapply for a license and 8363
may be reinstated or be granted a license by the bureau upon 8364
presentation of satisfactory evidence that there is no longer 8365
cause for such suspension, revocation, or denial. Before the 8366
bureau may revoke, deny, or suspend a license, or otherwise 8367
discipline a licensee, written charges must be filed by the 8368
director of the bureau and a hearing shall be held as provided 8369
in Chapter 119. of the Revised Code. 8370

Sec. 3313.55. The board of education of any school 8371
district in which is located a state, district, county, or 8372
municipal hospital for children with epilepsy or any public 8373
institution, except state institutions for the care and 8374
treatment of delinquent, unstable, or socially maladjusted 8375
children, shall make provision for the education of all educable 8376
children therein; except that in the event another school 8377
district within the same county or an adjoining county is the 8378
source of sixty per cent or more of the children in said 8379
hospital or institution, the board of that school district shall 8380
make provision for the education of all the children therein. In 8381
any case in which a board provides educational facilities under 8382
this section, the board that provides the facilities shall be 8383
entitled to all moneys authorized for the attendance of pupils 8384
as provided in Chapter 3317. of the Revised Code, tuition as 8385
provided in section 3317.08 of the Revised Code, and such 8386
additional compensation as is provided for ~~crippled~~ children 8387
with disabilities in sections 3323.01 to 3323.12 of the Revised 8388
Code. Any board that provides the educational facilities for 8389
children in county or municipal institutions established for the 8390
care and treatment of children who are delinquent, unstable, or 8391
socially maladjusted shall not be entitled to any moneys 8392
provided for ~~crippled~~ children with disabilities in sections 8393

3323.01 to 3323.12 of the Revised Code.	8394
Sec. 3313.65. (A) As used in this section and section	8395
3313.64 of the Revised Code:	8396
(1) A person is "in a residential facility" if the person	8397
is a resident or a resident patient of an institution, home, or	8398
other residential facility that is:	8399
(a) Licensed as a nursing home, residential care facility,	8400
or home for the aging by the director of health under section	8401
3721.02 of the Revised Code;	8402
(b) Maintained as a county home or district home by the	8403
board of county commissioners or a joint board of county	8404
commissioners under Chapter 5155. of the Revised Code;	8405
(c) Operated or administered by a board of alcohol, drug	8406
addiction, and mental health services under section 340.037 of	8407
the Revised Code, or provides residential care pursuant to	8408
contracts made under section 340.036 of the Revised Code;	8409
(d) Maintained as a state institution for the mentally ill	8410
<u>persons with mental illnesses</u> under Chapter 5119. of the Revised	8411
Code;	8412
(e) Licensed by the department of mental health and	8413
addiction services under section 5119.33 or 5119.34 of the	8414
Revised Code;	8415
(f) Licensed as a residential facility by the department	8416
of developmental disabilities under section 5123.19 of the	8417
Revised Code;	8418
(g) Operated by the veteran's administration or another	8419
agency of the United States government;	8420

(h) Operated by the Ohio veterans' home.	8421
(2) A person is "in a correctional facility" if any of the following apply:	8422
	8423
(a) The person is an Ohio resident and is:	8424
(i) Imprisoned, as defined in section 1.05 of the Revised Code;	8425
	8426
(ii) Serving a term in a community-based correctional facility or a district community-based correctional facility;	8427
	8428
(iii) Required, as a condition of parole, a post-release control sanction, a community control sanction, transitional control, or early release from imprisonment, as a condition of shock parole or shock probation granted under the law in effect prior to July 1, 1996, or as a condition of a furlough granted under the version of section 2967.26 of the Revised Code in effect prior to March 17, 1998, to reside in a halfway house or other community residential center licensed under section 2967.14 of the Revised Code or a similar facility designated by the court of common pleas that established the condition or by the adult parole authority.	8429
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	8439
(b) The person is imprisoned in a state correctional institution of another state or a federal correctional institution but was an Ohio resident at the time the sentence was imposed for the crime for which the person is imprisoned.	8440
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	8443
(3) A person is "in a juvenile residential placement" if the person is an Ohio resident who is under twenty-one years of age and has been removed, by the order of a juvenile court, from the place the person resided at the time the person became subject to the court's jurisdiction in the matter that resulted in the person's removal.	8444
	8445
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(4) "Community control sanction" has the same meaning as 8450
in section 2929.01 of the Revised Code. 8451

(5) "Post-release control sanction" has the same meaning 8452
as in section 2967.01 of the Revised Code. 8453

(B) If the circumstances described in division (C) of this 8454
section apply, the determination of what school district must 8455
admit a child to its schools and what district, if any, is 8456
liable for tuition shall be made in accordance with this 8457
section, rather than section 3313.64 of the Revised Code. 8458

(C) A child who does not reside in the school district in 8459
which the child's parent resides and for whom a tuition 8460
obligation previously has not been established under division 8461
(C) (2) of section 3313.64 of the Revised Code shall be admitted 8462
to the schools of the district in which the child resides if at 8463
least one of the child's parents is in a residential or 8464
correctional facility or a juvenile residential placement and 8465
the other parent, if living and not in such a facility or 8466
placement, is not known to reside in this state. 8467

(D) Regardless of who has custody or care of the child, 8468
whether the child resides in a home, or whether the child 8469
receives special education, if a district admits a child under 8470
division (C) of this section, tuition shall be paid to that 8471
district as follows: 8472

(1) If the child's parent is in a juvenile residential 8473
placement, by the district in which the child's parent resided 8474
at the time the parent became subject to the jurisdiction of the 8475
juvenile court; 8476

(2) If the child's parent is in a correctional facility, 8477
by the district in which the child's parent resided at the time 8478

the sentence was imposed; 8479

(3) If the child's parent is in a residential facility, by 8480
the district in which the parent resided at the time the parent 8481
was admitted to the residential facility, except that if the 8482
parent was transferred from another residential facility, 8483
tuition shall be paid by the district in which the parent 8484
resided at the time the parent was admitted to the facility from 8485
which the parent first was transferred; 8486

(4) In the event of a disagreement as to which school 8487
district is liable for tuition under division (C) (1), (2), or 8488
(3) of this section, the superintendent of public instruction 8489
shall determine which district shall pay tuition. 8490

(E) If a child covered by division (D) of this section 8491
receives special education in accordance with Chapter 3323. of 8492
the Revised Code, the tuition shall be paid in accordance with 8493
section 3323.13 or 3323.14 of the Revised Code. Tuition for 8494
children who do not receive special education shall be paid in 8495
accordance with division (J) of section 3313.64 of the Revised 8496
Code. 8497

Sec. 3313.71. School physicians may make examinations, 8498
which shall include tests to determine the existence of hearing 8499
defects, and diagnoses of all children referred to them. They 8500
may make such examination of teachers and other school employees 8501
and inspection of school buildings as in their opinion the 8502
protection of health of the pupils, teachers, and other school 8503
employees requires. 8504

Boards of education shall require and provide, in 8505
accordance with section 3313.67 of the Revised Code, such tests 8506
and examinations for tuberculosis of pupils in selected grades 8507

and of school employees as may be required by the director of 8508
health. 8509

Boards may require annual tuberculin tests of any grades. 8510
All pupils with positive reactions to the test shall have chest 8511
x-rays and all positive reactions and x-ray findings shall be 8512
reported promptly to the county record bureau of tuberculosis 8513
cases provided for in section 339.74 of the Revised Code. Boards 8514
shall waive the required test where a pupil presents a written 8515
statement from the pupil's family physician certifying that such 8516
test has been given and that such pupil is free from 8517
tuberculosis in a communicable stage, or that such test is 8518
inadvisable for medical reasons, or from the pupil's parent or 8519
guardian objecting to such test because of religious 8520
convictions. 8521

Whenever a pupil, teacher, or other school employee is 8522
found to be ill or ~~suffering from~~ have tuberculosis in a 8523
communicable stage or other communicable disease, the school 8524
physician shall promptly send such pupil, teacher, or other 8525
school employee home, with a statement, in the case of a pupil, 8526
to the pupil's parents or guardian, briefly setting forth the 8527
discovered facts, and advising that the family physician be 8528
consulted. School physicians shall keep accurate card-index 8529
records of all examinations, and said records, that they may be 8530
uniform throughout the state, shall be according to the form 8531
prescribed by the state board of education, and the reports 8532
shall be made according to the method of said form. If the 8533
parent or guardian of any pupil or any teacher or other school 8534
employee, after notice from the board of education, furnishes 8535
within two weeks thereafter the written certificate of any 8536
reputable physician that the pupil, teacher, or other school 8537
employee has been examined, in such cases the service of the 8538

school physician shall be dispensed with, and such certificate 8539
shall be furnished by such parent or guardian, as required by 8540
the board of education. Such individual records shall not be 8541
open to the public and shall be solely for the use of the boards 8542
of education and boards of health officer. If any teacher or 8543
other school employee is found to have tuberculosis in a 8544
communicable stage or other communicable disease, the teacher's 8545
or employee's employment shall be discontinued or suspended upon 8546
such terms as to salary as the board deems just until the school 8547
physician has certified to a recovery from such disease. The 8548
methods of making the tuberculin tests and chest x-rays required 8549
by this section shall be such as are approved by the director of 8550
health. 8551

This section shall apply to all elementary and high 8552
schools for which the state board of education sets minimum 8553
standards pursuant to section 3301.07 of the Revised Code. 8554

Sec. 3313.74. No person shall establish any institution to 8555
house or care for persons ~~suffering from having~~ a communicable 8556
disease, as defined by the director of health, within two 8557
thousand feet of any public, private, or parochial school 8558
operating under the standards set by the school laws or school 8559
land used for recreational purposes in connection with school 8560
activities. 8561

This section does not apply to members of an established 8562
household ~~suffering from having~~ such ailments. 8563

Sec. 3319.232. The state board of education shall adopt 8564
standards for attaining a license for teaching students with 8565
visual disabilities that require the licensee to demonstrate 8566
competency in reading and writing braille. The standards for 8567
demonstrating competency shall be ~~consistent with~~ developed with 8568

reference to those adopted for ~~teachers-transcribers~~ by the 8569
national library service for the blind and ~~physically-~~ 8570
~~handicapped of the~~ print disabled, library of congress. 8571

Sec. 3335.41. The board of trustees of the Ohio state 8572
university shall operate and manage a neuropsychiatric service 8573
of the college of medicine which shall be a center for teaching 8574
and research in the fields of neurology and psychiatry and a 8575
center for the treatment and care of persons ~~suffering from-~~ 8576
having mental, nervous, or allied diseases. The university shall 8577
conduct graduate training programs in neurology and psychiatry, 8578
with a view towards securing and maintaining academic and 8579
professional accreditation of such programs. 8580

The board of trustees, on the recommendation of the 8581
president and other administrative officers of the university, 8582
shall adopt rules and regulations for the operation of the 8583
neuropsychiatric service. 8584

The board of trustees may enter into agreements with other 8585
public and private agencies for cooperative efforts in teaching 8586
and research in the fields of neurology and psychiatry and for 8587
the treatment of persons ~~suffering from~~ having mental, nervous, 8588
or allied diseases. 8589

Sec. 3335.42. The board of trustees of the Ohio state 8590
university shall operate and manage a treatment service for 8591
tuberculosis and other diseases as part of the college of 8592
medicine, which service shall be a center for teaching and 8593
research in the fields of tuberculosis and other diseases and a 8594
center for treatment of patients ~~suffering from~~ having such 8595
diseases. 8596

The board of trustees, on the recommendation of the 8597

president and other administrative officers of the university, 8598
shall adopt rules for the operation of the treatment service 8599
established under this section. 8600

The board of trustees may enter into agreements with the 8601
director of the department of health for cooperative efforts in 8602
research in the fields of tuberculosis and other diseases and 8603
for the treatment of patients, ~~suffering from~~ having such 8604
diseases, as may be under jurisdiction of the department of 8605
health. The board may enter into agreements with other public 8606
and private agencies for cooperative efforts in teaching, 8607
research, and patient care in the fields of tuberculosis and 8608
other diseases. 8609

Sec. 3335.50. The board of trustees of the Ohio state 8610
university shall establish and operate an organization known as 8611
the "Ohio rehabilitation center" for the development and 8612
application of means and methods for restoring ~~physically-~~ 8613
~~handicapped persons~~ with physical disabilities to positions of 8614
improved social and economic ~~usefulness,~~ participation. The center 8615
shall be under the control of the board of trustees of the 8616
university through the regular university administrative and 8617
fiscal officers. 8618

Sec. 3335.51. The objectives of the Ohio rehabilitation 8619
center shall be to rehabilitate ~~handicapped or disabled persons~~ 8620
with disabilities whose rehabilitation requires extended 8621
residential care or intensive study and services; to cooperate 8622
with, aid, and supplement such public and private projects for 8623
rehabilitation as may be established in the various communities 8624
of the state; to provide training for persons seeking competence 8625
in the several disciplines pertaining to the field of 8626
rehabilitation; to conduct research and demonstrations in 8627

connection with the problems and techniques of rehabilitation; 8628
to disseminate information and promote public understanding 8629
respecting the problems incident to the rehabilitation of ~~the~~ 8630
~~handicapped persons with disabilities~~ and their return to 8631
~~productive usefulness~~ social and economic participation; and to 8632
afford such other services of rehabilitation as the center may 8633
develop for the benefit of citizens of this state. 8634

Sec. 3335.55. Every department, office, or institution of 8635
the state and any political subdivision thereof may make such 8636
arrangements or contracts with the board of trustees of the Ohio 8637
state university for use of the Ohio rehabilitation center as 8638
may be appropriate in order to provide for the rehabilitation in 8639
any proper case of ~~disabled or handicapped persons with~~ 8640
disabilities in respect of whom such department, office, or 8641
institution or political subdivision is responsible or exercises 8642
supervision under any law of the state or ordinance or 8643
regulation of a political subdivision thereof. Every appropriate 8644
effort shall be made to rehabilitate and restore to social and 8645
economic ~~usefulness~~ participation all persons who are or may 8646
probably become charges of the state or of a political 8647
subdivision. Whenever any law of the state makes provision for 8648
or authorizes payment for medical services, hospital services, 8649
or for the care of any ~~disabled or handicapped persons with~~ 8650
disabilities, such provision or authorization shall be deemed to 8651
include rehabilitation of such person. Any such arrangement or 8652
contract may establish the charges which shall be paid for 8653
rehabilitation services and facilities. 8654

Sec. 3353.01. As used in this chapter: 8655

(A) "Educational television or radio" means television or 8656
radio programs which serve the educational needs of the 8657

community and which meet the requirements of the federal 8658
communications commission for noncommercial educational 8659
television or radio. 8660

(B) "Educational telecommunications network" means a 8661
system of connected educational television, radio, or radio 8662
reading service facilities and coordinated programs established 8663
and operated or controlled by the broadcast educational media 8664
commission, pursuant to this chapter. 8665

(C) "Transmission" means the sending out of television, 8666
radio, or radio reading service programs, either directly to the 8667
public, or to broadcasting stations or services for simultaneous 8668
broadcast or rebroadcast. 8669

(D) "Transmission facilities" means structures, equipment, 8670
material, and services used in the transmission of educational 8671
television, radio, or radio reading service programs. 8672

(E) "Interconnection facilities" means the equipment, 8673
material, and services used to link one location to another 8674
location or to several locations by means of telephone line, 8675
coaxial cable, microwave relays, or other available 8676
technologies. 8677

(F) "Broadcasting station" means a properly licensed 8678
noncommercial educational television or radio station, 8679
appropriately staffed and equipped to produce programs or 8680
lessons and to broadcast programs. 8681

(G) "Radio reading service" means a nonprofit organization 8682
that disseminates news and other information to persons who are 8683
blind and physically handicapped persons with other print 8684
disabilities. 8685

(H) "Affiliate" means an educational telecommunication 8686

entity, including a television or radio broadcasting station or 8687
radio reading service. 8688

Sec. 3375.82. The state library board shall administer all 8689
grants and shall provide for the expenditure of all funds 8690
appropriated for the essential library services support program. 8691
All grants shall be made under rules adopted by the state 8692
library board and under the terms of written agreements between 8693
the state library board and the recipient. Such rules shall be 8694
designed to: 8695

(A) Ensure every resident of Ohio access to essential 8696
public library services; 8697

(B) Provide adequate library materials to satisfy the 8698
reference and research needs of the people of this state; 8699

(C) Assure and encourage local initiative and 8700
responsibility and support for library services; 8701

(D) Encourage the formation of viable regional library 8702
systems and library systems providing a full range of library 8703
services; 8704

(E) Develop adequate standards for services, resources, 8705
and programs that will serve as a source of information and 8706
inspiration to persons of all ages, ~~handicapped persons~~ with 8707
disabilities, and disadvantaged persons, and will encourage 8708
continuing education beyond the years of formal education; 8709

(F) Encourage adequate financing of public libraries from 8710
local, state, and other library financial resources. 8711

Sec. 3501.18. (A) The board of elections may divide a 8712
political subdivision within its jurisdiction into precincts, 8713
establish, define, divide, rearrange, and combine the several 8714

election precincts within its jurisdiction, and change the 8715
location of the polling place for each precinct when it is 8716
necessary to maintain the requirements as to the number of 8717
voters in a precinct and to provide for the convenience of the 8718
voters and the proper conduct of elections. No change in the 8719
number of precincts or in precinct boundaries shall be made 8720
during the twenty-five days immediately preceding a primary or 8721
general election or between the first day of January and the day 8722
on which the members of county central committees are elected in 8723
the years in which those committees are elected. Except as 8724
otherwise provided in division (C) of this section, each 8725
precinct shall contain a number of electors, not to exceed one 8726
thousand four hundred, that the board of elections determines to 8727
be a reasonable number after taking into consideration the type 8728
and amount of available equipment, prior voter turnout, the size 8729
and location of each selected polling place, available parking, 8730
availability of an adequate number of poll workers, and ~~handicap-~~ 8731
accessibility for persons with disabilities and other 8732
accessibility to the polling place. 8733

If the board changes the boundaries of a precinct after 8734
the filing of a local option election petition pursuant to 8735
sections 4301.32 to 4301.41, 4303.29, or 4305.14 of the Revised 8736
Code that calls for a local option election to be held in that 8737
precinct, the local option election shall be held in the area 8738
that constituted the precinct at the time the local option 8739
petition was filed, regardless of the change in the boundaries. 8740

If the board changes the boundaries of a precinct in order 8741
to meet the requirements of division (B) (1) of this section in a 8742
manner that causes a member of a county central committee to no 8743
longer qualify as a representative of an election precinct in 8744
the county, of a ward of a city in the county, or of a township 8745

in the county, the member shall continue to represent the 8746
precinct, ward, or township for the remainder of the member's 8747
term, regardless of the change in boundaries. 8748

In an emergency, the board may provide more than one 8749
polling place in a precinct. In order to provide for the 8750
convenience of the voters, the board may locate polling places 8751
for voting or registration outside the boundaries of precincts, 8752
provided that the nearest public school or public building shall 8753
be used if the board determines it to be available and suitable 8754
for use as a polling place. Except in an emergency, no change in 8755
the number or location of the polling places in a precinct shall 8756
be made during the twenty-five days immediately preceding a 8757
primary or general election. 8758

Electors who have failed to respond within thirty days to 8759
any confirmation notice shall not be counted in determining the 8760
size of any precinct under this section. 8761

(B) (1) Except as otherwise provided in division (B) (2) of 8762
this section, a board of elections shall determine all precinct 8763
boundaries using geographical units used by the United States 8764
department of commerce, bureau of the census, in reporting the 8765
decennial census of Ohio. 8766

(2) The board of elections may apply to the secretary of 8767
state for a waiver from the requirement of division (B) (1) of 8768
this section when it is not feasible to comply with that 8769
requirement because of unusual physical boundaries or 8770
residential development practices that would cause unusual 8771
hardship for voters. The board shall identify the affected 8772
precincts and census units, explain the reason for the waiver 8773
request, and include a map illustrating where the census units 8774
will be split because of the requested waiver. If the secretary 8775

of state approves the waiver and so notifies the board of 8776
elections in writing, the board may change a precinct boundary 8777
as necessary under this section, notwithstanding the requirement 8778
in division (B) (1) of this section. 8779

(C) The board of elections may apply to the secretary of 8780
state for a waiver from the requirement of division (A) of this 8781
section regarding the number of electors in a precinct when the 8782
use of geographical units used by the United States department 8783
of commerce, bureau of the census, will cause a precinct to 8784
contain more than one thousand four hundred electors. The board 8785
shall identify the affected precincts and census units, explain 8786
the reason for the waiver request, and include a map 8787
illustrating where census units will be split because of the 8788
requested waiver. If the secretary of state approves the waiver 8789
and so notifies the board of elections in writing, the board may 8790
change a precinct boundary as necessary to meet the requirements 8791
of division (B) (1) of this section. 8792

Sec. 3501.29. (A) The board of elections shall provide for 8793
each precinct a polling place and provide adequate facilities at 8794
each polling place for conducting the election. The board shall 8795
provide a sufficient number of screened or curtained voting 8796
compartments to which electors may retire and conveniently mark 8797
their ballots, protected from the observation of others. Each 8798
voting compartment shall be provided at all times with writing 8799
implements, instructions how to vote, and other necessary 8800
conveniences for marking the ballot. The voting location manager 8801
shall ensure that the voting compartments at all times are 8802
adequately lighted and contain the necessary supplies. The board 8803
shall utilize, in so far as practicable, rooms in public schools 8804
and other public buildings for polling places. Upon application 8805
of the board of elections, the authority which has the control 8806

of any building or grounds supported by taxation under the laws 8807
of this state, shall make available the necessary space therein 8808
for the purpose of holding elections and adequate space for the 8809
storage of voting machines, without charge for the use thereof. 8810
A reasonable sum may be paid for necessary janitorial service. 8811
When polling places are established in private buildings, the 8812
board may pay a reasonable rental therefor, and also the cost of 8813
liability insurance covering the premises when used for election 8814
purposes, or the board may purchase a single liability policy 8815
covering the board and the owners of the premises when used for 8816
election purposes. When removable buildings are supplied by the 8817
board, they shall be constructed under the contract let to the 8818
lowest and best bidder, and the board shall observe all 8819
ordinances and regulations then in force as to safety. The board 8820
shall remove all such buildings from streets and other public 8821
places within thirty days after an election, unless another 8822
election is to be held within ninety days. 8823

(B) (1) Except as otherwise provided in this section, the 8824
board shall ensure all of the following: 8825

(a) That polling places are free of barriers that would 8826
impede ingress and egress of ~~handicapped persons with~~ 8827
disabilities; 8828

(b) That the minimum number of ~~special-accessible~~ parking 8829
locations, ~~also known as handicapped parking spaces or~~ 8830
~~disability parking spaces, for handicapped persons with mobility~~ 8831
disabilities are designated at each polling place in accordance 8832
with 28 C.F.R. Part 36, Appendix A, and in compliance with 8833
division (E) of section 4511.69 of the Revised Code; 8834

(c) That the entrances of polling places are level or are 8835
provided with a nonskid ramp that meets the requirements of the 8836

"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 8837
U.S.C. 12101; 8838

(d) That doors are a minimum of thirty-two inches wide. 8839

(2) Notwithstanding division (B)(1)(a), (c), or (d) of 8840
this section, certain polling places may be specifically 8841
exempted by the secretary of state upon certification by a board 8842
of elections that a good faith, but unsuccessful, effort has 8843
been made to modify, or change the location of, such polling 8844
places. 8845

(C) At any polling place that is exempted from compliance 8846
by the secretary of state, the board of elections shall permit 8847
any ~~handicapped~~ elector with a disability who travels to that 8848
elector's polling place, but who is unable to enter the polling 8849
place, to vote, with the assistance of two polling place 8850
officials of major political parties, in the vehicle that 8851
conveyed that elector to the polling place, or to receive and 8852
cast that elector's ballot at the door of the polling place. 8853

(D) The secretary of state shall: 8854

(1) Work with other state agencies to facilitate the 8855
distribution of information and technical assistance to boards 8856
of elections to meet the requirements of division (B) of this 8857
section; 8858

(2) Work with organizations that represent or provide 8859
services to ~~handicapped, disabled, or elderly~~ citizens who are 8860
elderly or who have disabilities to effect a wide dissemination 8861
of information about the availability of absentee voting, voting 8862
in the voter's vehicle or at the door of the polling place, or 8863
other election services to ~~handicapped, disabled, or elderly~~ 8864
citizens who are elderly or who have disabilities. 8865

(E) Before the day of an election, the director of the board of elections of each county shall sign a statement verifying that each polling place that will be used in that county at that election meets the requirements of division (B) (1)(b) of this section. The signed statement shall be sent to the secretary of state by certified mail or electronically.

(F) As used in this section, ~~"handicapped"~~ "disabled" means having lost the use of one or both legs, one or both arms, or any combination thereof, or being blind or so severely ~~disabled~~ impaired as to be unable to move about without the aid of crutches or a wheelchair.

Sec. 3503.12. All registrations shall be carefully checked, and in case any person is found to have registered more than once, the additional registration forms shall be canceled by the board of elections.

Six weeks prior to the day of a special, primary, or general election, the board shall publish notices in one or more newspapers of general circulation advertising the places, dates, times, methods of registration, and voter qualifications for registration.

The board shall establish a schedule or program to assure to the extent reasonably possible that, on or before November 1, 1980, all registration places shall be free of barriers that would impede the ingress and egress of ~~handicapped~~ persons with disabilities. Entrances shall be level or shall be provided with a nonskid ramp of not over eight per cent gradient, and doors shall be a minimum of thirty-two inches wide. Registration places located at polling places shall, however, comply with the requirements of section 3501.29 of the Revised Code for the elimination of barriers.

As used in this section, ~~"handicapped"~~ "persons with disabilities" means ~~having persons who have~~ lost the use of one or both legs, one or both arms, or any combination thereof, or ~~being~~ are blind or so severely ~~disabled~~ impaired as to be unable to move about without the aid of crutches or a wheelchair.

Sec. 3505.23. Except as otherwise provided in this section, no voter shall be allowed to occupy a voting compartment or use a voting machine more than ten minutes when all the voting compartments or machines are in use and voters are waiting to occupy them. The ten-minute time limit shall not apply to any person who requires the use of ~~a disabled~~ an accessible voting machine as required under the "Help America Vote Act of 2002," 116 Stat. 1704, 42 U.S.C. 15481.

Except as otherwise provided by section 3505.24 of the Revised Code, no voter shall occupy a voting compartment or machine with another person or speak to anyone, nor shall anyone speak to the voter, while the voter is in a voting compartment or machine.

In precincts that do not use voting machines the following procedure shall be followed:

If a voter tears, soils, defaces, or erroneously marks a ballot the voter may return it to the precinct election officials and a second ballot shall be issued to the voter. Before returning a torn, soiled, defaced, or erroneously marked ballot, the voter shall fold it so as to conceal any marks the voter made upon it, but the voter shall not remove Stub A therefrom. If the voter tears, soils, defaces, or erroneously marks such second ballot, the voter may return it to the precinct election officials, and a third ballot shall be issued

to the voter. In no case shall more than three ballots be issued 8926
to a voter. Upon receiving a returned torn, soiled, defaced, or 8927
erroneously marked ballot the precinct election officials shall 8928
detach Stub A therefrom, write "Defaced" on the back of such 8929
ballot, and place the stub and the ballot in the separate 8930
containers provided therefor. 8931

No elector shall leave the polling place until the elector 8932
returns to the precinct election officials every ballot issued 8933
to the elector with Stub A on each ballot attached thereto, 8934
regardless of whether the elector has or has not placed any 8935
marks upon the ballot. 8936

Before leaving the voting compartment, the voter shall 8937
fold each ballot marked by the voter so that no part of the face 8938
of the ballot is visible, and so that the printing thereon 8939
indicating the kind of ballot it is and the facsimile signatures 8940
of the members of the board of elections are visible. The voter 8941
shall then leave the voting compartment, deliver the voter's 8942
ballots, and state the voter's name to the precinct election 8943
official having charge of the ballot box, who shall announce the 8944
name, detach Stub A from each ballot, and announce the number on 8945
the stubs. The precinct election officials in charge of the poll 8946
lists or poll books shall check to ascertain whether the number 8947
so announced is the number on Stub B of the ballots issued to 8948
such voter, and if no discrepancy appears to exist, the precinct 8949
election official in charge of the ballot box shall, in the 8950
presence of the voter, deposit each such ballot in the ballot 8951
box and shall place Stub A from each ballot in the container 8952
provided therefor. The voter shall then immediately leave the 8953
polling place. 8954

No ballot delivered by a voter to the precinct election 8955

official in charge of the ballot box with Stub A detached 8956
therefrom, and only ballots provided in accordance with Title 8957
XXXV of the Revised Code, shall be voted or deposited in the 8958
ballot box. 8959

In marking a presidential ballot, the voter shall record 8960
the vote in the manner provided on the ballot next to the names 8961
of the candidates for the offices of president and vice- 8962
president. Such ballot shall be considered and counted as a vote 8963
for each of the candidates for election as presidential elector 8964
whose names were certified to the secretary of state by the 8965
political party of such nominees for president and vice- 8966
president. 8967

In marking an office type ballot or nonpartisan ballot, 8968
the voter shall record the vote in the manner provided on the 8969
ballot next to the name of each candidate for whom the voter 8970
desires to vote. 8971

In marking a primary election ballot, the voter shall 8972
record the vote in the manner provided on the ballot next to the 8973
name of each candidate for whom the voter desires to vote. If 8974
the voter desires to vote for the nomination of a person whose 8975
name is not printed on the primary election ballot, the voter 8976
may do so by writing such person's name on the ballot in the 8977
proper place provided for such purpose. 8978

In marking a questions and issues ballot, the voter shall 8979
record the vote in the manner provided on the ballot at the left 8980
or at the right of "YES" or "NO" or other words of similar 8981
import which are printed on the ballot to enable the voter to 8982
indicate how the voter votes in connection with each question or 8983
issue upon which the voter desires to vote. 8984

In marking any ballot on which a blank space has been 8985
provided wherein an elector may write in the name of a person 8986
for whom the elector desires to vote, the elector shall write 8987
such person's name in such blank space and on no other place on 8988
the ballot. Unless specific provision is made by statute, no 8989
blank space shall be provided on a ballot for write-in votes, 8990
and any names written on a ballot other than in a blank space 8991
provided therefor shall not be counted or recorded. 8992

Sec. 3506.12. In counties where marking devices, automatic 8993
tabulating equipment, voting machines, or any combination of 8994
these are in use or are to be used, the board of elections: 8995

(A) May combine, rearrange, and enlarge precincts; but the 8996
board shall arrange for a sufficient number of these devices to 8997
accommodate the number of electors in each precinct as 8998
determined by the number of votes cast in that precinct at the 8999
most recent election for the office of governor, taking into 9000
consideration the size and location of each selected polling 9001
place, available parking, ~~handicap~~accessibility for persons 9002
with disabilities and other accessibility to the polling place, 9003
and the number of candidates and issues to be voted on. 9004
Notwithstanding section 3501.22 of the Revised Code, the board 9005
may appoint more than four precinct officers to each precinct if 9006
this is made necessary by the number of voting machines to be 9007
used in that precinct. 9008

(B) Except as otherwise provided in this division, shall 9009
establish one or more counting stations to receive voted ballots 9010
and other precinct election supplies after the polling precincts 9011
are closed. Those stations shall be under the supervision and 9012
direction of the board of elections. Processing and counting of 9013
voted ballots, and the preparation of summary sheets, shall be 9014

done in the presence of observers approved by the board. A 9015
certified copy of the summary sheet for the precinct shall be 9016
posted at each counting station immediately after completion of 9017
the summary sheet. 9018

Sec. 3506.19. On and after the first federal election that 9019
occurs after January 1, 2006, unless required sooner by the Help 9020
America Vote Act of 2002, each polling location shall have 9021
available for use at all elections at least one direct recording 9022
electronic voting machine or marking device that is accessible 9023
for individuals with disabilities, including nonvisual 9024
accessibility for ~~the persons who are~~ blind and visually 9025
impaired, in a manner that provides the same opportunity for 9026
access and participation, including privacy and independence, as 9027
for other voters. 9028

Sec. 3701.046. The director of health is authorized to 9029
make grants for women's health services from funds appropriated 9030
for that purpose by the general assembly. 9031

None of the funds received through grants for women's 9032
health services shall be used to provide abortion services. None 9033
of the funds received through these grants shall be used for 9034
counseling for or referrals for abortion, except in the case of 9035
a medical emergency. These funds shall be distributed by the 9036
director to programs that the department of health determines 9037
will provide services that are physically and financially 9038
separate from abortion-providing and abortion-promoting 9039
activities, and that do not include counseling for or referrals 9040
for abortion, other than in the case of medical emergency. 9041

These women's health services include and are limited to 9042
the following: pelvic examinations and laboratory testing; 9043
breast examinations and patient education on breast cancer; 9044

screening for cervical cancer; screening and treatment for 9045
sexually transmitted diseases and HIV screening; voluntary 9046
choice of contraception, including abstinence and natural family 9047
planning; patient education and pre-pregnancy counseling on the 9048
dangers of smoking, alcohol, and drug use during pregnancy; 9049
education on sexual coercion and violence in relationships; and 9050
prenatal care or referral for prenatal care. These health care 9051
services shall be provided in a medical clinic setting by 9052
persons authorized under Chapter 4731. of the Revised Code to 9053
practice medicine and surgery or osteopathic medicine and 9054
surgery; authorized under Chapter 4730. of the Revised Code to 9055
practice as a physician assistant; licensed under Chapter 4723. 9056
of the Revised Code as a registered nurse or licensed practical 9057
nurse; or licensed under Chapter 4757. of the Revised Code as a 9058
social worker, independent social worker, licensed professional 9059
clinical counselor, or licensed professional counselor. 9060

The director shall adopt rules under Chapter 119. of the 9061
Revised Code specifying reasonable eligibility standards that 9062
must be met to receive the state funding and provide reasonable 9063
methods by which a grantee wishing to be eligible for federal 9064
funding may comply with these requirements for state funding 9065
without losing its eligibility for federal funding. 9066

Each applicant for these funds shall provide sufficient 9067
assurance to the director of all of the following: 9068

(A) The program shall not discriminate in the provision of 9069
services based on an individual's religion, race, national 9070
origin, ~~handicapping condition~~ disability, age, sex, number of 9071
pregnancies, or marital status; 9072

(B) The program shall provide services without subjecting 9073
individuals to any coercion to accept services or to employ any 9074

particular methods of family planning; 9075

(C) Acceptance of services shall be solely on a voluntary 9076
basis and may not be made a prerequisite to eligibility for, or 9077
receipt of, any other service, assistance from, or participation 9078
in, any other program of the service provider; 9079

(D) Any charges for services provided by the program shall 9080
be based on the patient's ability to pay and priority in the 9081
provision of services shall be given to persons from low-income 9082
families. 9083

In distributing these grant funds, the director shall give 9084
priority to grant requests from local departments of health for 9085
women's health services to be provided directly by personnel of 9086
the local department of health. The director shall issue a 9087
single request for proposals for all grants for women's health 9088
services. The director shall send a notification of this request 9089
for proposals to every local department of health in this state 9090
and shall place a notification on the department's web site. The 9091
director shall allow at least thirty days after issuing this 9092
notification before closing the period to receive applications. 9093

After the closing date for receiving grant applications, 9094
the director shall first consider grant applications from local 9095
departments of health that apply for grants for women's health 9096
services to be provided directly by personnel of the local 9097
department of health. Local departments of health that apply for 9098
grants for women's health services to be provided directly by 9099
personnel of the local department of health need not provide all 9100
the listed women's health services in order to qualify for a 9101
grant. However, in prioritizing awards among local departments 9102
of health that qualify for funding under this paragraph, the 9103
director may consider, among other reasonable factors, the 9104

comprehensiveness of the women's health services to be offered, 9105
provided that no local department of health shall be 9106
discriminated against in the process of awarding these grant 9107
funds because the applicant does not provide contraception. 9108

If funds remain after awarding grants to all local 9109
departments of health that qualify for the priority, the 9110
director may make grants to other applicants. Awards to other 9111
applicants may be made to those applicants that will offer all 9112
eight of the listed women's health services or that will offer 9113
all of the services except contraception. No applicant shall be 9114
discriminated against in the process of awarding these grant 9115
funds because the applicant does not provide contraception. 9116

Sec. 3701.243. (A) Except as provided in this section or 9117
section 3701.248 of the Revised Code, no person or agency of 9118
state or local government that acquires the information while 9119
providing any health care service or while in the employ of a 9120
health care facility or health care provider shall disclose or 9121
compel another to disclose any of the following: 9122

(1) The identity of any individual on whom an HIV test is 9123
performed; 9124

(2) The results of an HIV test in a form that identifies 9125
the individual tested; 9126

(3) The identity of any individual diagnosed as having 9127
AIDS or an AIDS-related condition. 9128

(B) (1) Except as provided in divisions (B) (2), (C), (D), 9129
and (F) of this section, the results of an HIV test or the 9130
identity of an individual on whom an HIV test is performed or 9131
who is diagnosed as having AIDS or an AIDS-related condition may 9132
be disclosed only to the following: 9133

(a) The individual who was tested or the individual's legal guardian, and the individual's spouse or any sexual partner;

(b) A person to whom disclosure is authorized by a written release, executed by the individual tested or by the individual's legal guardian and specifying to whom disclosure of the test results or diagnosis is authorized and the time period during which the release is to be effective;

(c) Any physician who treats the individual;

(d) The department of health or a health commissioner to which reports are made under section 3701.24 of the Revised Code;

(e) A health care facility or provider that procures, processes, distributes, or uses a human body part from a deceased individual, donated for a purpose specified in Chapter 2108. of the Revised Code, and that needs medical information about the deceased individual to ensure that the body part is medically acceptable for its intended purpose;

(f) Health care facility staff committees or accreditation or oversight review organizations conducting program monitoring, program evaluation, or service reviews;

(g) A health care provider, emergency medical services worker, or peace officer who sustained a significant exposure to the body fluids of another individual, if that individual was tested pursuant to division (E)(6) of section 3701.242 of the Revised Code, except that the identity of the individual tested shall not be revealed;

(h) To law enforcement authorities pursuant to a search warrant or a subpoena issued by or at the request of a grand

jury, a prosecuting attorney, a city director of law or similar 9163
chief legal officer of a municipal corporation, or a village 9164
solicitor, in connection with a criminal investigation or 9165
prosecution. 9166

(2) The results of an HIV test or a diagnosis of AIDS or 9167
an AIDS-related condition may be disclosed to a health care 9168
provider, or an authorized agent or employee of a health care 9169
facility or a health care provider, if the provider, agent, or 9170
employee has a medical need to know the information and is 9171
participating in the diagnosis, care, or treatment of the 9172
individual on whom the test was performed or who has been 9173
diagnosed as having AIDS or an AIDS-related condition. 9174

This division does not impose a standard of disclosure 9175
different from the standard for disclosure of all other specific 9176
information about a patient to health care providers and 9177
facilities. Disclosure may not be requested or made solely for 9178
the purpose of identifying an individual who has a positive HIV 9179
test result or has been diagnosed as having AIDS or an AIDS- 9180
related condition in order to refuse to treat the individual. 9181
Referral of an individual to another health care provider or 9182
facility based on reasonable professional judgment does not 9183
constitute refusal to treat the individual. 9184

(3) Not later than ninety days after November 1, 1989, 9185
each health care facility in this state shall establish a 9186
protocol to be followed by employees and individuals affiliated 9187
with the facility in making disclosures authorized by division 9188
(B) (2) of this section. A person employed by or affiliated with 9189
a health care facility who determines in accordance with the 9190
protocol established by the facility that a disclosure is 9191
authorized by division (B) (2) of this section is immune from 9192

liability to any person in a civil action for damages for 9193
injury, death, or loss to person or property resulting from the 9194
disclosure. 9195

(C) (1) Any person or government agency may seek access to 9196
or authority to disclose the HIV test records of an individual 9197
in accordance with the following provisions: 9198

(a) The person or government agency shall bring an action 9199
in a court of common pleas requesting disclosure of or authority 9200
to disclose the results of an HIV test of a specific individual, 9201
who shall be identified in the complaint by a pseudonym but 9202
whose name shall be communicated to the court confidentially, 9203
pursuant to a court order restricting the use of the name. The 9204
court shall provide the individual with notice and an 9205
opportunity to participate in the proceedings if the individual 9206
is not named as a party. Proceedings shall be conducted in 9207
chambers unless the individual agrees to a hearing in open 9208
court. 9209

(b) The court may issue an order granting the plaintiff 9210
access to or authority to disclose the test results only if the 9211
court finds by clear and convincing evidence that the plaintiff 9212
has demonstrated a compelling need for disclosure of the 9213
information that cannot be accommodated by other means. In 9214
assessing compelling need, the court shall weigh the need for 9215
disclosure against the privacy right of the individual tested 9216
and against any disservice to the public interest that might 9217
result from the disclosure, such as discrimination against the 9218
individual or the deterrence of others from being tested. 9219

(c) If the court issues an order, it shall guard against 9220
unauthorized disclosure by specifying the persons who may have 9221
access to the information, the purposes for which the 9222

information shall be used, and prohibitions against future 9223
disclosure. 9224

(2) A person or government agency that considers it 9225
necessary to disclose the results of an HIV test of a specific 9226
individual in an action in which it is a party may seek 9227
authority for the disclosure by filing an in camera motion with 9228
the court in which the action is being heard. In hearing the 9229
motion, the court shall employ procedures for confidentiality 9230
similar to those specified in division (C)(1) of this section. 9231
The court shall grant the motion only if it finds by clear and 9232
convincing evidence that a compelling need for the disclosure 9233
has been demonstrated. 9234

(3) Except for an order issued in a criminal prosecution 9235
or an order under division (C)(1) or (2) of this section 9236
granting disclosure of the result of an HIV test of a specific 9237
individual, a court shall not compel a blood bank, hospital 9238
blood center, or blood collection facility to disclose the 9239
result of HIV tests performed on the blood of voluntary donors 9240
in a way that reveals the identity of any donor. 9241

(4) In a civil action in which the plaintiff seeks to 9242
recover damages from an individual defendant based on an 9243
allegation that the plaintiff contracted the HIV virus as a 9244
result of actions of the defendant, the prohibitions against 9245
disclosure in this section do not bar discovery of the results 9246
of any HIV test given to the defendant or any diagnosis that the 9247
defendant ~~suffers from~~ has AIDS or an AIDS-related condition. 9248

(D) The results of an HIV test or the identity of an 9249
individual on whom an HIV test is performed or who is diagnosed 9250
as having AIDS or an AIDS-related condition may be disclosed to 9251
a federal, state, or local government agency, or the official 9252

representative of such an agency, for purposes of the medicaid 9253
program, the medicare program, or any other public assistance 9254
program. 9255

(E) Any disclosure pursuant to this section shall be in 9256
writing and accompanied by a written statement that includes the 9257
following or substantially similar language: "This information 9258
has been disclosed to you from confidential records protected 9259
from disclosure by state law. You shall make no further 9260
disclosure of this information without the specific, written, 9261
and informed release of the individual to whom it pertains, or 9262
as otherwise permitted by state law. A general authorization for 9263
the release of medical or other information is not sufficient 9264
for the purpose of the release of HIV test results or 9265
diagnoses." 9266

(F) An individual who knows that the individual has 9267
received a positive result on an HIV test or has been diagnosed 9268
as having AIDS or an AIDS-related condition shall disclose this 9269
information to any other person with whom the individual intends 9270
to make common use of a hypodermic needle or engage in sexual 9271
conduct as defined in section 2907.01 of the Revised Code. An 9272
individual's compliance with this division does not prohibit a 9273
prosecution of the individual for a violation of division (B) of 9274
section 2903.11 of the Revised Code. 9275

(G) Nothing in this section prohibits the introduction of 9276
evidence concerning an HIV test of a specific individual in a 9277
criminal proceeding. 9278

Sec. 3701.507. (A) To assist in implementing sections 9279
3701.503 to 3701.509 of the Revised Code, the medically 9280
handicapped children's medical advisory council created in 9281
section 3701.025 of the Revised Code shall appoint a permanent 9282

infant hearing screening subcommittee. The subcommittee shall	9283
consist of the following members:	9284
(1) One otolaryngologist;	9285
(2) One neonatologist;	9286
(3) One pediatrician;	9287
(4) One neurologist;	9288
(5) One hospital administrator;	9289
(6) Two or more audiologists who are experienced in infant hearing screening and evaluation;	9290 9291
(7) One speech-language pathologist licensed under section 4753.07 of the Revised Code;	9292 9293
(8) Two persons who are each a parent of a hearing- impaired child;	9294 9295
(9) One geneticist;	9296
(10) One epidemiologist;	9297
(11) One adult who is deaf or hearing impaired;	9298
(12) One representative from an organization for the <u>persons who are deaf</u> or hearing impaired;	9299 9300
(13) One family advocate;	9301
(14) One nurse from a well-baby neonatal nursery;	9302
(15) One nurse from a special care neonatal nursery;	9303
(16) One teacher of the <u>persons who are deaf</u> who works with infants and toddlers;	9304 9305
(17) One representative of the health insurance industry;	9306

(18) One representative of the bureau for children with medical handicaps <u>program</u> ;	9307 9308
(19) One representative of the department of education;	9309
(20) One representative of the department of medicaid;	9310
(21) Any other person the advisory council appoints.	9311
(B) The infant hearing subcommittee shall:	9312
(1) Consult with the director of health regarding the administration of sections 3701.503 to 3701.509 of the Revised Code;	9313 9314 9315
(2) Advise and make recommendations regarding proposed rules prior to their adoption by the director under section 3701.508 of the Revised Code;	9316 9317 9318
(3) Consult with the director of health and advise and make recommendations regarding program development and implementation under sections 3701.503 to 3701.509 of the Revised Code, including all of the following:	9319 9320 9321 9322
(a) Establishment under section 3701.504 of the Revised Code of the statewide hearing screening, tracking, and early intervention program to identify newborn and infant hearing impairment;	9323 9324 9325 9326
(b) Identification of locations where hearing evaluations may be conducted;	9327 9328
(c) Recommendations for methods and techniques of hearing screening and hearing evaluation;	9329 9330
(d) Referral, data recording and compilation, and procedures to encourage follow-up hearing care;	9331 9332
(e) Maintenance of a register of newborns and infants who	9333

do not pass the hearing screening; 9334

(f) Preparation of the information required by section 9335
3701.506 of the Revised Code. 9336

Sec. 3701.53. The health commissioner of a city or general 9337
health district shall: 9338

(A) Investigate each case of inflammation of eyes of the 9339
newborn or gonorrhoeal ophthalmia as filed with ~~him~~the health 9340
commissioner and any other such case that comes to ~~his~~the health 9341
commissioner's attention; 9342

(B) Report all cases of inflammation of the eyes of the 9343
newborn or gonorrhoeal ophthalmia, and the result of all such 9344
investigations, as the department of health directs; 9345

(C) Conform to such other rules and regulations as the 9346
department promulgates for ~~his~~the health commissioner's further 9347
guidance; 9348

(D) Determine the nature of the inflammation of the eyes 9349
in any case reported to ~~him~~the health commissioner, and refer 9350
immediately to the ~~Ohio commission for the blind~~ bureau of 9351
services for the visually impaired, any inflammation of the 9352
eyes, for such treatment as the ~~commission~~ bureau deems 9353
necessary. 9354

Sec. 3701.65. (A) There is hereby created in the state 9355
treasury the "choose life" fund. The fund shall consist of the 9356
contributions that are paid to the registrar of motor vehicles 9357
by applicants who voluntarily elect to obtain "choose life" 9358
license plates pursuant to section 4503.91 of the Revised Code 9359
and any money returned to the fund under division (E) (1) (d) of 9360
this section. All investment earnings of the fund shall be 9361
credited to the fund. 9362

(B) (1) At least annually, the director of health shall 9363
distribute the money in the fund to any private, nonprofit 9364
organization that is eligible to receive funds under this 9365
section and that applies for funding under division (C) of this 9366
section. 9367

(2) The director shall allocate the funds to each county 9368
in proportion to the number of "choose life" license plates 9369
issued during the preceding year to vehicles registered in each 9370
county. The director shall distribute funds allocated for a 9371
county as follows: 9372

(a) To one or more eligible organizations located within 9373
the county; 9374

(b) If no eligible organization located within the county 9375
applies for funding, to one or more eligible organizations 9376
located in contiguous counties; 9377

(c) If no eligible organization located within the county 9378
or a contiguous county applies for funding, to one or more 9379
eligible organizations within any other county. 9380

(3) The director shall ensure that any funds allocated for 9381
a county are distributed equally among eligible organizations 9382
that apply for funding within the county. 9383

(C) Any organization seeking funds under this section 9384
annually shall apply for distribution of the funds based on the 9385
county in which the organization is located. An organization 9386
also may apply for funding in a county in which it is not 9387
located if it demonstrates that it provides services for 9388
pregnant women residing in that county. The director shall 9389
develop an application form and may determine the schedule and 9390
procedures that an organization shall follow when annually 9391

applying for funds. The application shall inform the applicant 9392
of the conditions for receiving and using funds under division 9393
(E) of this section. The application shall require evidence that 9394
the organization meets all of the following requirements: 9395

(1) Is a private, nonprofit organization; 9396

(2) Is committed to counseling pregnant women about the 9397
option of adoption; 9398

(3) Provides services within the state to pregnant women 9399
who are planning to place their children for adoption, including 9400
counseling and meeting the material needs of the women; 9401

(4) Does not charge women for any services received; 9402

(5) Is not involved or associated with any abortion 9403
activities, including counseling for or referrals to abortion 9404
clinics, providing medical abortion-related procedures, or pro- 9405
abortion advertising; 9406

(6) Does not discriminate in its provision of any services 9407
on the basis of race, religion, color, age, marital status, 9408
national origin, ~~handicap~~disability, gender, or age; 9409

(7) If the organization is applying for funding in a 9410
county in which it is not located, provides services for 9411
pregnant women residing in that county. 9412

(D) The director shall not distribute funds to an 9413
organization that does not provide verifiable evidence of the 9414
requirements specified in the application under division (C) of 9415
this section and shall not provide additional funds to any 9416
organization that fails to comply with division (E) of this 9417
section in regard to its previous receipt of funds under this 9418
section. 9419

(E) (1) An organization receiving funds under this section 9420
shall do all of the following: 9421

(a) Use not more than sixty per cent of the funds 9422
distributed to it for the material needs of pregnant women who 9423
are planning to place their children for adoption or for infants 9424
awaiting placement with adoptive parents, including clothing, 9425
housing, medical care, food, utilities, and transportation; 9426

(b) Use not more than forty per cent of the funds 9427
distributed to it for counseling, training, or advertising; 9428

(c) Not use any of the funds distributed to it for 9429
administrative expenses, legal expenses, or capital 9430
expenditures; 9431

(d) Annually return to the fund created under division (A) 9432
of this section any unused money that exceeds ten per cent of 9433
the money distributed to the organization. 9434

(2) The organization annually shall submit to the director 9435
an audited financial statement verifying its compliance with 9436
division (E) (1) of this section. 9437

(F) The director, in accordance with Chapter 119. of the 9438
Revised Code, shall adopt rules to implement this section. 9439

It is not the intent of the general assembly that the 9440
department create a new position within the department to 9441
implement and administer this section. It is the intent of the 9442
general assembly that the implementation and administration of 9443
this section be accomplished by existing department personnel. 9444

(G) If funds that have been allocated to a county for any 9445
previous year have not been distributed to one or more eligible 9446
organizations, the director may distribute those funds in 9447

accordance with this section. 9448

Sec. 3701.79. (A) As used in this section: 9449

(1) "Abortion" has the same meaning as in section 2919.11 9450
of the Revised Code. 9451

(2) "Abortion report" means a form completed pursuant to 9452
division (C) of this section. 9453

(3) "Ambulatory surgical facility" has the same meaning as 9454
in section 3702.30 of the Revised Code. 9455

(4) "Department" means the department of health. 9456

(5) "Hospital" means any building, structure, institution, 9457
or place devoted primarily to the maintenance and operation of 9458
facilities for the diagnosis, treatment, and medical or surgical 9459
care for three or more unrelated individuals ~~suffering from~~ 9460
having illness, disease, injury, or deformity, and regularly 9461
making available at least clinical laboratory services, 9462
diagnostic x-ray services, treatment facilities for surgery or 9463
obstetrical care, or other definitive medical treatment. 9464
"Hospital" does not include a "home" as defined in section 9465
3721.01 of the Revised Code. 9466

(6) "Physician's office" means an office or portion of an 9467
office that is used to provide medical or surgical services to 9468
the physician's patients. "Physician's office" does not mean an 9469
ambulatory surgical facility, a hospital, or a hospital 9470
emergency department. 9471

(7) "Postabortion care" means care given after the uterus 9472
has been evacuated by abortion. 9473

(B) The department shall be responsible for collecting and 9474
collating abortion data reported to the department as required 9475

by this section. 9476

(C) The attending physician shall complete an individual 9477
abortion report for the abortion of each zygote, blastocyte, 9478
embryo, or fetus the physician performs. The report shall be 9479
confidential and shall not contain the woman's name. The report 9480
shall include, but is not limited to, all of the following, 9481
insofar as the patient makes the data available that is not 9482
within the physician's knowledge: 9483

(1) Patient number; 9484

(2) The name and address of the facility in which the 9485
abortion was performed, and whether the facility is a hospital, 9486
ambulatory surgical facility, physician's office, or other 9487
facility; 9488

(3) The date of the abortion; 9489

(4) If a surgical abortion, the method of final 9490
disposition of the fetal remains under Chapter 3726. of the 9491
Revised Code; 9492

(5) All of the following regarding the woman on whom the 9493
abortion was performed: 9494

(a) Zip code of residence; 9495

(b) Age; 9496

(c) Race; 9497

(d) Marital status; 9498

(e) Number of previous pregnancies; 9499

(f) Years of education; 9500

(g) Number of living children; 9501

(h) Number of zygotes, blastocytes, embryos, or fetuses previously aborted;	9502 9503
(i) Date of last induced abortion;	9504
(j) Date of last live birth;	9505
(k) Method of contraception at the time of conception;	9506
(l) Date of the first day of the last menstrual period;	9507
(m) Medical condition at the time of the abortion;	9508
(n) Rh-type;	9509
(o) The number of weeks of gestation at the time of the abortion.	9510 9511
(6) The type of abortion procedure performed;	9512
(7) Complications by type;	9513
(8) Written acknowledgment by the attending physician that the pregnant woman is not seeking the abortion, in whole or in part, because of any of the following:	9514 9515 9516
(a) A test result indicating Down syndrome in an unborn child;	9517 9518
(b) A prenatal diagnosis of Down syndrome in an unborn child;	9519 9520
(c) Any other reason to believe that an unborn child has Down syndrome.	9521 9522
(9) Type of procedure performed after the abortion;	9523
(10) Type of family planning recommended;	9524
(11) Type of additional counseling given;	9525

(12) Signature of attending physician.	9526
(D) The physician who completed the abortion report under division (C) of this section shall submit the abortion report to the department within fifteen days after the woman is discharged.	9527 9528 9529 9530
(E) The appropriate vital records report or certificate shall be made out after the twentieth week of gestation.	9531 9532
(F) A copy of the abortion report shall be made part of the medical record of the patient of the facility in which the abortion was performed.	9533 9534 9535
(G) Each hospital shall file monthly and annual reports listing the total number of women who have undergone a post-twelve-week-gestation abortion and received postabortion care. The annual report shall be filed following the conclusion of the state's fiscal year. Each report shall be filed within thirty days after the end of the applicable reporting period.	9536 9537 9538 9539 9540 9541
(H) Each case in which a physician treats a post abortion complication shall be reported on a postabortion complication form. The report shall be made upon a form prescribed by the department, shall be signed by the attending physician, and shall be confidential.	9542 9543 9544 9545 9546
(I) (1) Not later than the first day of October of each year, the department shall issue an annual report of the abortion data reported to the department for the previous calendar year as required by this section. The annual report shall include at least the following information:	9547 9548 9549 9550 9551
(a) The total number of zygotes, blastocytes, embryos, or fetuses that were aborted;	9552 9553

(b) The number of abortions performed on Ohio and out-of-state residents;	9554
	9555
(c) The number of abortions performed, sorted by each of the following:	9556
	9557
(i) The age of the woman on whom the abortion was performed, using the following categories: under fifteen years of age, fifteen to nineteen years of age, twenty to twenty-four years of age, twenty-five to twenty-nine years of age, thirty to thirty-four years of age, thirty-five to thirty-nine years of age, forty to forty-four years of age, forty-five years of age or older;	9558
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	9564
(ii) The race and Hispanic ethnicity of the woman on whom the abortion was performed;	9565
	9566
(iii) The education level of the woman on whom the abortion was performed, using the following categories or their equivalents: less than ninth grade, ninth through twelfth grade, one or more years of college;	9567
	9568
	9569
	9570
(iv) The marital status of the woman on whom the abortion was performed;	9571
	9572
(v) The number of living children of the woman on whom the abortion was performed, using the following categories: none, one, or two or more;	9573
	9574
	9575
(vi) The number of weeks of gestation of the woman at the time the abortion was performed, using the following categories: less than nine weeks, nine to twelve weeks, thirteen to nineteen weeks, or twenty weeks or more;	9576
	9577
	9578
	9579
(vii) The county in which the abortion was performed;	9580
(viii) The type of abortion procedure performed;	9581

(ix) The number of zygotes, blastocytes, embryos, or 9582
fetuses previously aborted by the woman on whom the abortion was 9583
performed; 9584

(x) The type of facility in which the abortion was 9585
performed; 9586

(xi) For Ohio residents, the county of residence of the 9587
woman on whom the abortion was performed. 9588

(2) The report also shall indicate the number and type of 9589
the abortion complications reported to the department either on 9590
the abortion report required under division (C) of this section 9591
or the postabortion complication report required under division 9592
(H) of this section. 9593

(3) In addition to the annual report required under 9594
division (I)(1) of this section, the department shall make 9595
available, on request, the number of abortions performed by zip 9596
code of residence. 9597

(J) The director of health shall implement this section 9598
and shall apply to the court of common pleas for temporary or 9599
permanent injunctions restraining a violation or threatened 9600
violation of its requirements. This action is an additional 9601
remedy not dependent on the adequacy of the remedy at law. 9602

Sec. 3701.81. (A) No person, knowing or having reasonable 9603
cause to believe that ~~he is suffering from~~ the person has a 9604
dangerous, contagious disease, shall knowingly fail to take 9605
reasonable measures to prevent exposing ~~himself~~ self to other 9606
persons, except when seeking medical aid. 9607

(B) No person, having charge or care of a person whom 9608
~~he~~ the person having charge or care knows or has reasonable cause 9609
to believe ~~is suffering from~~ has a dangerous, contagious 9610

disease, shall recklessly fail to take reasonable measures to 9611
protect others from exposure to the contagion, and to inform 9612
health authorities of the existence of the contagion. 9613

(C) No person, having charge of a public conveyance or 9614
place of public accommodation, amusement, resort, or trade, and 9615
knowing or having reasonable cause to believe that persons using 9616
such conveyance or place have been or are being exposed to a 9617
dangerous, contagious disease, shall negligently fail to take 9618
reasonable measures to protect the public from exposure to the 9619
contagion, and to inform health authorities of the existence of 9620
the contagion. 9621

Sec. 3702.55. A person that the director of health 9622
determines has violated section 3702.53 of the Revised Code 9623
shall cease conducting the activity that constitutes the 9624
violation or utilizing the facility resulting from the violation 9625
not later than thirty days after the person receives the notice 9626
mailed under section 3702.532 of the Revised Code or, if the 9627
person appeals the director's determination under section 9628
3702.60 of the Revised Code, thirty days after the person 9629
receives an order upholding the director's determination that is 9630
not subject to further appeal. 9631

If any person determined to have violated section 3702.53 9632
of the Revised Code fails to cease conducting an activity or 9633
using a facility as required by this section or if the person 9634
continues to seek payment or reimbursement for services rendered 9635
or costs incurred in conducting the activity as prohibited by 9636
section 3702.56 of the Revised Code, in addition to the 9637
penalties imposed under section 3702.54 or 3702.541 of the 9638
Revised Code: 9639

(A) The director of health may refuse to include any beds 9640

involved in the activity in the bed capacity of a hospital for 9641
purposes of registration under section 3701.07 of the Revised 9642
Code; 9643

(B) The director of health may refuse to license, or may 9644
revoke a license or reduce bed capacity previously granted to, a 9645
hospice care program under section 3712.04 of the Revised Code; 9646
a nursing home, residential care facility, or home for the aging 9647
under section 3721.02 of the Revised Code; or any beds within 9648
any of those facilities that are involved in the activity; 9649

(C) A political subdivision certified under section 9650
3721.09 of the Revised Code may refuse to license, or may revoke 9651
a license or reduce bed capacity previously granted to, a 9652
nursing home, residential care facility, or home for the aging, 9653
or any beds within any of those facilities that are involved in 9654
the activity; 9655

(D) The director of mental health and addiction services 9656
may refuse to license under section 5119.33 of the Revised Code, 9657
or may revoke a license or reduce bed capacity previously 9658
granted to, a hospital receiving ~~mentally ill persons~~ with 9659
mental illnesses or beds within such a hospital that are 9660
involved in the activity; 9661

(E) The department of medicaid may refuse to enter into a 9662
provider agreement that includes a facility, beds, or services 9663
that result from the activity. 9664

Sec. 3707.06. (A) Each physician or other person called to 9665
attend a person ~~suffering from having~~ cholera, plague, yellow 9666
fever, typhus fever, diphtheria, typhoid fever, or any other 9667
disease dangerous to the public health, or required by the 9668
department of health to be reported, shall report to the health 9669

commissioner within whose jurisdiction the sick person is found 9670
the name, age, sex, and color of the patient, and the house and 9671
place in which the sick person may be found. In like manner, the 9672
owner or agent of the owner of a building in which a person 9673
resides who has any of the listed diseases, or in which are the 9674
remains of a person having died of any of the listed diseases, 9675
and the head of the family, immediately after becoming aware of 9676
the fact, shall give notice thereof to the health commissioner. 9677

(B) No person shall fail to comply with the reporting 9678
requirements of division (A) of this section. 9679

(C) Information reported under this section that is 9680
protected health information pursuant to section 3701.17 of the 9681
Revised Code shall be released only in accordance with that 9682
section. Information that does not identify an individual may be 9683
released in summary, statistical, or aggregate form. 9684

Sec. 3707.20. No person, who ~~is suffering from~~ has a 9685
contagious or infectious disease, or who has been exposed to a 9686
contagious or infectious disease, may be sent or admitted to a 9687
prison; jail; workhouse; infirmary; children's home; state 9688
hospital or institution for ~~the persons who are blind, the~~ 9689
~~mentally ill~~ persons with mental illnesses, or persons with 9690
intellectual disabilities; school for the blind or deaf; or 9691
other state or county benevolent institution without first 9692
making known the facts concerning the illness or exposure to the 9693
superintendent or other person in charge thereof. When a 9694
dangerous, contagious, or infectious disease is in a jail or 9695
prison and a prisoner in the jail or prison exposed to the 9696
disease is sentenced to a state correctional institution, the 9697
prisoner shall be confined and isolated in the jail or prison or 9698
other proper place, upon the order of the proper court, for any 9699

time that is necessary to establish the fact that the prisoner 9700
has not contracted the disease. 9701

Sec. 3707.22. The trustees or managers of any institution 9702
mentioned in section 3707.21 of the Revised Code may contract 9703
for the care, treatment, or detention of any persons affected 9704
with or exposed to any disease mentioned in such section with 9705
any corporation having a hospital or other proper place for the 9706
isolation or care of persons ~~suffering from~~ having or exposed to 9707
contagious disease, and may remove such persons to such hospital 9708
or place. In the case of persons detained in an institution as 9709
punishment for a crime, an order for such removal shall be 9710
obtained from the court which imposed the punishment. In an 9711
order for such removal, the court may require such provisions to 9712
be made for safely guarding the prisoner while in such hospital 9713
or place as it deems necessary. 9714

Sec. 3707.29. The legislative authority of a municipal 9715
corporation may purchase land within or without its boundaries 9716
and erect thereon suitable hospital buildings for the isolation, 9717
care, or treatment of persons ~~suffering from~~ having dangerous 9718
contagious disease, and provide for the maintenance thereof. The 9719
plans and specifications for such buildings shall be approved by 9720
the board of health of the city or general health district in 9721
which such hospital is to be located. 9722

The legislative authority may issue bonds and apply the 9723
proceeds thereof to such construction if, at an election held 9724
for that purpose, two-thirds of the votes cast are in favor 9725
thereof. Such bonds may not exceed twenty-five thousand dollars, 9726
with a rate or rates of interest not to exceed the rate provided 9727
in section 9.95 of the Revised Code, and the principal shall be 9728
paid within ten years. After the erection of such buildings, the 9729

legislative authority each year may make such appropriations for 9730
their care, use, and maintenance as are necessary. 9731

Sec. 3707.30. Hospital buildings constructed under section 9732
3707.29 of the Revised Code shall be under the care and control 9733
of the board of health of the city or general health district in 9734
which such buildings are located. The board shall appoint all 9735
employees or other persons necessary to the use, care, and 9736
maintenance thereof, and shall regulate the entrance of patients 9737
thereto and their care and treatment. 9738

When a person ~~suffering from having~~ a dangerous contagious 9739
disease is found in a hotel, lodginghouse, boardinghouse, 9740
tenement house, or other public place in the municipal 9741
corporation, the board, if it deems it necessary for the 9742
protection of the public health, may remove such person to such 9743
hospital, where all needful provisions shall be made for ~~his~~the 9744
person's care and treatment. If such person is able, the expense 9745
so incurred shall be paid by ~~him~~the person. 9746

Sec. 3719.011. As used in the Revised Code: 9747

(A) "Drug of abuse" means any controlled substance as 9748
defined in section 3719.01 of the Revised Code, any harmful 9749
intoxicant as defined in section 2925.01 of the Revised Code, 9750
and any dangerous drug as defined in section 4729.01 of the 9751
Revised Code. 9752

(B) ~~"Drug dependent person"~~"Person with a drug 9753
dependency" means any person who, by reason of the use of any 9754
drug of abuse, is physically, psychologically, or physically and 9755
psychologically dependent upon the use of such drug, to the 9756
detriment of the person's health or welfare. 9757

(C) "Person in danger of becoming a ~~drug dependent person~~ 9758

with a drug dependency" means any person who, by reason of the 9759
person's habitual or incontinent use of any drug of abuse, is in 9760
imminent danger of becoming a ~~drug dependent person~~ with a drug 9761
dependency. 9762

Sec. 3719.061. (A) (1) As used in this section: 9763

(a) "Another adult authorized to consent to the minor's 9764
medical treatment" means an adult to whom a minor's parent or 9765
guardian has given written authorization to consent to the 9766
minor's medical treatment. 9767

(b) "Emergency facility" means a hospital emergency 9768
department or any other facility that provides emergency care. 9769

(c) "Medical emergency" means a situation that in a 9770
prescriber's good faith medical judgment creates an immediate 9771
threat of serious risk to the life or physical health of a 9772
minor. 9773

(d) "Minor" means an individual under eighteen years of 9774
age who is not emancipated. 9775

(2) For purposes of this section, an individual under 9776
eighteen years of age is emancipated only if the individual has 9777
married, has entered the armed services of the United States, 9778
has become employed and self-sustaining, or otherwise has become 9779
independent from the care and control of the individual's 9780
parent, guardian, or custodian. 9781

(B) Except as provided in division (C) of this section, 9782
before issuing for a minor the first prescription in a single 9783
course of treatment for an opioid analgesic, regardless of 9784
whether the dosage is modified during that course of treatment, 9785
a prescriber shall do all of the following: 9786

(1) As part of the prescriber's examination of the minor, 9787
assess whether the minor has ever ~~suffered~~had, or ~~is~~ currently 9788
~~suffering~~has, ~~from~~ mental health or substance abuse disorders 9789
and whether the minor has taken or is currently taking 9790
prescription drugs for treatment of those disorders; 9791

(2) Discuss with the minor and the minor's parent, 9792
guardian, or another adult authorized to consent to the minor's 9793
medical treatment all of the following: 9794

(a) The risks of addiction and overdose associated with 9795
opioid analgesics; 9796

(b) The increased risk of addiction to controlled 9797
substances of individuals ~~suffering from~~ having both mental 9798
health and substance abuse disorders; 9799

(c) The dangers of taking opioid analgesics with 9800
benzodiazepines, alcohol, or other central nervous system 9801
depressants; 9802

(d) Any other information in the patient counseling 9803
information section of the labeling for the opioid analgesic 9804
required under 21 C.F.R. 201.57(c) (18). 9805

(3) Obtain written consent for the prescription from the 9806
minor's parent, guardian, or, subject to division (E) of this 9807
section, another adult authorized to consent to the minor's 9808
medical treatment. 9809

The prescriber shall record the consent on a form, which 9810
shall be known as the "Start Talking!" consent form. The form 9811
shall be separate from any other document the prescriber uses to 9812
obtain informed consent for other treatment provided to the 9813
minor. The form shall contain all of the following: 9814

- (a) The name and quantity of the opioid analgesic being prescribed and the amount of the initial dose; 9815
9816
- (b) A statement indicating that a controlled substance is a drug or other substance that the United States drug enforcement administration has identified as having a potential for abuse; 9817
9818
9819
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- (c) A statement certifying that the prescriber discussed with the minor and the minor's parent, guardian, or another adult authorized to consent to the minor's medical treatment the matters described in division (B) (2) of this section; 9821
9822
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9824
- (d) The number of refills, if any, authorized by the prescription; 9825
9826
- (e) The signature of the minor's parent, guardian, or another adult authorized to consent to the minor's medical treatment and the date of signing. 9827
9828
9829
- (C) (1) The requirements of division (B) of this section do not apply if the minor's treatment with an opioid analgesic meets any of the following criteria: 9830
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- (a) The treatment is associated with or incident to a medical emergency. 9833
9834
- (b) The treatment is associated with or incident to surgery, regardless of whether the surgery is performed on an inpatient or outpatient basis. 9835
9836
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- (c) In the prescriber's professional judgment, fulfilling the requirements of division (B) of this section with respect to the minor's treatment would be a detriment to the minor's health or safety. 9838
9839
9840
9841
- (d) Except as provided in division (D) of this section, 9842

the treatment is rendered in a hospital, emergency facility, 9843
ambulatory surgical facility, nursing home, pediatric respite 9844
care program, residential care facility, freestanding 9845
rehabilitation facility, or similar institutional facility. 9846

(2) The requirements of division (B) of this section do 9847
not apply to a prescription for an opioid analgesic that a 9848
prescriber issues to a minor at the time of discharge from a 9849
facility or other location described in division (C) (1) (d) of 9850
this section. 9851

(D) The exemption in division (C) (1) (d) of this section 9852
does not apply to treatment rendered in a prescriber's office 9853
that is located on the premises of or adjacent to a facility or 9854
other location described in that division. 9855

(E) If the individual who signs the consent form required 9856
by division (B) (3) of this section is another adult authorized 9857
to consent to the minor's medical treatment, the prescriber 9858
shall prescribe not more than a single, seventy-two-hour supply 9859
and indicate on the prescription the quantity that is to be 9860
dispensed pursuant to the prescription. 9861

(F) A signed "Start Talking!" consent form obtained under 9862
this section shall be maintained in the minor's medical record. 9863

Sec. 3719.61. Nothing in the laws dealing with drugs of 9864
abuse shall be construed to prohibit treatment of ~~narcotic drug~~ 9865
~~dependent persons~~ with narcotic drug dependencies by the 9866
continuing maintenance of their dependence through an opioid 9867
treatment program licensed and operated in accordance with 9868
section 5119.37 of the Revised Code and the rules adopted under 9869
that section. 9870

Sec. 3719.70. (A) When testimony, information, or other 9871

evidence in the possession of a person who uses, possesses, or 9872
trafficks in any drug of abuse appears necessary to an 9873
investigation by law enforcement authorities into illicit 9874
sources of any drug of abuse, or appears necessary to 9875
successfully institute, maintain, or conclude a prosecution for 9876
any drug abuse offense, as defined in section 2925.01 of the 9877
Revised Code, a judge of the court of common pleas may grant to 9878
that person immunity from prosecution for any offense based upon 9879
the testimony, information, or other evidence furnished by that 9880
person, other than a prosecution of that person for giving false 9881
testimony, information, or other evidence. 9882

(B) (1) When a person is convicted of any misdemeanor drug 9883
abuse offense, the court, in determining whether to place the 9884
person under a community control sanction pursuant to section 9885
2929.25 of the Revised Code, shall take into consideration 9886
whether the person truthfully has revealed all information 9887
within the person's knowledge concerning illicit traffic in or 9888
use of drugs of abuse and, when required, has testified as to 9889
that information in any proceeding to obtain a search or arrest 9890
warrant against another or to prosecute another for any offense 9891
involving a drug of abuse. The information shall include, but is 9892
not limited to, the identity and whereabouts of accomplices, 9893
accessories, aiders, and abettors, if any, of the person or 9894
persons from whom any drug of abuse was obtained or to whom any 9895
drug of abuse was distributed, and of persons known or believed 9896
to be ~~drug dependent~~ persons with drug dependencies, together 9897
with the location of any place or places where and the manner in 9898
which any drug of abuse is illegally cultivated, manufactured, 9899
sold, possessed, or used. The information also shall include all 9900
facts and circumstances surrounding any illicit traffic in or 9901
use of drugs of abuse of that nature. 9902

(2) If a person otherwise is eligible for intervention in lieu of conviction and being ordered to a period of rehabilitation under section 2951.041 of the Revised Code but the person has failed to cooperate with law enforcement authorities by providing them with the types of information described in division (B)(1) of this section, the person's lack of cooperation may be considered by the court under section 2951.041 of the Revised Code in determining whether to stay all criminal proceedings and order the person to a requested period of intervention.

(C) In the absence of a competent and voluntary waiver of the right against self-incrimination, no information or testimony furnished pursuant to division (B) of this section shall be used in a prosecution of the person furnishing it for any offense other than a prosecution of that person for giving false testimony, information, or other evidence.

Sec. 3721.011. (A) In addition to providing accommodations, supervision, and personal care services to its residents, a residential care facility may do the following:

(1) Provide the following skilled nursing care to its residents:

(a) Supervision of special diets;

(b) Application of dressings, in accordance with rules adopted under section 3721.04 of the Revised Code;

(c) Subject to division (B)(1) of this section, administration of medication.

(2) Subject to division (C) of this section, provide other skilled nursing care on a part-time, intermittent basis for not more than a total of one hundred twenty days in a twelve-month

period; 9932

(3) Provide skilled nursing care for more than one hundred 9933
twenty days in a twelve-month period to a resident when the 9934
requirements of division (D) of this section are met. 9935

A residential care facility may not admit or retain an 9936
individual requiring skilled nursing care that is not authorized 9937
by this section. A residential care facility may not provide 9938
skilled nursing care beyond the limits established by this 9939
section. 9940

(B) (1) A residential care facility may admit or retain an 9941
individual requiring medication, including biologicals, only if 9942
the individual's personal physician has determined in writing 9943
that the individual is capable of self-administering the 9944
medication or the facility provides for the medication to be 9945
administered to the individual by a home health agency certified 9946
under Title XVIII of the "Social Security Act," 79 Stat. 620 9947
(1965), 42 U.S.C. 1395, as amended; a hospice care program 9948
licensed under Chapter 3712. of the Revised Code; or a member of 9949
the staff of the residential care facility who is qualified to 9950
perform medication administration. Medication may be 9951
administered in a residential care facility only by the 9952
following persons authorized by law to administer medication: 9953

(a) A registered nurse licensed under Chapter 4723. of the 9954
Revised Code; 9955

(b) A licensed practical nurse licensed under Chapter 9956
4723. of the Revised Code who holds proof of successful 9957
completion of a course in medication administration approved by 9958
the board of nursing and who administers the medication only at 9959
the direction of a registered nurse or a physician authorized 9960

under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery; 9961
9962

(c) A medication aide certified under Chapter 4723. of the Revised Code; 9963
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(d) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery. 9965
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(2) In assisting a resident with self-administration of medication, any member of the staff of a residential care facility may do the following: 9968
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(a) Remind a resident when to take medication and watch to ensure that the resident follows the directions on the container; 9971
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(b) Assist a resident by taking the medication from the locked area where it is stored, in accordance with rules adopted pursuant to section 3721.04 of the Revised Code, and handing it to the resident. If the resident is physically unable to open the container, a staff member may open the container for the resident. 9974
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(c) Assist a resident who is physically impaired but mentally alert~~resident~~, such as a resident with arthritis, cerebral palsy, or Parkinson's disease, in removing oral or topical medication from containers and in consuming or applying the medication, upon request by or with the consent of the resident. If a resident is physically unable to place a dose of medicine to the resident's mouth without spilling it, a staff member may place the dose in a container and place the container to the mouth of the resident. 9980
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(C) Except as provided in division (D) of this section, a 9989

residential care facility may admit or retain individuals who 9990
require skilled nursing care beyond the supervision of special 9991
diets, application of dressings, or administration of 9992
medication, only if the care will be provided on a part-time, 9993
intermittent basis for not more than a total of one hundred 9994
twenty days in any twelve-month period. In accordance with 9995
Chapter 119. of the Revised Code, the director of health shall 9996
adopt rules specifying what constitutes the need for skilled 9997
nursing care on a part-time, intermittent basis. The director 9998
shall adopt rules that are consistent with rules pertaining to 9999
home health care adopted by the medicaid director for the 10000
medicaid program. Skilled nursing care provided pursuant to this 10001
division may be provided by a home health agency certified for 10002
participation in the medicare program, a hospice care program 10003
licensed under Chapter 3712. of the Revised Code, or a member of 10004
the staff of a residential care facility who is qualified to 10005
perform skilled nursing care. 10006

A residential care facility that provides skilled nursing 10007
care pursuant to this division shall do both of the following: 10008

(1) Evaluate each resident receiving the skilled nursing 10009
care at least once every seven days to determine whether the 10010
resident should be transferred to a nursing home; 10011

(2) Meet the skilled nursing care needs of each resident 10012
receiving the care. 10013

(D) (1) A residential care facility may admit or retain an 10014
individual who requires skilled nursing care for more than one 10015
hundred twenty days in any twelve-month period only if the 10016
facility has entered into a written agreement with each of the 10017
following: 10018

(a) The individual or individual's sponsor;	10019
(b) The individual's personal physician;	10020
(c) Unless the individual's personal physician oversees the skilled nursing care, the provider of the skilled nursing care;	10021 10022 10023
(d) If the individual is a hospice patient as defined in section 3712.01 of the Revised Code, a hospice care program licensed under Chapter 3712. of the Revised Code.	10024 10025 10026
(2) The agreement required by division (D)(1) of this section shall include all of the following provisions:	10027 10028
(a) That the individual will be provided skilled nursing care in the facility only if a determination has been made that the individual's needs can be met at the facility;	10029 10030 10031
(b) That the individual will be retained in the facility only if periodic redeterminations are made that the individual's needs are being met at the facility;	10032 10033 10034
(c) That the redeterminations will be made according to a schedule specified in the agreement;	10035 10036
(d) If the individual is a hospice patient, that the individual has been given an opportunity to choose the hospice care program that best meets the individual's needs;	10037 10038 10039
(e) Unless the individual is a hospice patient, that the individual's personal physician has determined that the skilled nursing care the individual needs is routine.	10040 10041 10042
(E) Notwithstanding any other provision of this chapter, a residential care facility in which residents receive skilled nursing care pursuant to this section is not a nursing home.	10043 10044 10045

Sec. 3721.30. (A) (1) A competency evaluation program	10046
approved by the director of health under division (A) of section	10047
3721.31 of the Revised Code or conducted by the director under	10048
division (C) of that section shall evaluate the competency of a	10049
nurse aide in the following areas:	10050
(a) Basic nursing skills;	10051
(b) Personal care skills;	10052
(c) Recognition of mental health and social service needs;	10053
(d) Care of cognitively impaired residents <u>with cognitive</u>	10054
<u>impairments</u> ;	10055
(e) Basic restorative services;	10056
(f) Residents' rights;	10057
(g) Any other area specified by rule of the director.	10058
(2) Any competency evaluation program approved or	10059
conducted by the director may include a written examination, but	10060
shall permit a nurse aide, at the nurse aide's option, to	10061
establish competency in another manner approved by the director.	10062
A nurse aide shall be permitted to have the competency	10063
evaluation conducted at the long-term care facility at which the	10064
nurse aide is or will be employed, unless the facility has been	10065
determined by the director or the United States secretary of	10066
health and human services to have been out of compliance with	10067
the requirements of subsection (b), (c), or (d) of section 1819	10068
or 1919 of the "Social Security Act," 49 Stat. 620 (1935), 42	10069
U.S.C.A. 301, as amended, within the previous two years.	10070
(B) A training and competency evaluation program approved	10071
or conducted by the director under section 3721.31 of the	10072
Revised Code shall consist of training and competency evaluation	10073

specified by the director in rules adopted under division (C) of 10074
this section, including a minimum of seventy-five hours divided 10075
between skills training and classroom instruction in the 10076
following topic areas: 10077

- (1) Basic nursing skills; 10078
- (2) Personal care skills; 10079
- (3) Recognition of mental health and social service needs; 10080
- (4) Care of ~~cognitively impaired~~ residents with cognitive 10081
impairments; 10082
- (5) Basic restorative services; 10083
- (6) Residents' rights; 10084
- (7) Needs of various groups of long-term care facility 10085
residents and patients; 10086
- (8) Other topic areas specified by rule of the director. 10087

(C) In accordance with Chapter 119. of the Revised Code, 10088
the director shall adopt rules establishing procedures and 10089
criteria for approval of competency evaluation programs and 10090
training and competency evaluation programs. The requirements 10091
established by rules shall be no less stringent than the 10092
requirements, guidelines, and procedures established by the 10093
United States secretary of health and human services under 10094
sections 1819 and 1919 of the "Social Security Act." The 10095
director also shall adopt rules governing all of the following: 10096

- (1) Procedures for determination of an individual's 10097
competency to perform services as a nurse aide; 10098
- (2) The curriculum of training and competency evaluation 10099
programs; 10100

- (3) The clinical supervision and physical facilities used for competency evaluation programs and training and competency evaluation programs; 10101
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- (4) The number of hours of training required in training and competency evaluation programs; 10104
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- (5) The qualifications for instructors, coordinators, and evaluators of competency evaluation programs and training and competency evaluation programs; 10106
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- (6) Requirements that approved competency evaluation programs and training and competency evaluation programs must meet to retain approval; 10109
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- (7) Standards for successful completion of a competency evaluation program or training and competency evaluation program; 10112
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- (8) Procedures and criteria for review and reapproval of competency evaluation programs and training and competency evaluation programs; 10115
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- (9) Fees for application for approval or reapproval of competency evaluation programs, training and competency evaluation programs, and programs to train instructors and coordinators for training and competency evaluation programs and evaluators for competency evaluation programs; 10118
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- (10) Fees for participation in any competency evaluation program, training and competency evaluation program, or other program conducted by the director under section 3721.31 of the Revised Code; 10123
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- (11) Procedures for reporting to the nurse aide registry established under section 3721.32 of the Revised Code whether or 10127
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not individuals participating in competency evaluation programs 10129
and training and competency evaluation programs have 10130
successfully completed the programs. 10131

(D) In accordance with Chapter 119. of the Revised Code, 10132
the director may adopt rules prescribing criteria and procedures 10133
for approval of training programs for instructors and 10134
coordinators for training and competency evaluation programs, 10135
and for evaluators for competency evaluation programs. The 10136
director may adopt other rules that ~~he~~the director considers 10137
necessary for the administration and enforcement of sections 10138
3721.28 to 3721.34 of the Revised Code or for compliance with 10139
requirements, guidelines, or procedures issued by the United 10140
States secretary of health and human services for implementation 10141
of section 1819 or 1919 of the "Social Security Act." 10142

(E) No person or government entity shall impose on a nurse 10143
aide any charge for participation in any competency evaluation 10144
program or training and competency evaluation program approved 10145
or conducted by the director under section 3721.31 of the 10146
Revised Code, including any charge for textbooks, other required 10147
course materials, or a competency evaluation. 10148

(F) No person or government entity shall require that an 10149
individual used by the person or government entity as a nurse 10150
aide or seeking employment as a nurse aide pay or repay, either 10151
before or while the individual is employed by the person or 10152
government entity or when the individual leaves the person or 10153
government entity's employ, any costs associated with the 10154
individual's participation in a competency evaluation program or 10155
training and competency evaluation program approved or conducted 10156
by the director. 10157

Sec. 3781.111. (A) In addition to the powers conferred by 10158

any other section of the Revised Code, the board of building standards shall adopt standards and rules to facilitate the reasonable access and use by all persons with a disability of all buildings and the facilities of buildings for which plans are submitted for approval under section 3791.04 of the Revised Code. No standard or rule shall be applied to any building the plans or drawings, specifications, and date of which have been approved prior to the time that the standard or rule takes effect.

(B) (1) Except as otherwise provided in this section, the standards and rules adopted by the board pursuant to this section shall be in accordance with the "Americans with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C.A. 12101, as amended, and the "Fair Housing Amendments Act of 1988," 102 Stat. 1619, 42 U.S.C.A. 3601, as amended.

(2) For purposes of enforcement by the Ohio civil rights commission only, approval of a plan as required under section 3791.04 of the Revised Code creates a rebuttable presumption that the plans, drawings, specifications, or data submitted are in compliance with the rules adopted by the board pursuant to this section as they relate to accessibility.

(C) All signs posted to designate ~~special-accessible~~ parking locations for persons with a disability and persons with disabilities that limit or impair the ability to walk in accordance with division (E) of section 4511.69 of the Revised Code and the standards and rules adopted pursuant to this section shall be mounted on a fixed or movable post or otherwise affixed in a vertical position so that the distance from the ground to the bottom edge of the sign measures not less than five feet. If a new sign or a replacement sign designating a-

~~special~~an accessible parking location is posted on or after 10189
October 14, 1999, there also shall be affixed upon the surface 10190
of that sign or affixed next to the designating sign a notice 10191
that states the fine applicable for the offense of parking a 10192
motor vehicle in the ~~special~~-designated accessible parking 10193
location if the motor vehicle is not legally entitled to be 10194
parked in that location. 10195

(D) As used in this section, "disability" has the same 10196
meaning as in section 4112.01 of the Revised Code. As used in 10197
division (C) of this section, "persons with disabilities that 10198
limit or impair the ability to walk" has the same meaning as in 10199
division (A) (1) of section 4503.44 of the Revised Code. 10200

(E) No owner of a building or facility where ~~special~~- 10201
accessible parking locations for persons with a disability must 10202
be designated in accordance with the standards and rules adopted 10203
pursuant to this section shall fail to properly mark the ~~special~~- 10204
accessible parking locations as required by those standards and 10205
rules or fail to maintain the markings of the ~~special~~-accessible 10206
parking locations, including the erection and maintenance of the 10207
fixed or movable signs. 10208

(F) The board annually shall provide statewide training on 10209
the rules adopted by the board pursuant to this section as they 10210
relate to accessibility for nonresidential building department 10211
personnel certified by the board who approve, review plans, and 10212
inspect nonresidential construction. 10213

Sec. 3781.112. (A) As used in this section, "secured 10214
facility" means any of the following: 10215

(1) A maternity unit, newborn care nursery, or maternity 10216
home licensed under Chapter 3711. of the Revised Code; 10217

(2) A pediatric intensive care unit subject to rules 10218
adopted by the director of health pursuant to section 3702.11 of 10219
the Revised Code; 10220

(3) A children's hospital, as defined in section 3727.01 10221
of the Revised Code; 10222

(4) A hospital that is licensed under section 5119.33 of 10223
the Revised Code to receive ~~mentally ill~~ persons with mental 10224
illnesses; 10225

(5) The portion of a nursing home licensed under section 10226
3721.02 of the Revised Code or in accordance with section 10227
3721.09 of the Revised Code in which specialized care is 10228
provided to residents of the nursing home who have physical or 10229
mental conditions that require a resident to be restricted in 10230
the resident's freedom of movement for the health and safety of 10231
the resident, the staff attending the resident, or the general 10232
public. 10233

(B) A secured facility may take reasonable steps in 10234
accordance with rules the board of building standards adopts 10235
under division (A) of section 3781.10 of the Revised Code and in 10236
accordance with the state fire code the fire marshal adopts 10237
under section 3737.82 of the Revised Code, to deny egress to 10238
confine and protect patients or residents of the secured 10239
facility who are not capable of self-preservation. A secured 10240
facility that wishes to deny egress to those patients or 10241
residents may use delayed-egress doors and electronically coded 10242
doors to deny egress, on the condition that those doors are 10243
installed and used in accordance with rules the board of 10244
building standards adopts under division (A) of section 3781.10 10245
of the Revised Code and in accordance with the state fire code 10246
the fire marshal adopts under section 3737.82 of the Revised 10247

Code. A secured facility also may install controlled-egress 10248
locks, in compliance with rules the board of building standards 10249
adopts under division (A) of section 3781.10 of the Revised Code 10250
and in compliance with the state fire code the fire marshal 10251
adopts under section 3737.82 of the Revised Code, in areas of 10252
the secured facility where patients or residents who have 10253
physical or mental conditions that would endanger the patients 10254
or residents, the staff attending the patients or residents, or 10255
the general public if those patients or residents are not 10256
restricted in their freedom of movement. A secured facility that 10257
uses delayed-egress doors and electronically coded doors, 10258
controlled-egress locks, or both, shall do both of the 10259
following: 10260

(1) Provide continuous, twenty-four-hour custodial care to 10261
the patients or residents of the facility; 10262

(2) Establish a system to evacuate patients or residents 10263
in the event of fire or other emergency. 10264

Sec. 3781.19. There is hereby established in the 10265
department of commerce a board of building appeals consisting of 10266
five members who shall be appointed by the governor with the 10267
advice and consent of the senate. Terms of office shall be for 10268
four years, commencing on the fourteenth day of October and 10269
ending on the thirteenth day of October. Each member shall hold 10270
office from the date of appointment until the end of the term 10271
for which the member was appointed. Any member appointed to fill 10272
a vacancy occurring prior to the expiration of the term for 10273
which the member's predecessor was appointed shall hold office 10274
for the remainder of such term. Any member shall continue in 10275
office subsequent to the expiration date of the member's term 10276
until a successor takes office, or until a period of sixty days 10277

has elapsed, whichever occurs first. One member shall be an attorney-at-law, admitted to the bar of this state and of the remaining members, one shall be a registered architect and one shall be a professional engineer, each of whom shall be duly licensed to practice their respective professions in this state, one shall be a fire prevention officer qualified under section 3737.66 of the Revised Code, and one shall be a person with recognized ability in the plumbing or pipefitting profession. No member of the board of building standards shall be a member of the board of building appeals. Each member shall be paid an amount fixed pursuant to Chapter 124. of the Revised Code per diem. The department shall provide and assign to the board such employees as are required by the board to perform its functions. The board may adopt its own rules of procedure not inconsistent with sections 3781.06 to 3781.18 and 3791.04 of the Revised Code, and may change them in its discretion. The board may establish reasonable fees, based on actual costs for administration of filing and processing, not to exceed two hundred dollars, for the costs of filing and processing appeals. A full and complete record of all proceedings of the board shall be kept and be open to public inspection.

In the enforcement by any department of the state or any political subdivision of this chapter and Chapter 3791., and sections 3737.41, 3737.42, 4104.02, 4104.06, 4104.43, 4104.44, 4104.45, 4105.011, and 4105.11 of the Revised Code and any rule made thereunder, such department is the agency referred to in sections 119.07, 119.08, and 119.10 of the Revised Code.

The appropriate municipal or county board of appeals, where one exists, certified pursuant to section 3781.20 of the Revised Code shall conduct the adjudication hearing referred to in sections 119.09 to 119.13 and required by section 3781.031 of

the Revised Code. If there is no certified municipal or county 10309
board of appeals, the board of building appeals shall conduct 10310
the adjudication hearing. If the adjudication hearing concerns 10311
section 3781.111 of the Revised Code or any rule made 10312
thereunder, reasonable notice of the time, date, place, and 10313
subject of the hearing shall be given to any local corporation, 10314
association, or other organization composed of or representing 10315
~~handicapped persons~~ persons with disabilities, as defined in section 10316
3781.111 of the Revised Code, or if there is no local 10317
organization, then to any statewide corporation, association, or 10318
other organization composed of or representing ~~handicapped~~ 10319
persons with disabilities. 10320

In addition to the provisions of Chapter 119. of the 10321
Revised Code, the municipal, county, or state board of building 10322
appeals, as the agency conducting the adjudication hearing, may 10323
reverse or modify the order of the enforcing agency if it finds 10324
that the order is contrary to this chapter and Chapters 3791. 10325
and 4104., and sections 3737.41, 3737.42, 4105.011, and 4105.11 10326
of the Revised Code and any rule made thereunder or to a fair 10327
interpretation or application of such laws or any rule made 10328
thereunder, or that a variance from the provisions of such laws 10329
or any rule made thereunder, in the specific case, will not be 10330
contrary to the public interest where a literal enforcement of 10331
such provisions will result in unnecessary hardship. 10332

The state board of building appeals or a certified 10333
municipal or county board of appeals shall render its decision 10334
within thirty days after the date of the adjudication hearing. 10335
Following the adjudication hearing, any municipal or county 10336
officer, official municipal or county board, or person who was a 10337
party to the hearing before the municipal or county board of 10338
appeals may apply to the state board of appeals for a de novo 10339

hearing before the state board, or may appeal directly to the 10340
court of common pleas pursuant to section 3781.031 of the 10341
Revised Code. 10342

In addition, any local corporation, association, or other 10343
organization composed of or representing ~~handicapped~~ persons 10344
with disabilities as defined in section 3781.111 of the Revised 10345
Code, or, if no local corporation, association, or organization 10346
exists, then any statewide corporation, association, or other 10347
organization composed of or representing ~~handicapped~~ persons 10348
with disabilities may apply for the de novo hearing or appeal to 10349
the court of common pleas from any decision of a certified 10350
municipal or county board of appeals interpreting, applying, or 10351
granting a variance from section 3781.111 of the Revised Code 10352
and any rule made thereunder. Application for a de novo hearing 10353
before the state board shall be made no later than thirty days 10354
after the municipal or county board renders its decision. 10355

The state board of building appeals or the appropriate 10356
certified local board of building appeals shall grant variances 10357
and exemptions from the requirements of section 3781.108 of the 10358
Revised Code in accordance with rules adopted by the board of 10359
building standards pursuant to division (K) of section 3781.10 10360
of the Revised Code. 10361

The state board of building appeals or the appropriate 10362
certified local board of building appeals shall, in granting a 10363
variance or exemption from section 3781.108 of the Revised Code, 10364
in addition to any other considerations the state or the 10365
appropriate local board determines appropriate, consider the 10366
architectural and historical significance of the building. 10367

Sec. 3791.031. (A) As used in this section, "place of 10368
public assembly" means: 10369

(1) Enclosed theatres, except the lobby; opera houses; 10370
auditoriums; classrooms; elevators; rooms in which persons are 10371
confined as a matter of health care, including but not limited 10372
to a hospital room and a room in a residential care facility 10373
serving as the residence of a person living in such residential 10374
care facility; 10375

(2) All buildings and other enclosed structures owned by 10376
the state, its agencies, or political subdivisions, including 10377
but not limited to hospitals and state institutions for ~~the~~ 10378
~~mentally ill~~ persons with mental illnesses and persons with 10379
intellectual disabilities; university and college buildings, 10380
except rooms within those buildings used primarily as the 10381
residences of students or other persons affiliated with the 10382
university or college; office buildings; libraries; museums; and 10383
vehicles used in public transportation. That portion of a 10384
building or other enclosed structure that is owned by the state, 10385
a state agency, or a political subdivision and that is used 10386
primarily as a food service establishment is not a place of 10387
public assembly. 10388

(3) Each portion of a building or enclosed structure that 10389
is not included in division (A) (1) or (2) of this section is a 10390
place of public assembly if it has a seating capacity of fifty 10391
or more persons and is available to the public. Restaurants, 10392
food service establishments, dining rooms, cafes, cafeterias, or 10393
other rooms used primarily for the service of food, as well as 10394
bowling alleys and places licensed by the division of liquor 10395
control to sell intoxicating beverages for consumption on the 10396
premises, are not places of public assembly. 10397

(B) For the purpose of separating persons who smoke from 10398
persons who do not smoke for the comfort and health of persons 10399

not smoking, in every place of public assembly there shall be an 10400
area where smoking is not permitted, which shall be designated a 10401
no smoking area; provided that, no more than one-half of the 10402
rooms in any health care facility in which persons are confined 10403
as a matter of health care may be designated as smoking areas in 10404
their entirety. The designation shall be made before the place 10405
of public assembly is made available to the public. In places 10406
included in division (A)(1) of this section, the local fire 10407
authority having jurisdiction shall designate the no smoking 10408
area. In places included in division (A)(2) of this section that 10409
are owned by the state or its agencies, except the capitol 10410
square, the director of administrative services shall designate 10411
the area, and if the place is owned by a political subdivision, 10412
its legislative authority shall designate an officer who shall 10413
designate the area. The house rules committee shall designate 10414
the no smoking areas in all capitol square spaces used by the 10415
house of representatives; the senate rules committee shall 10416
designate the no smoking areas in all capitol square spaces used 10417
by the senate and the legislative service commission; the 10418
capitol square review and advisory board shall designate the no 10419
smoking areas in all other spaces in the capitol square. In 10420
places included in division (A)(3) of this section, the person 10421
having control of the operations of the place of public assembly 10422
shall designate the no smoking area. In places included in 10423
division (A)(2) of this section which are also included in 10424
division (A)(1) of this section, the officer who has authority 10425
to designate the area in places in division (A)(2) of this 10426
section shall designate the no smoking area. A no smoking area 10427
may include the entire place of public assembly. Designations 10428
shall be made by the placement of signs that are clearly visible 10429
and that state "no smoking." No person shall remove signs from 10430
areas designated as no smoking areas. 10431

(C) This section does not affect or modify the prohibition 10432
contained in division (B) of section 3313.751 of the Revised 10433
Code. 10434

(D) No person shall smoke in any area designated as a no 10435
smoking area in accordance with division (B) of this section. 10436

(E) Whoever violates this section is guilty of a minor 10437
misdemeanor. 10438

Sec. 3901.491. (A) As used in this section: 10439

(1) "Genetic screening or testing" means a laboratory test 10440
of a person's genes or chromosomes for ~~abnormalities, defects,~~ 10441
~~or deficiencies,~~ genotypes, mutations, or chromosomal changes, 10442
including carrier status, that are linked to physical or mental 10443
disorders or impairments, or that indicate a susceptibility to 10444
illness, disease, or other disorders, whether physical or 10445
mental, which test is a direct test for ~~abnormalities, defects,~~ 10446
~~or deficiencies,~~ genotypes, mutations, or chromosomal changes, 10447
and not an indirect manifestation of genetic disorders. 10448

(2) "Insurer" means any person authorized under Title 10449
XXXIX of the Revised Code to engage in the business of sickness 10450
and accident insurance. 10451

(3) "Sickness and accident insurance" means sickness and 10452
accident insurance under Chapter 3923. of the Revised Code 10453
excluding disability income insurance and excluding supplemental 10454
policies of sickness and accident insurance. 10455

(B) No insurer or public employee benefit plan shall do 10456
either of the following: 10457

(1) Consider any information obtained from genetic 10458
screening or testing in processing an application for an 10459

individual or group policy of sickness and accident insurance or 10460
public employee benefit plan, or in determining insurability 10461
under such a policy or plan; 10462

(2) Inquire, directly or indirectly, into the results of 10463
genetic screening or testing or use such information, in whole 10464
or in part, to cancel, refuse to issue or renew, limit benefits 10465
under, or set premiums for a sickness and accident insurance 10466
policy or public employee benefit plan. 10467

(C) Any insurer or plan that has engaged in, is engaged 10468
in, or is about to engage in a violation of division (B) of this 10469
section is subject to the jurisdiction of the superintendent of 10470
insurance under section 3901.04 of the Revised Code. 10471

Sec. 3901.501. (A) As used in this section: 10472

(1) "Genetic screening or testing" means a laboratory test 10473
of a person's genes or chromosomes for ~~abnormalities, defects,~~ 10474
~~or deficiencies, genotypes, mutations, or chromosomal changes,~~ 10475
including carrier status, that are linked to physical or mental 10476
disorders or impairments, or that indicate a susceptibility to 10477
illness, disease, or other disorders, whether physical or 10478
mental, which test is a direct test for ~~abnormalities, defects,~~ 10479
~~or deficiencies, genotypes, mutations, or chromosomal changes,~~ 10480
and not an indirect manifestation of genetic disorders. 10481

(2) "Self-insurer" means any government entity providing 10482
coverage for health care services on a self-insurance basis. 10483

(B) Upon the repeal of section 3901.50 of the Revised 10484
Code, no self-insurer shall do either of the following: 10485

(1) Consider any information obtained from genetic 10486
screening or testing in processing an application for coverage 10487
under a plan of self-insurance or in determining insurability 10488

under such a plan; 10489

(2) Inquire, directly or indirectly, into the results of 10490
genetic screening or testing or use such information, in whole 10491
or in part, to cancel, refuse to provide or renew, or limit 10492
benefits under, a plan of self-insurance. 10493

(C) Any self-insurer that has engaged in, is engaged in, 10494
or is about to engage in a violation of division (B) of this 10495
section is subject to the jurisdiction of the superintendent of 10496
insurance under section 3901.04 of the Revised Code. 10497

Sec. 3923.24. (A) Notwithstanding section 3901.71 of the 10498
Revised Code, every certificate furnished by an insurer in 10499
connection with, or pursuant to any provision of, any group 10500
sickness and accident insurance policy delivered, issued for 10501
delivery, renewed, or used in this state on or after January 1, 10502
1972, every policy of sickness and accident insurance delivered, 10503
issued for delivery, renewed, or used in this state on or after 10504
January 1, 1972, and every multiple employer welfare arrangement 10505
offering an insurance program, which provides that coverage of 10506
an unmarried dependent child of a parent or legal guardian will 10507
terminate upon attainment of the limiting age for dependent 10508
children specified in the contract shall also provide in 10509
substance both of the following: 10510

(1) Once an unmarried child has attained the limiting age 10511
for dependent children, as provided in the policy, upon the 10512
request of the insured, the insurer shall offer to cover the 10513
unmarried child until the child attains twenty-six years of age 10514
if all of the following are true: 10515

(a) The child is the natural child, stepchild, or adopted 10516
child of the insured. 10517

(b) The child is a resident of this state or a full-time student at an accredited public or private institution of higher education. 10518
10519
10520

(c) The child is not employed by an employer that offers any health benefit plan under which the child is eligible for coverage. 10521
10522
10523

(d) The child is not eligible for the medicaid program or the medicare program. 10524
10525

(2) That attainment of the limiting age for dependent children shall not operate to terminate the coverage of a dependent child if the child is and continues to be both of the following: 10526
10527
10528
10529

(a) Incapable of self-sustaining employment by reason of an intellectual disability or physical ~~handicap~~disability; 10530
10531

(b) Primarily dependent upon the policyholder or certificate holder for support and maintenance. 10532
10533

(B) Proof of such incapacity and dependence for purposes of division (A) (2) of this section shall be furnished by the policyholder or by the certificate holder to the insurer within thirty-one days of the child's attainment of the limiting age. Upon request, but not more frequently than annually after the two-year period following the child's attainment of the limiting age, the insurer may require proof satisfactory to it of the continuance of such incapacity and dependency. 10534
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(C) Nothing in this section shall require an insurer to cover a dependent child who has an intellectual disability or physical ~~handicap~~disability if the contract is underwritten on evidence of insurability based on health factors set forth in the application, or if such dependent child does not satisfy the 10542
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conditions of the contract as to any requirement for evidence of 10547
insurability or other provision of the contract, satisfaction of 10548
which is required for coverage thereunder to take effect. In any 10549
such case, the terms of the contract shall apply with regard to 10550
the coverage or exclusion of the dependent from such coverage. 10551
Nothing in this section shall apply to accidental death or 10552
dismemberment benefits provided by any such policy of sickness 10553
and accident insurance. 10554

(D) Nothing in this section shall do any of the following: 10555

(1) Require that any policy offer coverage for dependent 10556
children or provide coverage for an unmarried dependent child's 10557
children as dependents on the policy; 10558

(2) Require an employer to pay for any part of the premium 10559
for an unmarried dependent child that has attained the limiting 10560
age for dependents, as provided in the policy; 10561

(3) Require an employer to offer health insurance coverage 10562
to the dependents of any employee. 10563

(E) This section does not apply to any policies or 10564
certificates covering only accident, credit, dental, disability 10565
income, long-term care, hospital indemnity, medicare supplement, 10566
specified disease, or vision care; coverage under a one-time- 10567
limited-duration policy that is less than twelve months; 10568
coverage issued as a supplement to liability insurance; 10569
insurance arising out of a workers' compensation or similar law; 10570
automobile medical-payment insurance; or insurance under which 10571
benefits are payable with or without regard to fault and that is 10572
statutorily required to be contained in any liability insurance 10573
policy or equivalent self-insurance. 10574

(F) As used in this section, "health benefit plan" has the 10575

same meaning as in section 3924.01 of the Revised Code and also 10576
includes both of the following: 10577

(1) A public employee benefit plan; 10578

(2) A health benefit plan as regulated under the "Employee 10579
Retirement Income Security Act of 1974," 29 U.S.C. 1001, et seq. 10580

Sec. 3923.241. (A) Notwithstanding section 3901.71 of the 10581
Revised Code, any public employee benefit plan that provides 10582
that coverage of an unmarried dependent child will terminate 10583
upon attainment of the limiting age for dependent children 10584
specified in the plan shall also provide in substance both of 10585
the following: 10586

(1) Once an unmarried child has attained the limiting age 10587
for dependent children, as provided in the plan, upon the 10588
request of the employee, the public employee benefit plan shall 10589
offer to cover the unmarried child until the child attains 10590
twenty-six years of age if all of the following are true: 10591

(a) The child is the natural child, stepchild, or adopted 10592
child of the employee. 10593

(b) The child is a resident of this state or a full-time 10594
student at an accredited public or private institution of higher 10595
education. 10596

(c) The child is not employed by an employer that offers 10597
any health benefit plan under which the child is eligible for 10598
coverage. 10599

(d) The child is not eligible for the medicaid program or 10600
the medicare program. 10601

(2) That attainment of the limiting age for dependent 10602
children shall not operate to terminate the coverage of a 10603

dependent child if the child is and continues to be both of the 10604
following: 10605

(a) Incapable of self-sustaining employment by reason of 10606
an intellectual disability or physical ~~handicap~~disability; 10607

(b) Primarily dependent upon the plan member for support 10608
and maintenance. 10609

(B) Proof of incapacity and dependence for purposes of 10610
division (A) (2) of this section shall be furnished to the public 10611
employee benefit plan within thirty-one days of the child's 10612
attainment of the limiting age. Upon request, but not more 10613
frequently than annually, the public employee benefit plan may 10614
require proof satisfactory to it of the continuance of such 10615
incapacity and dependency. 10616

(C) Nothing in this section shall do any of the following: 10617

(1) Require that any public employee benefit plan offer 10618
coverage for dependent children or provide coverage for an 10619
unmarried dependent child's children as dependents on the public 10620
employee benefit plan; 10621

(2) Require an employer to pay for any part of the premium 10622
for an unmarried dependent child that has attained the limiting 10623
age for dependents, as provided in the plan; 10624

(3) Require an employer to offer health insurance coverage 10625
to the dependents of any employee. 10626

(D) This section does not apply to any public employee 10627
benefit plan covering only accident, credit, dental, disability 10628
income, long-term care, hospital indemnity, medicare supplement, 10629
specified disease, or vision care; coverage under a one-time- 10630
limited-duration policy that is less than twelve months; 10631

coverage issued as a supplement to liability insurance; 10632
insurance arising out of a workers' compensation or similar law; 10633
automobile medical-payment insurance; or insurance under which 10634
benefits are payable with or without regard to fault and which 10635
is statutorily required to be contained in any liability 10636
insurance policy or equivalent self-insurance. 10637

(E) As used in this section, "health benefit plan" has the 10638
same meaning as in section 3924.01 of the Revised Code and also 10639
includes both of the following: 10640

(1) A public employee benefit plan; 10641

(2) A health benefit plan as regulated under the "Employee 10642
Retirement Income Security Act of 1974," 29 U.S.C. 1001, et seq. 10643

Sec. 3999.16. No officer, director, trustee, agent, or 10644
employee of any insurance company, corporation, or association 10645
authorized to transact business in this state shall knowingly 10646
use underwriting standards or rates that result in unfair 10647
discrimination against any ~~handicapped~~ person with a disability. 10648
This section does not prevent reasonable classifications of 10649
~~handicapped~~ persons with disabilities for determining insurance 10650
rates. 10651

As used in this section, ~~"handicapped"~~ "disability" means 10652
a medically diagnosable, abnormal condition which is expected to 10653
continue for a considerable length of time, whether correctable 10654
or uncorrectable by good medical practice, which can reasonably 10655
be expected to limit the person's functional ability, including 10656
but not limited to seeing, hearing, thinking, ambulating, 10657
climbing, descending, lifting, grasping, sitting, rising, any 10658
related function, or any limitation due to weakness or 10659
significantly decreased endurance, so that the person cannot 10660

perform the person's everyday routine living and working without 10661
significantly increased hardship and vulnerability to what are 10662
considered the everyday obstacles and hazards encountered by ~~the~~ 10663
~~nonhandicapped~~persons without disabilities. 10664

Sec. 4105.13. Every elevator shall be constructed, 10665
equipped, maintained, and operated, with respect to the 10666
supporting members, elevator car, shaftways, guides, cables, 10667
doors, and gates, safety stops and mechanism, electrical 10668
apparatus and wiring, mechanical apparatus, counterweights, and 10669
all other appurtenances, in accordance with state laws and rules 10670
as are authorized in respect thereto. Where reasonable safety is 10671
obtained without complying to the literal requirements of such 10672
rules as in cases of practical difficulty or unnecessary 10673
hardship, the literal requirements of such rules shall not be 10674
required. The superintendent of industrial compliance may permit 10675
the installation of vertical wheelchair lifts in public 10676
buildings to provide for ~~handicapped~~accessibility for persons 10677
with disabilities where such lifts do not meet the literal 10678
requirements of the rules adopted by the board of building 10679
standards pursuant to section 4105.011 of the Revised Code, 10680
provided that reasonable safety may be obtained. 10681

Sec. 4111.06. In order to prevent curtailment of 10682
opportunities for employment, to avoid undue hardship, and to 10683
safeguard the minimum wage rates under sections 4111.01 to 10684
4111.17 of the Revised Code, the director of commerce shall 10685
adopt rules under section 4111.05 of the Revised Code, 10686
permitting employment in any occupation at wages lower than the 10687
wage rates applicable under sections 4111.01 to 4111.17 of the 10688
Revised Code, of individuals whose earning capacity is impaired 10689
by physical or mental ~~deficiencies~~disabilities or injuries. The 10690
rules shall provide for licenses to be issued authorizing 10691

employment at the wages of specific individuals or groups of 10692
employees, or by specific employers or groups of employers, 10693
pursuant to the rules. The rules shall not conflict with the 10694
"Americans with Disabilities Act of 1990," 104 Stat. 328, 42 10695
U.S.C.A. 12111, et seq. 10696

Sec. 4112.02. It shall be an unlawful discriminatory 10697
practice: 10698

(A) For any employer, because of the race, color, 10699
religion, sex, military status, national origin, disability, 10700
age, or ancestry of any person, to discharge without just cause, 10701
to refuse to hire, or otherwise to discriminate against that 10702
person with respect to hire, tenure, terms, conditions, or 10703
privileges of employment, or any matter directly or indirectly 10704
related to employment. 10705

(B) For an employment agency or personnel placement 10706
service, because of race, color, religion, sex, military status, 10707
national origin, disability, age, or ancestry, to do any of the 10708
following: 10709

(1) Refuse or fail to accept, register, classify properly, 10710
or refer for employment, or otherwise discriminate against any 10711
person; 10712

(2) Comply with a request from an employer for referral of 10713
applicants for employment if the request directly or indirectly 10714
indicates that the employer fails to comply with the provisions 10715
of sections 4112.01 to 4112.07 of the Revised Code. 10716

(C) For any labor organization to do any of the following: 10717

(1) Limit or classify its membership on the basis of race, 10718
color, religion, sex, military status, national origin, 10719
disability, age, or ancestry; 10720

(2) Discriminate against, limit the employment 10721
opportunities of, or otherwise adversely affect the employment 10722
status, wages, hours, or employment conditions of any person as 10723
an employee because of race, color, religion, sex, military 10724
status, national origin, disability, age, or ancestry. 10725

(D) For any employer, labor organization, or joint labor- 10726
management committee controlling apprentice training programs to 10727
discriminate against any person because of race, color, 10728
religion, sex, military status, national origin, disability, or 10729
ancestry in admission to, or employment in, any program 10730
established to provide apprentice training. 10731

(E) Except where based on a bona fide occupational 10732
qualification certified in advance by the commission, for any 10733
employer, employment agency, personnel placement service, or 10734
labor organization, prior to employment or admission to 10735
membership, to do any of the following: 10736

(1) Elicit or attempt to elicit any information concerning 10737
the race, color, religion, sex, military status, national 10738
origin, disability, age, or ancestry of an applicant for 10739
employment or membership; 10740

(2) Make or keep a record of the race, color, religion, 10741
sex, military status, national origin, disability, age, or 10742
ancestry of any applicant for employment or membership; 10743

(3) Use any form of application for employment, or 10744
personnel or membership blank, seeking to elicit information 10745
regarding race, color, religion, sex, military status, national 10746
origin, disability, age, or ancestry; but an employer holding a 10747
contract containing a nondiscrimination clause with the 10748
government of the United States, or any department or agency of 10749

that government, may require an employee or applicant for 10750
employment to furnish documentary proof of United States 10751
citizenship and may retain that proof in the employer's 10752
personnel records and may use photographic or fingerprint 10753
identification for security purposes; 10754

(4) Print or publish or cause to be printed or published 10755
any notice or advertisement relating to employment or membership 10756
indicating any preference, limitation, specification, or 10757
discrimination, based upon race, color, religion, sex, military 10758
status, national origin, disability, age, or ancestry; 10759

(5) Announce or follow a policy of denying or limiting, 10760
through a quota system or otherwise, employment or membership 10761
opportunities of any group because of the race, color, religion, 10762
sex, military status, national origin, disability, age, or 10763
ancestry of that group; 10764

(6) Utilize in the recruitment or hiring of persons any 10765
employment agency, personnel placement service, training school 10766
or center, labor organization, or any other employee-referring 10767
source known to discriminate against persons because of their 10768
race, color, religion, sex, military status, national origin, 10769
disability, age, or ancestry. 10770

(F) For any person seeking employment to publish or cause 10771
to be published any advertisement that specifies or in any 10772
manner indicates that person's race, color, religion, sex, 10773
military status, national origin, disability, age, or ancestry, 10774
or expresses a limitation or preference as to the race, color, 10775
religion, sex, military status, national origin, disability, 10776
age, or ancestry of any prospective employer. 10777

(G) For any proprietor or any employee, keeper, or manager 10778

of a place of public accommodation to deny to any person, except 10779
for reasons applicable alike to all persons regardless of race, 10780
color, religion, sex, military status, national origin, 10781
disability, age, or ancestry, the full enjoyment of the 10782
accommodations, advantages, facilities, or privileges of the 10783
place of public accommodation. 10784

(H) Subject to section 4112.024 of the Revised Code, for 10785
any person to do any of the following: 10786

(1) Refuse to sell, transfer, assign, rent, lease, 10787
sublease, or finance housing accommodations, refuse to negotiate 10788
for the sale or rental of housing accommodations, or otherwise 10789
deny or make unavailable housing accommodations because of race, 10790
color, religion, sex, military status, familial status, 10791
ancestry, disability, or national origin; 10792

(2) Represent to any person that housing accommodations 10793
are not available for inspection, sale, or rental, when in fact 10794
they are available, because of race, color, religion, sex, 10795
military status, familial status, ancestry, disability, or 10796
national origin; 10797

(3) Discriminate against any person in the making or 10798
purchasing of loans or the provision of other financial 10799
assistance for the acquisition, construction, rehabilitation, 10800
repair, or maintenance of housing accommodations, or any person 10801
in the making or purchasing of loans or the provision of other 10802
financial assistance that is secured by residential real estate, 10803
because of race, color, religion, sex, military status, familial 10804
status, ancestry, disability, or national origin or because of 10805
the racial composition of the neighborhood in which the housing 10806
accommodations are located, provided that the person, whether an 10807
individual, corporation, or association of any type, lends money 10808

as one of the principal aspects or incident to the person's 10809
principal business and not only as a part of the purchase price 10810
of an owner-occupied residence the person is selling nor merely 10811
casually or occasionally to a relative or friend; 10812

(4) Discriminate against any person in the terms or 10813
conditions of selling, transferring, assigning, renting, 10814
leasing, or subleasing any housing accommodations or in 10815
furnishing facilities, services, or privileges in connection 10816
with the ownership, occupancy, or use of any housing 10817
accommodations, including the sale of fire, extended coverage, 10818
or homeowners insurance, because of race, color, religion, sex, 10819
military status, familial status, ancestry, disability, or 10820
national origin or because of the racial composition of the 10821
neighborhood in which the housing accommodations are located; 10822

(5) Discriminate against any person in the terms or 10823
conditions of any loan of money, whether or not secured by 10824
mortgage or otherwise, for the acquisition, construction, 10825
rehabilitation, repair, or maintenance of housing accommodations 10826
because of race, color, religion, sex, military status, familial 10827
status, ancestry, disability, or national origin or because of 10828
the racial composition of the neighborhood in which the housing 10829
accommodations are located; 10830

(6) Refuse to consider without prejudice the combined 10831
income of both husband and wife for the purpose of extending 10832
mortgage credit to a married couple or either member of a 10833
married couple; 10834

(7) Print, publish, or circulate any statement or 10835
advertisement, or make or cause to be made any statement or 10836
advertisement, relating to the sale, transfer, assignment, 10837
rental, lease, sublease, or acquisition of any housing 10838

accommodations, or relating to the loan of money, whether or not 10839
secured by mortgage or otherwise, for the acquisition, 10840
construction, rehabilitation, repair, or maintenance of housing 10841
accommodations, that indicates any preference, limitation, 10842
specification, or discrimination based upon race, color, 10843
religion, sex, military status, familial status, ancestry, 10844
disability, or national origin, or an intention to make any such 10845
preference, limitation, specification, or discrimination; 10846

(8) Except as otherwise provided in division (H) (8) or 10847
(17) of this section, make any inquiry, elicit any information, 10848
make or keep any record, or use any form of application 10849
containing questions or entries concerning race, color, 10850
religion, sex, military status, familial status, ancestry, 10851
disability, or national origin in connection with the sale or 10852
lease of any housing accommodations or the loan of any money, 10853
whether or not secured by mortgage or otherwise, for the 10854
acquisition, construction, rehabilitation, repair, or 10855
maintenance of housing accommodations. Any person may make 10856
inquiries, and make and keep records, concerning race, color, 10857
religion, sex, military status, familial status, ancestry, 10858
disability, or national origin for the purpose of monitoring 10859
compliance with this chapter. 10860

(9) Include in any transfer, rental, or lease of housing 10861
accommodations any restrictive covenant, or honor or exercise, 10862
or attempt to honor or exercise, any restrictive covenant; 10863

(10) Induce or solicit, or attempt to induce or solicit, a 10864
housing accommodations listing, sale, or transaction by 10865
representing that a change has occurred or may occur with 10866
respect to the racial, religious, sexual, military status, 10867
familial status, or ethnic composition of the block, 10868

neighborhood, or other area in which the housing accommodations 10869
are located, or induce or solicit, or attempt to induce or 10870
solicit, a housing accommodations listing, sale, or transaction 10871
by representing that the presence or anticipated presence of 10872
persons of any race, color, religion, sex, military status, 10873
familial status, ancestry, disability, or national origin, in 10874
the block, neighborhood, or other area will or may have results 10875
including, but not limited to, the following: 10876

(a) The lowering of property values; 10877

(b) A change in the racial, religious, sexual, military 10878
status, familial status, or ethnic composition of the block, 10879
neighborhood, or other area; 10880

(c) An increase in criminal or antisocial behavior in the 10881
block, neighborhood, or other area; 10882

(d) A decline in the quality of the schools serving the 10883
block, neighborhood, or other area. 10884

(11) Deny any person access to or membership or 10885
participation in any multiple-listing service, real estate 10886
brokers' organization, or other service, organization, or 10887
facility relating to the business of selling or renting housing 10888
accommodations, or discriminate against any person in the terms 10889
or conditions of that access, membership, or participation, on 10890
account of race, color, religion, sex, military status, familial 10891
status, national origin, disability, or ancestry; 10892

(12) Coerce, intimidate, threaten, or interfere with any 10893
person in the exercise or enjoyment of, or on account of that 10894
person's having exercised or enjoyed or having aided or 10895
encouraged any other person in the exercise or enjoyment of, any 10896
right granted or protected by division (H) of this section; 10897

(13) Discourage or attempt to discourage the purchase by a prospective purchaser of housing accommodations, by representing that any block, neighborhood, or other area has undergone or might undergo a change with respect to its religious, racial, sexual, military status, familial status, or ethnic composition;

(14) Refuse to sell, transfer, assign, rent, lease, sublease, or finance, or otherwise deny or withhold, a burial lot from any person because of the race, color, sex, military status, familial status, age, ancestry, disability, or national origin of any prospective owner or user of the lot;

(15) Discriminate in the sale or rental of, or otherwise make unavailable or deny, housing accommodations to any buyer or renter because of a disability of any of the following:

(a) The buyer or renter;

(b) A person residing in or intending to reside in the housing accommodations after they are sold, rented, or made available;

(c) Any individual associated with the person described in division (H) (15) (b) of this section.

(16) Discriminate in the terms, conditions, or privileges of the sale or rental of housing accommodations to any person or in the provision of services or facilities to any person in connection with the housing accommodations because of a disability of any of the following:

(a) That person;

(b) A person residing in or intending to reside in the housing accommodations after they are sold, rented, or made available;

(c) Any individual associated with the person described in	10926
division (H) (16) (b) of this section.	10927
(17) Except as otherwise provided in division (H) (17) of	10928
this section, make an inquiry to determine whether an applicant	10929
for the sale or rental of housing accommodations, a person	10930
residing in or intending to reside in the housing accommodations	10931
after they are sold, rented, or made available, or any	10932
individual associated with that person has a disability, or make	10933
an inquiry to determine the nature or severity of a disability	10934
of the applicant or such a person or individual. The following	10935
inquiries may be made of all applicants for the sale or rental	10936
of housing accommodations, regardless of whether they have	10937
disabilities:	10938
(a) An inquiry into an applicant's ability to meet the	10939
requirements of ownership or tenancy;	10940
(b) An inquiry to determine whether an applicant is	10941
qualified for housing accommodations available only to persons	10942
with disabilities or persons with a particular type of	10943
disability;	10944
(c) An inquiry to determine whether an applicant is	10945
qualified for a priority available to persons with disabilities	10946
or persons with a particular type of disability;	10947
(d) An inquiry to determine whether an applicant currently	10948
uses a controlled substance in violation of section 2925.11 of	10949
the Revised Code or a substantively comparable municipal	10950
ordinance;	10951
(e) An inquiry to determine whether an applicant at any	10952
time has been convicted of or pleaded guilty to any offense, an	10953
element of which is the illegal sale, offer to sell,	10954

cultivation, manufacture, other production, shipment, 10955
transportation, delivery, or other distribution of a controlled 10956
substance. 10957

(18) (a) Refuse to permit, at the expense of a person with 10958
a disability, reasonable modifications of existing housing 10959
accommodations that are occupied or to be occupied by the person 10960
with a disability, if the modifications may be necessary to 10961
afford the person with a disability full enjoyment of the 10962
housing accommodations. This division does not preclude a 10963
landlord of housing accommodations that are rented or to be 10964
rented to a ~~disabled~~ tenant with a disability from conditioning 10965
permission for a proposed modification upon the ~~disabled~~ 10966
~~tenant's~~ tenant with a disability doing one or more of the 10967
following: 10968

(i) Providing a reasonable description of the proposed 10969
modification and reasonable assurances that the proposed 10970
modification will be made in a workerlike manner and that any 10971
required building permits will be obtained prior to the 10972
commencement of the proposed modification; 10973

(ii) Agreeing to restore at the end of the tenancy the 10974
interior of the housing accommodations to the condition they 10975
were in prior to the proposed modification, but subject to 10976
reasonable wear and tear during the period of occupancy, if it 10977
is reasonable for the landlord to condition permission for the 10978
proposed modification upon the agreement; 10979

(iii) Paying into an interest-bearing escrow account that 10980
is in the landlord's name, over a reasonable period of time, a 10981
reasonable amount of money not to exceed the projected costs at 10982
the end of the tenancy of the restoration of the interior of the 10983
housing accommodations to the condition they were in prior to 10984

the proposed modification, but subject to reasonable wear and tear during the period of occupancy, if the landlord finds the account reasonably necessary to ensure the availability of funds for the restoration work. The interest earned in connection with an escrow account described in this division shall accrue to the benefit of the ~~disabled~~ tenant with a disability who makes payments into the account.

(b) A landlord shall not condition permission for a proposed modification upon a ~~disabled tenant's~~ tenant with a disability's payment of a security deposit that exceeds the customarily required security deposit of all tenants of the particular housing accommodations.

(19) Refuse to make reasonable accommodations in rules, policies, practices, or services when necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling unit, including associated public and common use areas;

(20) Fail to comply with the standards and rules adopted under division (A) of section 3781.111 of the Revised Code;

(21) Discriminate against any person in the selling, brokering, or appraising of real property because of race, color, religion, sex, military status, familial status, ancestry, disability, or national origin;

(22) Fail to design and construct covered multifamily dwellings for first occupancy on or after June 30, 1992, in accordance with the following conditions:

(a) The dwellings shall have at least one building entrance on an accessible route, unless it is impractical to do so because of the terrain or unusual characteristics of the site.

(b) With respect to dwellings that have a building entrance on an accessible route, all of the following apply:

(i) The public use areas and common use areas of the dwellings shall be readily accessible to and usable by persons with a disability.

(ii) All the doors designed to allow passage into and within all premises shall be sufficiently wide to allow passage by persons with a disability who are in wheelchairs.

(iii) All premises within covered multifamily dwelling units shall contain an accessible route into and through the dwelling; all light switches, electrical outlets, thermostats, and other environmental controls within such units shall be in accessible locations; the bathroom walls within such units shall contain reinforcements to allow later installation of grab bars; and the kitchens and bathrooms within such units shall be designed and constructed in a manner that enables an individual in a wheelchair to maneuver about such rooms.

For purposes of division (H) (22) of this section, "covered multifamily dwellings" means buildings consisting of four or more units if such buildings have one or more elevators and ground floor units in other buildings consisting of four or more units.

(I) For any person to discriminate in any manner against any other person because that person has opposed any unlawful discriminatory practice defined in this section or because that person has made a charge, testified, assisted, or participated in any manner in any investigation, proceeding, or hearing under sections 4112.01 to 4112.07 of the Revised Code.

(J) For any person to aid, abet, incite, compel, or coerce

the doing of any act declared by this section to be an unlawful
discriminatory practice, to obstruct or prevent any person from
complying with this chapter or any order issued under it, or to
attempt directly or indirectly to commit any act declared by
this section to be an unlawful discriminatory practice.

(K) Nothing in divisions (A) to (E) of this section shall
be construed to require a person with a disability to be
employed or trained under circumstances that would significantly
increase the occupational hazards affecting either the person
with a disability, other employees, the general public, or the
facilities in which the work is to be performed, or to require
the employment or training of a person with a disability in a
job that requires the person with a disability routinely to
undertake any task, the performance of which is substantially
and inherently impaired by the person's disability.

(L) With regard to age, it shall not be an unlawful
discriminatory practice and it shall not constitute a violation
of division (A) of section 4112.14 of the Revised Code for any
employer, employment agency, joint labor-management committee
controlling apprenticeship training programs, or labor
organization to do any of the following:

(1) Establish bona fide employment qualifications
reasonably related to the particular business or occupation that
may include standards for skill, aptitude, physical capability,
intelligence, education, maturation, and experience;

(2) Observe the terms of a bona fide seniority system or
any bona fide employee benefit plan, including, but not limited
to, a retirement, pension, or insurance plan, that is not a
subterfuge to evade the purposes of this section. However, no
such employee benefit plan shall excuse the failure to hire any

individual, and no such seniority system or employee benefit 11073
plan shall require or permit the involuntary retirement of any 11074
individual, because of the individual's age except as provided 11075
for in the "Age Discrimination in Employment Act Amendment of 11076
1978," 92 Stat. 189, 29 U.S.C.A. 623, as amended by the "Age 11077
Discrimination in Employment Act Amendments of 1986," 100 Stat. 11078
3342, 29 U.S.C.A. 623, as amended. 11079

(3) Retire an employee who has attained sixty-five years 11080
of age who, for the two-year period immediately before 11081
retirement, is employed in a bona fide executive or a high 11082
policymaking position, if the employee is entitled to an 11083
immediate nonforfeitable annual retirement benefit from a 11084
pension, profit-sharing, savings, or deferred compensation plan, 11085
or any combination of those plans, of the employer of the 11086
employee, which equals, in the aggregate, at least forty-four 11087
thousand dollars, in accordance with the conditions of the "Age 11088
Discrimination in Employment Act Amendment of 1978," 92 Stat. 11089
189, 29 U.S.C.A. 631, as amended by the "Age Discrimination in 11090
Employment Act Amendments of 1986," 100 Stat. 3342, 29 U.S.C.A. 11091
631, as amended; 11092

(4) Observe the terms of any bona fide apprenticeship 11093
program if the program is registered with the Ohio 11094
apprenticeship council pursuant to sections 4139.01 to 4139.06 11095
of the Revised Code and is approved by the federal committee on 11096
apprenticeship of the United States department of labor. 11097

(M) Nothing in this chapter prohibiting age discrimination 11098
and nothing in division (A) of section 4112.14 of the Revised 11099
Code shall be construed to prohibit the following: 11100

(1) The designation of uniform age the attainment of which 11101
is necessary for public employees to receive pension or other 11102

retirement benefits pursuant to Chapter 145., 742., 3307., 11103
3309., or 5505. of the Revised Code; 11104

(2) The mandatory retirement of uniformed patrol officers 11105
of the state highway patrol as provided in section 5505.16 of 11106
the Revised Code; 11107

(3) The maximum age requirements for appointment as a 11108
patrol officer in the state highway patrol established by 11109
section 5503.01 of the Revised Code; 11110

(4) The maximum age requirements established for original 11111
appointment to a police department or fire department in 11112
sections 124.41 and 124.42 of the Revised Code; 11113

(5) Any maximum age not in conflict with federal law that 11114
may be established by a municipal charter, municipal ordinance, 11115
or resolution of a board of township trustees for original 11116
appointment as a police officer or firefighter; 11117

(6) Any mandatory retirement provision not in conflict 11118
with federal law of a municipal charter, municipal ordinance, or 11119
resolution of a board of township trustees pertaining to police 11120
officers and firefighters; 11121

(7) Until January 1, 1994, the mandatory retirement of any 11122
employee who has attained seventy years of age and who is 11123
serving under a contract of unlimited tenure, or similar 11124
arrangement providing for unlimited tenure, at an institution of 11125
higher education as defined in the "Education Amendments of 11126
1980," 94 Stat. 1503, 20 U.S.C.A. 1141(a). 11127

(N) (1) (a) Except as provided in division (N) (1) (b) of this 11128
section, for purposes of divisions (A) to (E) of this section, a 11129
disability does not include any physiological disorder or 11130
condition, mental or psychological disorder, or disease or 11131

condition caused by an illegal use of any controlled substance 11132
by an employee, applicant, or other person, if an employer, 11133
employment agency, personnel placement service, labor 11134
organization, or joint labor-management committee acts on the 11135
basis of that illegal use. 11136

(b) Division (N)(1)(a) of this section does not apply to 11137
an employee, applicant, or other person who satisfies any of the 11138
following: 11139

(i) The employee, applicant, or other person has 11140
successfully completed a supervised drug rehabilitation program 11141
and no longer is engaging in the illegal use of any controlled 11142
substance, or the employee, applicant, or other person otherwise 11143
successfully has been rehabilitated and no longer is engaging in 11144
that illegal use. 11145

(ii) The employee, applicant, or other person is 11146
participating in a supervised drug rehabilitation program and no 11147
longer is engaging in the illegal use of any controlled 11148
substance. 11149

(iii) The employee, applicant, or other person is 11150
erroneously regarded as engaging in the illegal use of any 11151
controlled substance, but the employee, applicant, or other 11152
person is not engaging in that illegal use. 11153

(2) Divisions (A) to (E) of this section do not prohibit 11154
an employer, employment agency, personnel placement service, 11155
labor organization, or joint labor-management committee from 11156
doing any of the following: 11157

(a) Adopting or administering reasonable policies or 11158
procedures, including, but not limited to, testing for the 11159
illegal use of any controlled substance, that are designed to 11160

ensure that an individual described in division (N) (1) (b) (i) or 11161
(ii) of this section no longer is engaging in the illegal use of 11162
any controlled substance; 11163

(b) Prohibiting the illegal use of controlled substances 11164
and the use of alcohol at the workplace by all employees; 11165

(c) Requiring that employees not be under the influence of 11166
alcohol or not be engaged in the illegal use of any controlled 11167
substance at the workplace; 11168

(d) Requiring that employees behave in conformance with 11169
the requirements established under "The Drug-Free Workplace Act 11170
of 1988," 102 Stat. 4304, 41 U.S.C.A. 701, as amended; 11171

(e) Holding an employee who engages in the illegal use of 11172
any controlled substance or who ~~is an alcoholic~~ has alcoholism 11173
to the same qualification standards for employment or job 11174
performance, and the same behavior, to which the employer, 11175
employment agency, personnel placement service, labor 11176
organization, or joint labor-management committee holds other 11177
employees, even if any unsatisfactory performance or behavior is 11178
related to an employee's illegal use of a controlled substance 11179
or alcoholism; 11180

(f) Exercising other authority recognized in the 11181
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 11182
U.S.C.A. 12101, as amended, including, but not limited to, 11183
requiring employees to comply with any applicable federal 11184
standards. 11185

(3) For purposes of this chapter, a test to determine the 11186
illegal use of any controlled substance does not include a 11187
medical examination. 11188

(4) Division (N) of this section does not encourage, 11189

prohibit, or authorize, and shall not be construed as 11190
encouraging, prohibiting, or authorizing, the conduct of testing 11191
for the illegal use of any controlled substance by employees, 11192
applicants, or other persons, or the making of employment 11193
decisions based on the results of that type of testing. 11194

(O) This section does not apply to a religious 11195
corporation, association, educational institution, or society 11196
with respect to the employment of an individual of a particular 11197
religion to perform work connected with the carrying on by that 11198
religious corporation, association, educational institution, or 11199
society of its activities. 11200

The unlawful discriminatory practices defined in this 11201
section do not make it unlawful for a person or an appointing 11202
authority administering an examination under section 124.23 of 11203
the Revised Code to obtain information about an applicant's 11204
military status for the purpose of determining if the applicant 11205
is eligible for the additional credit that is available under 11206
that section. 11207

Sec. 4115.33. (A) The state committee for the purchase of 11208
products and services provided by persons with severe 11209
disabilities shall adopt rules in accordance with Chapter 119. 11210
of the Revised Code that do all of the following: 11211

(1) Determine which products manufactured and site- 11212
specific services provided by persons with severe disabilities 11213
and offered for sale to state agencies, political subdivisions, 11214
or instrumentalities of the state are suitable for procurement; 11215

(2) Verify the fair market prices of the products and 11216
services described in division (A)(1) of this section. The fair 11217
market prices shall not recover any profit. The committee 11218

periodically shall revise the fair market prices in accordance 11219
with changing market conditions. 11220

(3) Establish, maintain, and publish a list of all the 11221
products and site-specific services described in division (A) (1) 11222
of this section. The committee periodically shall revise this 11223
procurement list as products or services are added to or removed 11224
from the products and services described in division (A) (1) of 11225
this section. The committee also shall make available the 11226
procurement list and revisions of it, on request, to all 11227
purchasing officers of state agencies, political subdivisions, 11228
and instrumentalities of the state. 11229

(4) Establish criteria for determining what constitutes a 11230
substantial ~~handicap~~-impediment to employment that prevents 11231
persons with severe disabilities from currently engaging in 11232
normal competitive employment. In establishing the criteria, the 11233
committee shall consult with appropriate entities of government 11234
and take into account the views of nongovernmental entities 11235
representing persons with severe disabilities. The committee 11236
shall further give weight of the criteria established by the 11237
federal committee for purchase from people who are blind or 11238
severely disabled, pursuant to the "Javits-Wagner-O'Day Act," 52 11239
Stat. 1196 (1938), 41 U.S.C.A. 46, as amended. 11240

(5) Certify all qualified nonprofit agencies that meet the 11241
requirements of division (B) of section 4115.31 of the Revised 11242
Code. When a qualified nonprofit agency is certified by the 11243
committee, its products and services that the committee 11244
determines are suitable for procurement by state agencies, 11245
political subdivisions, and instrumentalities of the state shall 11246
be placed on the procurement list established under division (A) 11247
(3) of this section. 11248

(6) Establish procedures for the operation of each central nonprofit agency approved under section 4115.35 of the Revised Code. 11249
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(B) The committee may adopt rules in accordance with Chapter 119. of the Revised Code that do either or both of the following: 11252
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(1) Establish pilot programs to improve the administration of sections 4115.31 to 4115.35 of the Revised Code; 11255
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(2) Establish a fee structure for each central nonprofit agency approved under section 4115.35 of the Revised Code. 11257
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The committee also may adopt any other rule under Chapter 119. of the Revised Code necessary for the effective and efficient administration of sections 4115.31 to 4115.35 of the Revised Code. 11259
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(C) The committee may conduct a study and evaluation of its activities under sections 4115.31 to 4115.35 of the Revised Code for the purpose of assuring effective and efficient administration of its duties and responsibilities under those sections. The committee also may study, on its own or in conjunction with public or private entities, problems related to the employment of persons with severe disabilities and the development or adaptation of production methods that would enable a greater utilization of persons with severe disabilities. 11263
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Sec. 4121.61. (A) As used in sections 4121.61 to 4121.69 of the Revised Code, "self-insuring employer" has the same meaning as in section 4123.01 of the Revised Code. 11273
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(B) The administrator of workers' compensation, with the advice and consent of the bureau of workers' compensation board 11276
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of directors, shall adopt rules, take measures, and make 11278
expenditures as it deems necessary to aid claimants who have 11279
sustained compensable injuries or incurred compensable 11280
occupational diseases pursuant to Chapter 4123., 4127., or 4131. 11281
of the Revised Code to return to work or to assist in lessening 11282
or removing any resulting ~~handicap~~impairment. 11283

Sec. 4123.343. This section shall be construed liberally 11284
to the end that employers shall be encouraged to employ and 11285
retain in their employment ~~handicapped employees with~~ 11286
disabilities as defined in this section. 11287

(A) As used in this section, ~~"handicapped employee"~~ 11288
"employee with a disability" means an employee who is afflicted 11289
with or subject to any physical or mental impairment, or both, 11290
whether congenital or due to an injury or disease of such 11291
character that the impairment constitutes ~~a handicap an~~ 11292
impediment in obtaining employment or would constitute ~~a~~ 11293
~~handicap an impediment~~ in obtaining reemployment if the employee 11294
should become unemployed and whose ~~handicap disability~~ is due to 11295
any of the following diseases or conditions: 11296

(1) Epilepsy; 11297

(2) Diabetes; 11298

(3) Cardiac disease; 11299

(4) Arthritis; 11300

(5) Amputated foot, leg, arm, or hand; 11301

(6) Loss of sight of one or both eyes or a partial loss of 11302
uncorrected vision of more than seventy-five per cent 11303
bilaterally; 11304

(7) Residual disability from poliomyelitis; 11305

(8) Cerebral palsy;	11306
(9) Multiple sclerosis;	11307
(10) Parkinson's disease;	11308
(11) Cerebral vascular accident;	11309
(12) Tuberculosis;	11310
(13) Silicosis;	11311
(14) Psycho-neurotic disability following treatment in a recognized medical or mental institution;	11312 11313
(15) Hemophilia;	11314
(16) Chronic osteomyelitis;	11315
(17) Ankylosis of joints;	11316
(18) Hyper insulinism;	11317
(19) Muscular dystrophies;	11318
(20) Arterio-sclerosis;	11319
(21) Thrombo-phlebitis;	11320
(22) Varicose veins;	11321
(23) Cardiovascular, pulmonary, or respiratory diseases of a firefighter or police officer employed by a municipal corporation or township as a regular member of a lawfully constituted police department or fire department;	11322 11323 11324 11325
(24) Coal miners' pneumoconiosis, commonly referred to as "black lung disease";	11326 11327
(25) Disability with respect to which an individual has completed a rehabilitation program conducted pursuant to	11328 11329

sections 4121.61 to 4121.69 of the Revised Code. 11330

(B) Under the circumstances set forth in this section all 11331
or such portion as the administrator determines of the 11332
compensation and benefits paid in any claim arising hereafter 11333
shall be charged to and paid from the statutory surplus fund 11334
created under section 4123.34 of the Revised Code and only the 11335
portion remaining shall be merit-rated or otherwise treated as 11336
part of the accident or occupational disease experience of the 11337
employer. The provisions of this section apply only in cases of 11338
death, total disability, whether temporary or permanent, and all 11339
disabilities compensated under division (B) of section 4123.57 11340
of the Revised Code. The administrator shall adopt rules 11341
specifying the grounds upon which charges to the statutory 11342
surplus fund are to be made. The administrator, in those rules, 11343
shall require that a settlement agreement approved pursuant to 11344
section 4123.65 of the Revised Code or a settlement agreement 11345
approved by a court of competent jurisdiction in this state be 11346
treated as an award of compensation granted by the administrator 11347
for the purpose of making a determination under this section. 11348

(C) Any employer who has in its employ ~~a handicapped an~~ 11349
employee with a disability is entitled, in the event the person 11350
is injured, to a determination under this section. 11351

An employer shall file an application under this section 11352
for a determination with the bureau or commission in the same 11353
manner as other claims. An application only may be made in cases 11354
where ~~a handicapped an~~ employee with a disability or ~~a~~ 11355
~~handicapped employee's~~ the dependents of an employee with a 11356
disability claim or are receiving an award of compensation as a 11357
result of an injury or occupational disease occurring or 11358
contracted on or after the date on which division (A) of this 11359

section first included the ~~handicap~~disability of such employee. 11360

(D) The circumstances under and the manner in which an 11361
apportionment under this section shall be made are: 11362

(1) Whenever ~~a handicapped~~an employee with a disability 11363
is injured or further disabled or dies as the result of an 11364
injury or occupational disease sustained in the course of and 11365
arising out of ~~a handicapped employee's~~an employee with a 11366
disability's employment in this state and the administrator 11367
awards compensation therefor and when it appears to the 11368
satisfaction of the administrator that the injury or 11369
occupational disease or the death resulting therefrom would not 11370
have occurred but for the pre-existing physical or mental 11371
impairment of the ~~handicapped~~employee with a disability, all 11372
compensation and benefits payable on account of the disability 11373
or death shall be paid from the surplus fund. 11374

(2) Whenever ~~a handicapped~~an employee with a disability 11375
is injured or further disabled or dies as a result of an injury 11376
or occupational disease and the administrator finds that the 11377
injury or occupational disease would have been sustained or 11378
suffered without regard to the employee's pre-existing 11379
impairment but that the resulting disability or death was caused 11380
at least in part through aggravation of the employee's pre- 11381
existing disability, the administrator shall determine in a 11382
manner that is equitable and reasonable and based upon medical 11383
evidence the amount of disability or proportion of the cost of 11384
the death award that is attributable to the employee's pre- 11385
existing disability and the amount found shall be charged to the 11386
statutory surplus fund. 11387

(E) The benefits and provisions of this section apply only 11388
to employers who have complied with this chapter through 11389

insurance with the state fund. 11390

(F) No employer shall in any year receive credit under 11391
this section in an amount greater than the premium the employer 11392
paid. 11393

(G) An order issued by the administrator pursuant to this 11394
section is appealable under section 4123.511 of the Revised Code 11395
but is not appealable to court under section 4123.512 of the 11396
Revised Code. 11397

Sec. 4123.57. Partial disability compensation shall be 11398
paid as follows. 11399

Except as provided in this section, not earlier than 11400
twenty-six weeks after the date of termination of the latest 11401
period of payments under section 4123.56 of the Revised Code, or 11402
not earlier than twenty-six weeks after the date of the injury 11403
or contraction of an occupational disease in the absence of 11404
payments under section 4123.56 of the Revised Code, the employee 11405
may file an application with the bureau of workers' compensation 11406
for the determination of the percentage of the employee's 11407
permanent partial disability resulting from an injury or 11408
occupational disease. 11409

Whenever the application is filed, the bureau shall send a 11410
copy of the application to the employee's employer or the 11411
employer's representative and shall schedule the employee for a 11412
medical examination by the bureau medical section. The bureau 11413
shall send a copy of the report of the medical examination to 11414
the employee, the employer, and their representatives. 11415
Thereafter, the administrator of workers' compensation shall 11416
review the employee's claim file and make a tentative order as 11417
the evidence before the administrator at the time of the making 11418

of the order warrants. If the administrator determines that 11419
there is a conflict of evidence, the administrator shall send 11420
the application, along with the claimant's file, to the district 11421
hearing officer who shall set the application for a hearing. 11422

If an employee fails to respond to an attempt to schedule 11423
a medical examination by the bureau medical section, or fails to 11424
attend a medical examination scheduled under this section 11425
without notice or explanation, the employee's application for a 11426
finding shall be dismissed without prejudice. The employee may 11427
refile the application. A dismissed application does not toll 11428
the continuing jurisdiction of the industrial commission under 11429
section 4123.52 of the Revised Code. The administrator shall 11430
adopt rules addressing the manner in which an employee will be 11431
notified of a possible dismissal and how an employee may refile 11432
an application for a determination. 11433

The administrator shall notify the employee, the employer, 11434
and their representatives, in writing, of the tentative order 11435
and of the parties' right to request a hearing. Unless the 11436
employee, the employer, or their representative notifies the 11437
administrator, in writing, of an objection to the tentative 11438
order within twenty days after receipt of the notice thereof, 11439
the tentative order shall go into effect and the employee shall 11440
receive the compensation provided in the order. In no event 11441
shall there be a reconsideration of a tentative order issued 11442
under this division. 11443

If the employee, the employer, or their representatives 11444
timely notify the administrator of an objection to the tentative 11445
order, the matter shall be referred to a district hearing 11446
officer who shall set the application for hearing with written 11447
notices to all interested persons. Upon referral to a district 11448

hearing officer, the employer may obtain a medical examination 11449
of the employee, pursuant to rules of the industrial commission. 11450

(A) The district hearing officer, upon the application, 11451
shall determine the percentage of the employee's permanent 11452
disability, except as is subject to division (B) of this 11453
section, based upon that condition of the employee resulting 11454
from the injury or occupational disease and causing permanent 11455
impairment evidenced by medical or clinical findings reasonably 11456
demonstrable. The employee shall receive sixty-six and two- 11457
thirds per cent of the employee's average weekly wage, but not 11458
more than a maximum of thirty-three and one-third per cent of 11459
the statewide average weekly wage as defined in division (C) of 11460
section 4123.62 of the Revised Code, per week regardless of the 11461
average weekly wage, for the number of weeks which equals the 11462
percentage of two hundred weeks. Except on application for 11463
reconsideration, review, or modification, which is filed within 11464
ten days after the date of receipt of the decision of the 11465
district hearing officer, in no instance shall the former award 11466
be modified unless it is found from medical or clinical findings 11467
that the condition of the claimant resulting from the injury has 11468
so progressed as to have increased the percentage of permanent 11469
partial disability. A staff hearing officer shall hear an 11470
application for reconsideration filed and the staff hearing 11471
officer's decision is final. An employee may file an application 11472
for a subsequent determination of the percentage of the 11473
employee's permanent disability. If such an application is 11474
filed, the bureau shall send a copy of the application to the 11475
employer or the employer's representative. No sooner than sixty 11476
days from the date of the mailing of the application to the 11477
employer or the employer's representative, the administrator 11478
shall review the application. The administrator may require a 11479

medical examination or medical review of the employee. The 11480
administrator shall issue a tentative order based upon the 11481
evidence before the administrator, provided that if the 11482
administrator requires a medical examination or medical review, 11483
the administrator shall not issue the tentative order until the 11484
completion of the examination or review. 11485

The employer may obtain a medical examination of the 11486
employee and may submit medical evidence at any stage of the 11487
process up to a hearing before the district hearing officer, 11488
pursuant to rules of the commission. The administrator shall 11489
notify the employee, the employer, and their representatives, in 11490
writing, of the nature and amount of any tentative order issued 11491
on an application requesting a subsequent determination of the 11492
percentage of an employee's permanent disability. An employee, 11493
employer, or their representatives may object to the tentative 11494
order within twenty days after the receipt of the notice 11495
thereof. If no timely objection is made, the tentative order 11496
shall go into effect. In no event shall there be a 11497
reconsideration of a tentative order issued under this division. 11498
If an objection is timely made, the application for a subsequent 11499
determination shall be referred to a district hearing officer 11500
who shall set the application for a hearing with written notice 11501
to all interested persons. No application for subsequent 11502
percentage determinations on the same claim for injury or 11503
occupational disease shall be accepted for review by the 11504
district hearing officer unless supported by substantial 11505
evidence of new and changed circumstances developing since the 11506
time of the hearing on the original or last determination. 11507

No award shall be made under this division based upon a 11508
percentage of disability which, when taken with all other 11509
percentages of permanent disability, exceeds one hundred per 11510

cent. If the percentage of the permanent disability of the 11511
employee equals or exceeds ninety per cent, compensation for 11512
permanent partial disability shall be paid for two hundred 11513
weeks. 11514

Compensation payable under this division accrues and is 11515
payable to the employee from the date of last payment of 11516
compensation, or, in cases where no previous compensation has 11517
been paid, from the date of the injury or the date of the 11518
diagnosis of the occupational disease. 11519

When an award under this division has been made prior to 11520
the death of an employee, all unpaid installments accrued or to 11521
accrue under the provisions of the award are payable to the 11522
surviving spouse, or if there is no surviving spouse, to the 11523
dependent children of the employee, and if there are no children 11524
surviving, then to other dependents as the administrator 11525
determines. 11526

(B) For purposes of this division, "payable per week" 11527
means the seven-consecutive-day period in which compensation is 11528
paid in installments according to the schedule associated with 11529
the applicable injury as set forth in this division. 11530

Compensation paid in weekly installments according to the 11531
schedule described in this division may only be commuted to one 11532
or more lump sum payments pursuant to the procedure set forth in 11533
section 4123.64 of the Revised Code. 11534

In cases included in the following schedule the 11535
compensation payable per week to the employee is the statewide 11536
average weekly wage as defined in division (C) of section 11537
4123.62 of the Revised Code per week and shall be paid in 11538
installments according to the following schedule: 11539

For the loss of a first finger, commonly known as a thumb,	11540
sixty weeks.	11541
For the loss of a second finger, commonly called index	11542
finger, thirty-five weeks.	11543
For the loss of a third finger, thirty weeks.	11544
For the loss of a fourth finger, twenty weeks.	11545
For the loss of a fifth finger, commonly known as the	11546
little finger, fifteen weeks.	11547
The loss of a second, or distal, phalange of the thumb is	11548
considered equal to the loss of one half of such thumb; the loss	11549
of more than one half of such thumb is considered equal to the	11550
loss of the whole thumb.	11551
The loss of the third, or distal, phalange of any finger	11552
is considered equal to the loss of one-third of the finger.	11553
The loss of the middle, or second, phalange of any finger	11554
is considered equal to the loss of two-thirds of the finger.	11555
The loss of more than the middle and distal phalanges of	11556
any finger is considered equal to the loss of the whole finger.	11557
In no case shall the amount received for more than one finger	11558
exceed the amount provided in this schedule for the loss of a	11559
hand.	11560
For the loss of the metacarpal bone (bones of the palm)	11561
for the corresponding thumb, or fingers, add ten weeks to the	11562
number of weeks under this division.	11563
For ankylosis (total stiffness of) or contractures (due to	11564
scars or injuries) which makes any of the fingers, thumbs, or	11565
parts of either useless, the same number of weeks apply to the	11566

members or parts thereof as given for the loss thereof. 11567

If the claimant has suffered the loss of two or more 11568
fingers by amputation or ankylosis and the nature of the 11569
claimant's employment in the course of which the claimant was 11570
working at the time of the injury or occupational disease is 11571
such that the ~~handicap-impairment~~ or disability resulting from 11572
the loss of fingers, or loss of use of fingers, exceeds the 11573
normal ~~handicap-impairment~~ or disability resulting from the loss 11574
of fingers, or loss of use of fingers, the administrator may 11575
take that fact into consideration and increase the award of 11576
compensation accordingly, but the award made shall not exceed 11577
the amount of compensation for loss of a hand. 11578

For the loss of a hand, one hundred seventy-five weeks. 11579

For the loss of an arm, two hundred twenty-five weeks. 11580

For the loss of a great toe, thirty weeks. 11581

For the loss of one of the toes other than the great toe, 11582
ten weeks. 11583

The loss of more than two-thirds of any toe is considered 11584
equal to the loss of the whole toe. 11585

The loss of less than two-thirds of any toe is considered 11586
no loss, except as to the great toe; the loss of the great toe 11587
up to the interphalangeal joint is co-equal to the loss of one- 11588
half of the great toe; the loss of the great toe beyond the 11589
interphalangeal joint is considered equal to the loss of the 11590
whole great toe. 11591

For the loss of a foot, one hundred fifty weeks. 11592

For the loss of a leg, two hundred weeks. 11593

For the loss of the sight of an eye, one hundred twenty- 11594
five weeks. 11595

For the permanent partial loss of sight of an eye, the 11596
portion of one hundred twenty-five weeks as the administrator in 11597
each case determines, based upon the percentage of vision 11598
actually lost as a result of the injury or occupational disease, 11599
but, in no case shall an award of compensation be made for less 11600
than twenty-five per cent loss of uncorrected vision. "Loss of 11601
uncorrected vision" means the percentage of vision actually lost 11602
as the result of the injury or occupational disease. 11603

For the permanent and total loss of hearing of one ear, 11604
twenty-five weeks; but in no case shall an award of compensation 11605
be made for less than permanent and total loss of hearing of one 11606
ear. 11607

For the permanent and total loss of hearing, one hundred 11608
twenty-five weeks; but, except pursuant to the next preceding 11609
paragraph, in no case shall an award of compensation be made for 11610
less than permanent and total loss of hearing. 11611

In case an injury or occupational disease results in 11612
serious facial or head disfigurement which either impairs or may 11613
in the future impair the opportunities to secure or retain 11614
employment, the administrator shall make an award of 11615
compensation as it deems proper and equitable, in view of the 11616
nature of the disfigurement, and not to exceed the sum of ten 11617
thousand dollars. For the purpose of making the award, it is not 11618
material whether the employee is gainfully employed in any 11619
occupation or trade at the time of the administrator's 11620
determination. 11621

When an award under this division has been made prior to 11622

the death of an employee all unpaid installments accrued or to 11623
accrue under the provisions of the award shall be payable to the 11624
surviving spouse, or if there is no surviving spouse, to the 11625
dependent children of the employee and if there are no such 11626
children, then to such dependents as the administrator 11627
determines. 11628

When an employee has sustained the loss of a member by 11629
severance, but no award has been made on account thereof prior 11630
to the employee's death, the administrator shall make an award 11631
in accordance with this division for the loss which shall be 11632
payable to the surviving spouse, or if there is no surviving 11633
spouse, to the dependent children of the employee and if there 11634
are no such children, then to such dependents as the 11635
administrator determines. 11636

(C) Compensation for partial impairment under divisions 11637
(A) and (B) of this section is in addition to the compensation 11638
paid the employee pursuant to section 4123.56 of the Revised 11639
Code. A claimant may receive compensation under divisions (A) 11640
and (B) of this section. 11641

In all cases arising under division (B) of this section, 11642
if it is determined by any one of the following: (1) the amputee 11643
clinic at University hospital, Ohio state university; (2) the 11644
opportunities for Ohioans with disabilities agency; (3) an 11645
amputee clinic or prescribing physician approved by the 11646
administrator or the administrator's designee, that an injured 11647
or disabled employee is in need of an artificial appliance, or 11648
in need of a repair thereof, regardless of whether the appliance 11649
or its repair will be serviceable in the vocational 11650
rehabilitation of the injured employee, and regardless of 11651
whether the employee has returned to or can ever again return to 11652

any gainful employment, the bureau shall pay the cost of the 11653
artificial appliance or its repair out of the surplus created by 11654
division (B) of section 4123.34 of the Revised Code. 11655

In those cases where an opportunities for Ohioans with 11656
disabilities agency's recommendation that an injured or disabled 11657
employee is in need of an artificial appliance would conflict 11658
with their state plan, adopted pursuant to the "Rehabilitation 11659
Act of 1973," 87 Stat. 355, 29 U.S.C.A. 701, the administrator 11660
or the administrator's designee or the bureau may obtain a 11661
recommendation from an amputee clinic or prescribing physician 11662
that they determine appropriate. 11663

(D) If an employee of a state fund employer makes 11664
application for a finding and the administrator finds that the 11665
employee has contracted silicosis as defined in division (Y), or 11666
coal miners' pneumoconiosis as defined in division (Z), or 11667
asbestosis as defined in division (BB) of section 4123.68 of the 11668
Revised Code, and that a change of such employee's occupation is 11669
medically advisable in order to decrease substantially further 11670
exposure to silica dust, asbestos, or coal dust and if the 11671
employee, after the finding, has changed or shall change the 11672
employee's occupation to an occupation in which the exposure to 11673
silica dust, asbestos, or coal dust is substantially decreased, 11674
the administrator shall allow to the employee an amount equal to 11675
fifty per cent of the statewide average weekly wage per week for 11676
a period of thirty weeks, commencing as of the date of the 11677
discontinuance or change, and for a period of one hundred weeks 11678
immediately following the expiration of the period of thirty 11679
weeks, the employee shall receive sixty-six and two-thirds per 11680
cent of the loss of wages resulting directly and solely from the 11681
change of occupation but not to exceed a maximum of an amount 11682
equal to fifty per cent of the statewide average weekly wage per 11683

week. No such employee is entitled to receive more than one 11684
allowance on account of discontinuance of employment or change 11685
of occupation and benefits shall cease for any period during 11686
which the employee is employed in an occupation in which the 11687
exposure to silica dust, asbestos, or coal dust is not 11688
substantially less than the exposure in the occupation in which 11689
the employee was formerly employed or for any period during 11690
which the employee may be entitled to receive compensation or 11691
benefits under section 4123.68 of the Revised Code on account of 11692
disability from silicosis, asbestosis, or coal miners' 11693
pneumoconiosis. An award for change of occupation for a coal 11694
miner who has contracted coal miners' pneumoconiosis may be 11695
granted under this division even though the coal miner continues 11696
employment with the same employer, so long as the coal miner's 11697
employment subsequent to the change is such that the coal 11698
miner's exposure to coal dust is substantially decreased and a 11699
change of occupation is certified by the claimant as permanent. 11700
The administrator may accord to the employee medical and other 11701
benefits in accordance with section 4123.66 of the Revised Code. 11702

(E) If a firefighter or police officer makes application 11703
for a finding and the administrator finds that the firefighter 11704
or police officer has contracted a cardiovascular and pulmonary 11705
disease as defined in division (W) of section 4123.68 of the 11706
Revised Code, and that a change of the firefighter's or police 11707
officer's occupation is medically advisable in order to decrease 11708
substantially further exposure to smoke, toxic gases, chemical 11709
fumes, and other toxic vapors, and if the firefighter, or police 11710
officer, after the finding, has changed or changes occupation to 11711
an occupation in which the exposure to smoke, toxic gases, 11712
chemical fumes, and other toxic vapors is substantially 11713
decreased, the administrator shall allow to the firefighter or 11714

police officer an amount equal to fifty per cent of the 11715
statewide average weekly wage per week for a period of thirty 11716
weeks, commencing as of the date of the discontinuance or 11717
change, and for a period of seventy-five weeks immediately 11718
following the expiration of the period of thirty weeks the 11719
administrator shall allow the firefighter or police officer 11720
sixty-six and two-thirds per cent of the loss of wages resulting 11721
directly and solely from the change of occupation but not to 11722
exceed a maximum of an amount equal to fifty per cent of the 11723
statewide average weekly wage per week. No such firefighter or 11724
police officer is entitled to receive more than one allowance on 11725
account of discontinuance of employment or change of occupation 11726
and benefits shall cease for any period during which the 11727
firefighter or police officer is employed in an occupation in 11728
which the exposure to smoke, toxic gases, chemical fumes, and 11729
other toxic vapors is not substantially less than the exposure 11730
in the occupation in which the firefighter or police officer was 11731
formerly employed or for any period during which the firefighter 11732
or police officer may be entitled to receive compensation or 11733
benefits under section 4123.68 of the Revised Code on account of 11734
disability from a cardiovascular and pulmonary disease. The 11735
administrator may accord to the firefighter or police officer 11736
medical and other benefits in accordance with section 4123.66 of 11737
the Revised Code. 11738

(F) An order issued under this section is appealable 11739
pursuant to section 4123.511 of the Revised Code but is not 11740
appealable to court under section 4123.512 of the Revised Code. 11741

Sec. 4123.58. (A) In cases of permanent total disability, 11742
the employee shall receive an award to continue until the 11743
employee's death in the amount of sixty-six and two-thirds per 11744
cent of the employee's average weekly wage, but, except as 11745

otherwise provided in division (B) of this section, not more 11746
than a maximum amount of weekly compensation which is equal to 11747
sixty-six and two-thirds per cent of the statewide average 11748
weekly wage as defined in division (C) of section 4123.62 of the 11749
Revised Code in effect on the date of injury or on the date the 11750
disability due to the occupational disease begins, nor not less 11751
than a minimum amount of weekly compensation which is equal to 11752
fifty per cent of the statewide average weekly wage as defined 11753
in division (C) of section 4123.62 of the Revised Code in effect 11754
on the date of injury or on the date the disability due to the 11755
occupational disease begins, unless the employee's average 11756
weekly wage is less than fifty per cent of the statewide average 11757
weekly wage at the time of the injury, in which event the 11758
employee shall receive compensation in an amount equal to the 11759
employee's average weekly wage. 11760

(B) In the event the weekly workers' compensation amount 11761
when combined with disability benefits received pursuant to the 11762
Social Security Act is less than the statewide average weekly 11763
wage as defined in division (C) of section 4123.62 of the 11764
Revised Code, then the maximum amount of weekly compensation 11765
shall be the statewide average weekly wage as defined in 11766
division (C) of section 4123.62 of the Revised Code. At any time 11767
that social security disability benefits terminate or are 11768
reduced, the workers' compensation award shall be recomputed to 11769
pay the maximum amount permitted under this division. 11770

(C) Permanent total disability shall be compensated 11771
according to this section only when at least one of the 11772
following applies to the claimant: 11773

(1) The claimant has lost, or lost the use of both hands 11774
or both arms, or both feet or both legs, or both eyes, or of any 11775

two thereof; however, the loss or loss of use of one limb does 11776
not constitute the loss or loss of use of two body parts; 11777

(2) The impairment resulting from the employee's injury or 11778
occupational disease prevents the employee from engaging in 11779
sustained remunerative employment utilizing the employment 11780
skills that the employee has or may reasonably be expected to 11781
develop. 11782

(D) Permanent total disability shall not be compensated 11783
when the reason the employee is unable to engage in sustained 11784
remunerative employment is due to any of the following reasons, 11785
whether individually or in combination: 11786

(1) Impairments of the employee that are not the result of 11787
an allowed injury or occupational disease; 11788

(2) Solely the employee's age or aging; 11789

(3) The employee retired or otherwise is not working for 11790
reasons unrelated to the allowed injury or occupational disease. 11791

(4) The employee has not engaged in educational or 11792
rehabilitative efforts to enhance the employee's employability, 11793
unless such efforts are determined to be in vain. 11794

(E) Compensation payable under this section for permanent 11795
total disability is in addition to benefits payable under 11796
division (B) of section 4123.57 of the Revised Code. 11797

(F) If an employee is awarded compensation for permanent 11798
total disability under this section because the employee 11799
sustained a traumatic brain injury, the employee is entitled to 11800
that compensation regardless of the employee's employment in a 11801
sheltered workshop subsequent to the award, on the condition 11802
that the employee does not receive income, compensation, or 11803

remuneration from that employment in excess of two thousand 11804
dollars in any calendar quarter. As used in this division, 11805
"sheltered workshop" means a state agency or nonprofit 11806
organization established to carry out a program of 11807
rehabilitation for ~~handicapped~~ individuals with disabilities or 11808
to provide these individuals with remunerative employment or 11809
other occupational rehabilitating activity. 11810

Sec. 4123.68. Every employee who is disabled because of 11811
the contraction of an occupational disease or the dependent of 11812
an employee whose death is caused by an occupational disease, is 11813
entitled to the compensation provided by sections 4123.55 to 11814
4123.59 and 4123.66 of the Revised Code subject to the 11815
modifications relating to occupational diseases contained in 11816
this chapter. An order of the administrator issued under this 11817
section is appealable pursuant to sections 4123.511 and 4123.512 11818
of the Revised Code. 11819

The following diseases are occupational diseases and 11820
compensable as such when contracted by an employee in the course 11821
of the employment in which such employee was engaged and due to 11822
the nature of any process described in this section. A disease 11823
which meets the definition of an occupational disease is 11824
compensable pursuant to this chapter though it is not 11825
specifically listed in this section. 11826

SCHEDULE 11827

Description of disease or injury and description of 11828
process: 11829

(A) Anthrax: Handling of wool, hair, bristles, hides, and 11830
skins. 11831

(B) Glanders: Care of any equine animal ~~suffering from~~ 11832

<u>having</u> glanders; handling carcass of such animal.	11833
(C) Lead poisoning: Any industrial process involving the use of lead or its preparations or compounds.	11834 11835
(D) Mercury poisoning: Any industrial process involving the use of mercury or its preparations or compounds.	11836 11837
(E) Phosphorous poisoning: Any industrial process involving the use of phosphorous or its preparations or compounds.	11838 11839 11840
(F) Arsenic poisoning: Any industrial process involving the use of arsenic or its preparations or compounds.	11841 11842
(G) Poisoning by benzol or by nitro-derivatives and amido-derivatives of benzol (dinitro-benzol, anilin, and others): Any industrial process involving the use of benzol or nitro-derivatives or amido-derivatives of benzol or its preparations or compounds.	11843 11844 11845 11846 11847
(H) Poisoning by gasoline, benzine, naphtha, or other volatile petroleum products: Any industrial process involving the use of gasoline, benzine, naphtha, or other volatile petroleum products.	11848 11849 11850 11851
(I) Poisoning by carbon bisulphide: Any industrial process involving the use of carbon bisulphide or its preparations or compounds.	11852 11853 11854
(J) Poisoning by wood alcohol: Any industrial process involving the use of wood alcohol or its preparations.	11855 11856
(K) Infection or inflammation of the skin on contact surfaces due to oils, cutting compounds or lubricants, dust, liquids, fumes, gases, or vapors: Any industrial process involving the handling or use of oils, cutting compounds or	11857 11858 11859 11860

lubricants, or involving contact with dust, liquids, fumes,	11861
gases, or vapors.	11862
(L) Epithelion cancer or ulceration of the skin or of the	11863
corneal surface of the eye due to carbon, pitch, tar, or tarry	11864
compounds: Handling or industrial use of carbon, pitch, or tarry	11865
compounds.	11866
(M) Compressed air illness: Any industrial process carried	11867
on in compressed air.	11868
(N) Carbon dioxide poisoning: Any process involving the	11869
evolution or resulting in the escape of carbon dioxide.	11870
(O) Brass or zinc poisoning: Any process involving the	11871
manufacture, founding, or refining of brass or the melting or	11872
smelting of zinc.	11873
(P) Manganese dioxide poisoning: Any process involving the	11874
grinding or milling of manganese dioxide or the escape of	11875
manganese dioxide dust.	11876
(Q) Radium poisoning: Any industrial process involving the	11877
use of radium and other radioactive substances in luminous	11878
paint.	11879
(R) Tenosynovitis and prepatellar bursitis: Primary	11880
tenosynovitis characterized by a passive effusion or crepitus	11881
into the tendon sheath of the flexor or extensor muscles of the	11882
hand, due to frequently repetitive motions or vibrations, or	11883
prepatellar bursitis due to continued pressure.	11884
(S) Chrome ulceration of the skin or nasal passages: Any	11885
industrial process involving the use of or direct contact with	11886
chromic acid or bichromates of ammonium, potassium, or sodium or	11887
their preparations.	11888

(T) Potassium cyanide poisoning: Any industrial process 11889
involving the use of or direct contact with potassium cyanide. 11890

(U) Sulphur dioxide poisoning: Any industrial process in 11891
which sulphur dioxide gas is evolved by the expansion of liquid 11892
sulphur dioxide. 11893

(V) Berylliosis: Berylliosis means a disease of the lungs 11894
caused by breathing beryllium in the form of dust or fumes, 11895
producing characteristic changes in the lungs and demonstrated 11896
by x-ray examination, by biopsy or by autopsy. 11897

This chapter does not entitle an employee or the 11898
employee's dependents to compensation, medical treatment, or 11899
payment of funeral expenses for disability or death from 11900
berylliosis unless the employee has been subjected to injurious 11901
exposure to beryllium dust or fumes in the employee's employment 11902
in this state preceding the employee's disablement and only in 11903
the event of such disability or death resulting within eight 11904
years after the last injurious exposure; provided that such 11905
eight-year limitation does not apply to disability or death from 11906
exposure occurring after January 1, 1976. In the event of death 11907
following continuous total disability commencing within eight 11908
years after the last injurious exposure, the requirement of 11909
death within eight years after the last injurious exposure does 11910
not apply. 11911

Before awarding compensation for partial or total 11912
disability or death due to berylliosis, the administrator of 11913
workers' compensation shall refer the claim to a qualified 11914
medical specialist for examination and recommendation with 11915
regard to the diagnosis, the extent of the disability, the 11916
nature of the disability, whether permanent or temporary, the 11917
cause of death, and other medical questions connected with the 11918

claim. An employee shall submit to such examinations, including 11919
clinical and x-ray examinations, as the administrator requires. 11920
In the event that an employee refuses to submit to examinations, 11921
including clinical and x-ray examinations, after notice from the 11922
administrator, or in the event that a claimant for compensation 11923
for death due to berylliosis fails to produce necessary consents 11924
and permits, after notice from the administrator, so that such 11925
autopsy examination and tests may be performed, then all rights 11926
for compensation are forfeited. The reasonable compensation of 11927
such specialist and the expenses of examinations and tests shall 11928
be paid, if the claim is allowed, as part of the expenses of the 11929
claim, otherwise they shall be paid from the surplus fund. 11930

(W) Cardiovascular, pulmonary, or respiratory diseases 11931
incurred by firefighters or police officers following exposure 11932
to heat, smoke, toxic gases, chemical fumes and other toxic 11933
substances: Any cardiovascular, pulmonary, or respiratory 11934
disease of a firefighter or police officer caused or induced by 11935
the cumulative effect of exposure to heat, the inhalation of 11936
smoke, toxic gases, chemical fumes and other toxic substances in 11937
the performance of the firefighter's or police officer's duty 11938
constitutes a presumption, which may be refuted by affirmative 11939
evidence, that such occurred in the course of and arising out of 11940
the firefighter's or police officer's employment. For the 11941
purpose of this section, "firefighter" means any regular member 11942
of a lawfully constituted fire department of a municipal 11943
corporation or township, whether paid or volunteer, and "police 11944
officer" means any regular member of a lawfully constituted 11945
police department of a municipal corporation, township or 11946
county, whether paid or volunteer. 11947

This chapter does not entitle a firefighter, or police 11948
officer, or the firefighter's or police officer's dependents to 11949

compensation, medical treatment, or payment of funeral expenses 11950
for disability or death from a cardiovascular, pulmonary, or 11951
respiratory disease, unless the firefighter or police officer 11952
has been subject to injurious exposure to heat, smoke, toxic 11953
gases, chemical fumes, and other toxic substances in the 11954
firefighter's or police officer's employment in this state 11955
preceding the firefighter's or police officer's disablement, 11956
some portion of which has been after January 1, 1967, except as 11957
provided in division (E) of section 4123.57 of the Revised Code. 11958

Compensation on account of cardiovascular, pulmonary, or 11959
respiratory diseases of firefighters and police officers is 11960
payable only in the event of temporary total disability, 11961
permanent total disability, or death, in accordance with section 11962
4123.56, 4123.58, or 4123.59 of the Revised Code. Medical, 11963
hospital, and nursing expenses are payable in accordance with 11964
this chapter. Compensation, medical, hospital, and nursing 11965
expenses are payable only in the event of such disability or 11966
death resulting within eight years after the last injurious 11967
exposure; provided that such eight-year limitation does not 11968
apply to disability or death from exposure occurring after 11969
January 1, 1976. In the event of death following continuous 11970
total disability commencing within eight years after the last 11971
injurious exposure, the requirement of death within eight years 11972
after the last injurious exposure does not apply. 11973

This chapter does not entitle a firefighter or police 11974
officer, or the firefighter's or police officer's dependents, to 11975
compensation, medical, hospital, and nursing expenses, or 11976
payment of funeral expenses for disability or death due to a 11977
cardiovascular, pulmonary, or respiratory disease in the event 11978
of failure or omission on the part of the firefighter or police 11979
officer truthfully to state, when seeking employment, the place, 11980

duration, and nature of previous employment in answer to an 11981
inquiry made by the employer. 11982

Before awarding compensation for disability or death under 11983
this division, the administrator shall refer the claim to a 11984
qualified medical specialist for examination and recommendation 11985
with regard to the diagnosis, the extent of disability, the 11986
cause of death, and other medical questions connected with the 11987
claim. A firefighter or police officer shall submit to such 11988
examinations, including clinical and x-ray examinations, as the 11989
administrator requires. In the event that a firefighter or 11990
police officer refuses to submit to examinations, including 11991
clinical and x-ray examinations, after notice from the 11992
administrator, or in the event that a claimant for compensation 11993
for death under this division fails to produce necessary 11994
consents and permits, after notice from the administrator, so 11995
that such autopsy examination and tests may be performed, then 11996
all rights for compensation are forfeited. The reasonable 11997
compensation of such specialists and the expenses of examination 11998
and tests shall be paid, if the claim is allowed, as part of the 11999
expenses of the claim, otherwise they shall be paid from the 12000
surplus fund. 12001

(X) (1) Cancer contracted by a firefighter: Cancer 12002
contracted by a firefighter who has been assigned to at least 12003
six years of hazardous duty as a firefighter constitutes a 12004
presumption that the cancer was contracted in the course of and 12005
arising out of the firefighter's employment if the firefighter 12006
was exposed to an agent classified by the international agency 12007
for research on cancer or its successor organization as a group 12008
1 or 2A carcinogen. 12009

(2) The presumption described in division (X) (1) of this 12010

section is rebuttable in any of the following situations: 12011

(a) There is evidence that the firefighter's exposure, 12012
outside the scope of the firefighter's official duties, to 12013
cigarettes, tobacco products, or other conditions presenting an 12014
extremely high risk for the development of the cancer alleged, 12015
was probably a significant factor in the cause or progression of 12016
the cancer. 12017

(b) There is evidence that shows, by a preponderance of 12018
competent scientific evidence, that exposure to the type of 12019
carcinogen alleged did not or could not have caused the cancer 12020
being alleged. 12021

(c) There is evidence that the firefighter was not exposed 12022
to an agent classified by the international agency for research 12023
on cancer as a group 1 or 2A carcinogen. 12024

(d) There is evidence that the firefighter incurred the 12025
type of cancer alleged before becoming a member of the fire 12026
department. 12027

(e) The firefighter is seventy years of age or older. 12028

(3) The presumption described in division (X)(1) of this 12029
section does not apply if it has been more than fifteen years 12030
since the firefighter was last assigned to hazardous duty as a 12031
firefighter. 12032

(4) Compensation for cancer contracted by a firefighter in 12033
the course of hazardous duty under division (X) of this section 12034
is payable only in the event of temporary total disability, 12035
working wage loss, permanent total disability, or death, in 12036
accordance with division (A) or (B)(1) of section 4123.56 and 12037
sections 4123.58 and 4123.59 of the Revised Code. 12038

(5) As used in division (X) of this section, "hazardous duty" has the same meaning as in 5 C.F.R. 550.902, as amended. 12039
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(Y) Silicosis: Silicosis means a disease of the lungs caused by breathing silica dust (silicon dioxide) producing fibrous nodules distributed through the lungs and demonstrated by x-ray examination, by biopsy or by autopsy. 12041
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(Z) Coal miners' pneumoconiosis: Coal miners' pneumoconiosis, commonly referred to as "black lung disease," resulting from working in the coal mine industry and due to exposure to the breathing of coal dust, and demonstrated by x-ray examination, biopsy, autopsy or other medical or clinical tests. 12045
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This chapter does not entitle an employee or the employee's dependents to compensation, medical treatment, or payment of funeral expenses for disability or death from silicosis, asbestosis, or coal miners' pneumoconiosis unless the employee has been subject to injurious exposure to silica dust (silicon dioxide), asbestos, or coal dust in the employee's employment in this state preceding the employee's disablement, some portion of which has been after October 12, 1945, except as provided in division (E) of section 4123.57 of the Revised Code. 12051
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Compensation on account of silicosis, asbestosis, or coal miners' pneumoconiosis are payable only in the event of temporary total disability, permanent total disability, or death, in accordance with sections 4123.56, 4123.58, and 4123.59 of the Revised Code. Medical, hospital, and nursing expenses are payable in accordance with this chapter. Compensation, medical, hospital, and nursing expenses are payable only in the event of such disability or death resulting within eight years after the last injurious exposure; provided that such eight-year 12060
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limitation does not apply to disability or death occurring after 12069
January 1, 1976, and further provided that such eight-year 12070
limitation does not apply to any asbestosis cases. In the event 12071
of death following continuous total disability commencing within 12072
eight years after the last injurious exposure, the requirement 12073
of death within eight years after the last injurious exposure 12074
does not apply. 12075

This chapter does not entitle an employee or the 12076
employee's dependents to compensation, medical, hospital and 12077
nursing expenses, or payment of funeral expenses for disability 12078
or death due to silicosis, asbestosis, or coal miners' 12079
pneumoconiosis in the event of the failure or omission on the 12080
part of the employee truthfully to state, when seeking 12081
employment, the place, duration, and nature of previous 12082
employment in answer to an inquiry made by the employer. 12083

Before awarding compensation for disability or death due 12084
to silicosis, asbestosis, or coal miners' pneumoconiosis, the 12085
administrator shall refer the claim to a qualified medical 12086
specialist for examination and recommendation with regard to the 12087
diagnosis, the extent of disability, the cause of death, and 12088
other medical questions connected with the claim. An employee 12089
shall submit to such examinations, including clinical and x-ray 12090
examinations, as the administrator requires. In the event that 12091
an employee refuses to submit to examinations, including 12092
clinical and x-ray examinations, after notice from the 12093
administrator, or in the event that a claimant for compensation 12094
for death due to silicosis, asbestosis, or coal miners' 12095
pneumoconiosis fails to produce necessary consents and permits, 12096
after notice from the commission, so that such autopsy 12097
examination and tests may be performed, then all rights for 12098
compensation are forfeited. The reasonable compensation of such 12099

specialist and the expenses of examinations and tests shall be 12100
paid, if the claim is allowed, as a part of the expenses of the 12101
claim, otherwise they shall be paid from the surplus fund. 12102

(AA) Radiation illness: Any industrial process involving 12103
the use of radioactive materials. 12104

Claims for compensation and benefits due to radiation 12105
illness are payable only in the event death or disability 12106
occurred within eight years after the last injurious exposure 12107
provided that such eight-year limitation does not apply to 12108
disability or death from exposure occurring after January 1, 12109
1976. In the event of death following continuous disability 12110
which commenced within eight years of the last injurious 12111
exposure the requirement of death within eight years after the 12112
last injurious exposure does not apply. 12113

(BB) Asbestosis: Asbestosis means a disease caused by 12114
inhalation or ingestion of asbestos, demonstrated by x-ray 12115
examination, biopsy, autopsy, or other objective medical or 12116
clinical tests. 12117

All conditions, restrictions, limitations, and other 12118
provisions of this section, with reference to the payment of 12119
compensation or benefits on account of silicosis or coal miners' 12120
pneumoconiosis apply to the payment of compensation or benefits 12121
on account of any other occupational disease of the respiratory 12122
tract resulting from injurious exposures to dust. 12123

The refusal to produce the necessary consents and permits 12124
for autopsy examination and testing shall not result in 12125
forfeiture of compensation provided the administrator finds that 12126
such refusal was the result of bona fide religious convictions 12127
or teachings to which the claimant for compensation adhered 12128

prior to the death of the decedent. 12129

Sec. 4123.70. No compensation shall be awarded on account 12130
of disability or death from disease ~~suffered~~ experienced by an 12131
employee who, at the time of entering into the employment from 12132
which the disease is claimed to have resulted, willfully and 12133
falsely represented ~~himself~~ self as not having previously 12134
~~suffered from~~ had such disease. Compensation shall not be 12135
awarded on account of both injury and disease, except when the 12136
disability is caused by a disease and an injury, in which event 12137
the administrator of workers' compensation may apportion the 12138
payment of compensation provided for in sections 4123.56 to 12139
4123.59 of the Revised Code between the funds as in ~~his~~ the 12140
administrator's judgment seems just and proper. 12141

If an employee ~~is suffering from~~ has both occupational 12142
disease and an injury, and the administrator can determine which 12143
is causing ~~his~~ the employee's disability, the administrator shall 12144
pay compensation therefor from the proper fund. 12145

Compensation for loss sustained on account of occupational 12146
disease by an employee mentioned in division (A) (1) of section 12147
4123.01 of the Revised Code, or the dependents of such employee, 12148
shall be paid from the fund provided for in sections 4123.38 to 12149
4123.41 and 4123.48 of the Revised Code. 12150

Compensation for loss sustained on account of a disease by 12151
an employee mentioned in division (A) (2) of section 4123.01 of 12152
the Revised Code, or the dependents of the employee, shall be 12153
paid ~~from the occupational disease fund or~~ by the employer of 12154
the employee, if the employer is a self-insuring employer. 12155

Sec. 4123.71. Every physician in this state attending on 12156
or called in to visit a patient whom the physician believes to 12157

~~be suffering from~~ have an occupational disease as defined in 12158
section 4123.68 of the Revised Code shall, within forty-eight 12159
hours from the time of making such diagnosis, send to the bureau 12160
of workers' compensation a report stating: 12161

(A) Name, address, and occupation of patient; 12162

(B) Name and address of business in which employed; 12163

(C) Nature of disease; 12164

(D) Name and address of employer of patient; 12165

(E) Such other information as is reasonably required by 12166
the bureau. 12167

The reports shall be made on blanks to be furnished by the 12168
bureau. A physician who sends the report within the time stated 12169
to the bureau is in compliance with this section. 12170

Reports made under this section shall not be evidence of 12171
the facts therein stated in any action arising out of a disease 12172
therein reported. 12173

The bureau shall, within twenty-four hours after the 12174
receipt of the report, send a copy thereof to the employer of 12175
the patient named in the report. 12176

Sec. 4141.01. As used in this chapter, unless the context 12177
otherwise requires: 12178

(A) (1) "Employer" means the state, its instrumentalities, 12179
its political subdivisions and their instrumentalities, Indian 12180
tribes, and any individual or type of organization including any 12181
partnership, limited liability company, association, trust, 12182
estate, joint-stock company, insurance company, or corporation, 12183
whether domestic or foreign, or the receiver, trustee in 12184

bankruptcy, trustee, or the successor thereof, or the legal 12185
representative of a deceased person who subsequent to December 12186
31, 1971, or in the case of political subdivisions or their 12187
instrumentalities, subsequent to December 31, 1973: 12188

(a) Had in employment at least one individual, or in the 12189
case of a nonprofit organization, subsequent to December 31, 12190
1973, had not less than four individuals in employment for some 12191
portion of a day in each of twenty different calendar weeks, in 12192
either the current or the preceding calendar year whether or not 12193
the same individual was in employment in each such day; or 12194

(b) Except for a nonprofit organization, had paid for 12195
service in employment wages of fifteen hundred dollars or more 12196
in any calendar quarter in either the current or preceding 12197
calendar year; or 12198

(c) Had paid, subsequent to December 31, 1977, for 12199
employment in domestic service in a local college club, or local 12200
chapter of a college fraternity or sorority, cash remuneration 12201
of one thousand dollars or more in any calendar quarter in the 12202
current calendar year or the preceding calendar year, or had 12203
paid subsequent to December 31, 1977, for employment in domestic 12204
service in a private home cash remuneration of one thousand 12205
dollars in any calendar quarter in the current calendar year or 12206
the preceding calendar year: 12207

(i) For the purposes of divisions (A)(1)(a) and (b) of 12208
this section, there shall not be taken into account any wages 12209
paid to, or employment of, an individual performing domestic 12210
service as described in this division. 12211

(ii) An employer under this division shall not be an 12212
employer with respect to wages paid for any services other than 12213

domestic service unless the employer is also found to be an 12214
employer under division (A) (1) (a), (b), or (d) of this section. 12215

(d) As a farm operator or a crew leader subsequent to 12216
December 31, 1977, had in employment individuals in agricultural 12217
labor; and 12218

(i) During any calendar quarter in the current calendar 12219
year or the preceding calendar year, paid cash remuneration of 12220
twenty thousand dollars or more for the agricultural labor; or 12221

(ii) Had at least ten individuals in employment in 12222
agricultural labor, not including agricultural workers who are 12223
aliens admitted to the United States to perform agricultural 12224
labor pursuant to sections 1184(c) and 1101(a) (15) (H) of the 12225
"Immigration and Nationality Act," 66 Stat. 163, 189, 8 U.S.C.A. 12226
1101(a) (15) (H) (ii) (a), 1184(c), for some portion of a day in 12227
each of the twenty different calendar weeks, in either the 12228
current or preceding calendar year whether or not the same 12229
individual was in employment in each day; or 12230

(e) Is not otherwise an employer as defined under division 12231
(A) (1) (a) or (b) of this section; and 12232

(i) For which, within either the current or preceding 12233
calendar year, service, except for domestic service in a private 12234
home not covered under division (A) (1) (c) of this section, is or 12235
was performed with respect to which such employer is liable for 12236
any federal tax against which credit may be taken for 12237
contributions required to be paid into a state unemployment 12238
fund; 12239

(ii) Which, as a condition for approval of this chapter 12240
for full tax credit against the tax imposed by the "Federal 12241
Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, 12242

is required, pursuant to such act to be an employer under this chapter; or

(iii) Who became an employer by election under division (A) (4) or (5) of this section and for the duration of such election; or

(f) In the case of the state, its instrumentalities, its political subdivisions, and their instrumentalities, and Indian tribes, had in employment, as defined in divisions (B) (2) (a) and (B) (2) (1) of this section, at least one individual;

(g) For the purposes of division (A) (1) (a) of this section, if any week includes both the thirty-first day of December and the first day of January, the days of that week before the first day of January shall be considered one calendar week and the days beginning the first day of January another week.

(2) Each individual employed to perform or to assist in performing the work of any agent or employee of an employer is employed by such employer for all the purposes of this chapter, whether such individual was hired or paid directly by such employer or by such agent or employee, provided the employer had actual or constructive knowledge of the work. All individuals performing services for an employer of any person in this state who maintains two or more establishments within this state are employed by a single employer for the purposes of this chapter.

(3) An employer subject to this chapter within any calendar year is subject to this chapter during the whole of such year and during the next succeeding calendar year.

(4) An employer not otherwise subject to this chapter who files with the director of job and family services a written

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election to become an employer subject to this chapter for not 12272
less than two calendar years shall, with the written approval of 12273
such election by the director, become an employer subject to 12274
this chapter to the same extent as all other employers as of the 12275
date stated in such approval, and shall cease to be subject to 12276
this chapter as of the first day of January of any calendar year 12277
subsequent to such two calendar years only if at least thirty 12278
days prior to such first day of January the employer has filed 12279
with the director a written notice to that effect. 12280

(5) Any employer for whom services that do not constitute 12281
employment are performed may file with the director a written 12282
election that all such services performed by individuals in the 12283
employer's employ in one or more distinct establishments or 12284
places of business shall be deemed to constitute employment for 12285
all the purposes of this chapter, for not less than two calendar 12286
years. Upon written approval of the election by the director, 12287
such services shall be deemed to constitute employment subject 12288
to this chapter from and after the date stated in such approval. 12289
Such services shall cease to be employment subject to this 12290
chapter as of the first day of January of any calendar year 12291
subsequent to such two calendar years only if at least thirty 12292
days prior to such first day of January such employer has filed 12293
with the director a written notice to that effect. 12294

(6) "Employer" does not include a franchisor with respect 12295
to the franchisor's relationship with a franchisee or an 12296
employee of a franchisee, unless the franchisor agrees to assume 12297
that role in writing or a court of competent jurisdiction 12298
determines that the franchisor exercises a type or degree of 12299
control over the franchisee or the franchisee's employees that 12300
is not customarily exercised by a franchisor for the purpose of 12301
protecting the franchisor's trademark, brand, or both. For 12302

purposes of this division, "franchisor" and "franchisee" have 12303
the same meanings as in 16 C.F.R. 436.1. 12304

(B) (1) "Employment" means service performed by an 12305
individual for remuneration under any contract of hire, written 12306
or oral, express or implied, including service performed in 12307
interstate commerce and service performed by an officer of a 12308
corporation, without regard to whether such service is 12309
executive, managerial, or manual in nature, and without regard 12310
to whether such officer is a stockholder or a member of the 12311
board of directors of the corporation, unless it is shown to the 12312
satisfaction of the director that such individual has been and 12313
will continue to be free from direction or control over the 12314
performance of such service, both under a contract of service 12315
and in fact. The director shall adopt rules to define "direction 12316
or control." 12317

(2) "Employment" includes: 12318

(a) Service performed after December 31, 1977, by an 12319
individual in the employ of the state or any of its 12320
instrumentalities, or any political subdivision thereof or any 12321
of its instrumentalities or any instrumentality of more than one 12322
of the foregoing or any instrumentality of any of the foregoing 12323
and one or more other states or political subdivisions and 12324
without regard to divisions (A) (1) (a) and (b) of this section, 12325
provided that such service is excluded from employment as 12326
defined in the "Federal Unemployment Tax Act," 53 Stat. 183, 26 12327
U.S.C.A. 3301, 3306(c) (7) and is not excluded under division (B) 12328
(3) of this section; or the services of employees covered by 12329
voluntary election, as provided under divisions (A) (4) and (5) 12330
of this section; 12331

(b) Service performed after December 31, 1971, by an 12332

individual in the employ of a religious, charitable, 12333
educational, or other organization which is excluded from the 12334
term "employment" as defined in the "Federal Unemployment Tax 12335
Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, solely by reason 12336
of section 26 U.S.C.A. 3306(c) (8) of that act and is not 12337
excluded under division (B) (3) of this section; 12338

(c) Domestic service performed after December 31, 1977, 12339
for an employer, as provided in division (A) (1) (c) of this 12340
section; 12341

(d) Agricultural labor performed after December 31, 1977, 12342
for a farm operator or a crew leader, as provided in division 12343
(A) (1) (d) of this section; 12344

(e) Subject to division (B) (2) (m) of this section, service 12345
not covered under division (B) (1) of this section which is 12346
performed after December 31, 1971: 12347

(i) As an agent-driver or commission-driver engaged in 12348
distributing meat products, vegetable products, fruit products, 12349
bakery products, beverages other than milk, laundry, or dry- 12350
cleaning services, for the individual's employer or principal; 12351

(ii) As a traveling or city salesperson, other than as an 12352
agent-driver or commission-driver, engaged on a full-time basis 12353
in the solicitation on behalf of and in the transmission to the 12354
salesperson's employer or principal except for sideline sales 12355
activities on behalf of some other person of orders from 12356
wholesalers, retailers, contractors, or operators of hotels, 12357
restaurants, or other similar establishments for merchandise for 12358
resale, or supplies for use in their business operations, 12359
provided that for the purposes of division (B) (2) (e) (ii) of this 12360
section, the services shall be deemed employment if the contract 12361

of service contemplates that substantially all of the services 12362
are to be performed personally by the individual and that the 12363
individual does not have a substantial investment in facilities 12364
used in connection with the performance of the services other 12365
than in facilities for transportation, and the services are not 12366
in the nature of a single transaction that is not a part of a 12367
continuing relationship with the person for whom the services 12368
are performed. 12369

(f) An individual's entire service performed within or 12370
both within and without the state if: 12371

(i) The service is localized in this state. 12372

(ii) The service is not localized in any state, but some 12373
of the service is performed in this state and either the base of 12374
operations, or if there is no base of operations then the place 12375
from which such service is directed or controlled, is in this 12376
state or the base of operations or place from which such service 12377
is directed or controlled is not in any state in which some part 12378
of the service is performed but the individual's residence is in 12379
this state. 12380

(g) Service not covered under division (B) (2) (f) (ii) of 12381
this section and performed entirely without this state, with 12382
respect to no part of which contributions are required and paid 12383
under an unemployment compensation law of any other state, the 12384
Virgin Islands, Canada, or of the United States, if the 12385
individual performing such service is a resident of this state 12386
and the director approves the election of the employer for whom 12387
such services are performed; or, if the individual is not a 12388
resident of this state but the place from which the service is 12389
directed or controlled is in this state, the entire services of 12390
such individual shall be deemed to be employment subject to this 12391

chapter, provided service is deemed to be localized within this 12392
state if the service is performed entirely within this state or 12393
if the service is performed both within and without this state 12394
but the service performed without this state is incidental to 12395
the individual's service within the state, for example, is 12396
temporary or transitory in nature or consists of isolated 12397
transactions; 12398

(h) Service of an individual who is a citizen of the 12399
United States, performed outside the United States except in 12400
Canada after December 31, 1971, or the Virgin Islands, after 12401
December 31, 1971, and before the first day of January of the 12402
year following that in which the United States secretary of 12403
labor approves the Virgin Islands law for the first time, in the 12404
employ of an American employer, other than service which is 12405
"employment" under divisions (B) (2) (f) and (g) of this section 12406
or similar provisions of another state's law, if: 12407

(i) The employer's principal place of business in the 12408
United States is located in this state; 12409

(ii) The employer has no place of business in the United 12410
States, but the employer is an individual who is a resident of 12411
this state; or the employer is a corporation which is organized 12412
under the laws of this state, or the employer is a partnership 12413
or a trust and the number of partners or trustees who are 12414
residents of this state is greater than the number who are 12415
residents of any other state; or 12416

(iii) None of the criteria of divisions (B) (2) (f) (i) and 12417
(ii) of this section is met but the employer has elected 12418
coverage in this state or the employer having failed to elect 12419
coverage in any state, the individual has filed a claim for 12420
benefits, based on such service, under this chapter. 12421

(i) For the purposes of division (B) (2) (h) of this 12422
section, the term "American employer" means an employer who is 12423
an individual who is a resident of the United States; or a 12424
partnership, if two-thirds or more of the partners are residents 12425
of the United States; or a trust, if all of the trustees are 12426
residents of the United States; or a corporation organized under 12427
the laws of the United States or of any state, provided the term 12428
"United States" includes the states, the District of Columbia, 12429
the Commonwealth of Puerto Rico, and the Virgin Islands. 12430

(j) Notwithstanding any other provisions of divisions (B) 12431
(1) and (2) of this section, service, except for domestic 12432
service in a private home not covered under division (A) (1) (c) 12433
of this section, with respect to which a tax is required to be 12434
paid under any federal law imposing a tax against which credit 12435
may be taken for contributions required to be paid into a state 12436
unemployment fund, or service, except for domestic service in a 12437
private home not covered under division (A) (1) (c) of this 12438
section, which, as a condition for full tax credit against the 12439
tax imposed by the "Federal Unemployment Tax Act," 84 Stat. 713, 12440
26 U.S.C.A. 3301 to 3311, is required to be covered under this 12441
chapter. 12442

(k) Construction services performed by any individual 12443
under a construction contract, as defined in section 4141.39 of 12444
the Revised Code, if the director determines that the employer 12445
for whom services are performed has the right to direct or 12446
control the performance of the services and that the individuals 12447
who perform the services receive remuneration for the services 12448
performed. The director shall presume that the employer for whom 12449
services are performed has the right to direct or control the 12450
performance of the services if ten or more of the following 12451
criteria apply: 12452

- (i) The employer directs or controls the manner or method by which instructions are given to the individual performing services; 12453
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- (ii) The employer requires particular training for the individual performing services; 12456
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- (iii) Services performed by the individual are integrated into the regular functioning of the employer; 12458
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- (iv) The employer requires that services be provided by a particular individual; 12460
12461
- (v) The employer hires, supervises, or pays the wages of the individual performing services; 12462
12463
- (vi) A continuing relationship between the employer and the individual performing services exists which contemplates continuing or recurring work, even if not full-time work; 12464
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- (vii) The employer requires the individual to perform services during established hours; 12467
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- (viii) The employer requires that the individual performing services be devoted on a full-time basis to the business of the employer; 12469
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- (ix) The employer requires the individual to perform services on the employer's premises; 12472
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- (x) The employer requires the individual performing services to follow the order of work established by the employer; 12474
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12476
- (xi) The employer requires the individual performing services to make oral or written reports of progress; 12477
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- (xii) The employer makes payment to the individual for 12479

services on a regular basis, such as hourly, weekly, or monthly;	12480
(xiii) The employer pays expenses for the individual performing services;	12481 12482
(xiv) The employer furnishes the tools and materials for use by the individual to perform services;	12483 12484
(xv) The individual performing services has not invested in the facilities used to perform services;	12485 12486
(xvi) The individual performing services does not realize a profit or suffer a loss as a result of the performance of the services;	12487 12488 12489
(xvii) The individual performing services is not performing services for more than two employers simultaneously;	12490 12491
(xviii) The individual performing services does not make the services available to the general public;	12492 12493
(xix) The employer has a right to discharge the individual performing services;	12494 12495
(xx) The individual performing services has the right to end the individual's relationship with the employer without incurring liability pursuant to an employment contract or agreement.	12496 12497 12498 12499
(1) Service performed by an individual in the employ of an Indian tribe as defined by section 4(e) of the "Indian Self-Determination and Education Assistance Act," 88 Stat. 2204 (1975), 25 U.S.C.A. 450b(e), including any subdivision, subsidiary, or business enterprise wholly owned by an Indian tribe provided that the service is excluded from employment as defined in the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 and 3306(c)(7) and is not excluded	12500 12501 12502 12503 12504 12505 12506 12507

under division (B) (3) of this section. 12508

(m) Service performed by an individual for or on behalf of 12509
a motor carrier transporting property as an operator of a 12510
vehicle or vessel, unless all of the following factors apply to 12511
the individual and the motor carrier has not elected to consider 12512
the individual's service as employment: 12513

(i) The individual owns the vehicle or vessel that is used 12514
in performing the services for or on behalf of the carrier, or 12515
the individual leases the vehicle or vessel under a bona fide 12516
lease agreement that is not a temporary replacement lease 12517
agreement. For purposes of this division, a bona fide lease 12518
agreement does not include an agreement between the individual 12519
and the motor carrier transporting property for which, or on 12520
whose behalf, the individual provides services. 12521

(ii) The individual is responsible for supplying the 12522
necessary personal services to operate the vehicle or vessel 12523
used to provide the service. 12524

(iii) The compensation paid to the individual is based on 12525
factors related to work performed, including on a mileage-based 12526
rate or a percentage of any schedule of rates, and not solely on 12527
the basis of the hours or time expended. 12528

(iv) The individual substantially controls the means and 12529
manner of performing the services, in conformance with 12530
regulatory requirements and specifications of the shipper. 12531

(v) The individual enters into a written contract with the 12532
carrier for whom the individual is performing the services that 12533
describes the relationship between the individual and the 12534
carrier to be that of an independent contractor and not that of 12535
an employee. 12536

(vi) The individual is responsible for substantially all 12537
of the principal operating costs of the vehicle or vessel and 12538
equipment used to provide the services, including maintenance, 12539
fuel, repairs, supplies, vehicle or vessel insurance, and 12540
personal expenses, except that the individual may be paid by the 12541
carrier the carrier's fuel surcharge and incidental costs, 12542
including tolls, permits, and lumper fees. 12543

(vii) The individual is responsible for any economic loss 12544
or economic gain from the arrangement with the carrier. 12545

(viii) The individual is not performing services described 12546
in 26 U.S.C. 3306(c) (7) or (8). 12547

(3) "Employment" does not include the following services 12548
if they are found not subject to the "Federal Unemployment Tax 12549
Act," 84 Stat. 713 (1970), 26 U.S.C.A. 3301 to 3311, and if the 12550
services are not required to be included under division (B) (2) 12551
(j) of this section: 12552

(a) Service performed after December 31, 1977, in 12553
agricultural labor, except as provided in division (A) (1) (d) of 12554
this section; 12555

(b) Domestic service performed after December 31, 1977, in 12556
a private home, local college club, or local chapter of a 12557
college fraternity or sorority except as provided in division 12558
(A) (1) (c) of this section; 12559

(c) Service performed after December 31, 1977, for this 12560
state or a political subdivision as described in division (B) (2) 12561
(a) of this section when performed: 12562

(i) As a publicly elected official; 12563

(ii) As a member of a legislative body, or a member of the 12564

judiciary;	12565
(iii) As a military member of the Ohio national guard;	12566
(iv) As an employee, not in the classified service as defined in section 124.11 of the Revised Code, serving on a temporary basis in case of fire, storm, snow, earthquake, flood, or similar emergency;	12567 12568 12569 12570
(v) In a position which, under or pursuant to law, is designated as a major nontenured policymaking or advisory position, not in the classified service of the state, or a policymaking or advisory position the performance of the duties of which ordinarily does not require more than eight hours per week.	12571 12572 12573 12574 12575 12576
(d) In the employ of any governmental unit or instrumentality of the United States;	12577 12578
(e) Service performed after December 31, 1971:	12579
(i) Service in the employ of an educational institution or institution of higher education, including those operated by the state or a political subdivision, if such service is performed by a student who is enrolled and is regularly attending classes at the educational institution or institution of higher education; or	12580 12581 12582 12583 12584 12585
(ii) By an individual who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on as a student in a full-time program, taken for credit at the institution, which combines academic instruction with work experience, if the service is an integral part of the program, and the institution	12586 12587 12588 12589 12590 12591 12592 12593

has so certified to the employer, provided that this subdivision 12594
shall not apply to service performed in a program established 12595
for or on behalf of an employer or group of employers. 12596

(f) Service performed by an individual in the employ of 12597
the individual's son, daughter, or spouse and service performed 12598
by a child under the age of eighteen in the employ of the 12599
child's father or mother; 12600

(g) Service performed for one or more principals by an 12601
individual who is compensated on a commission basis, who in the 12602
performance of the work is master of the individual's own time 12603
and efforts, and whose remuneration is wholly dependent on the 12604
amount of effort the individual chooses to expend, and which 12605
service is not subject to the "Federal Unemployment Tax Act," 53 12606
Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. Service performed 12607
after December 31, 1971: 12608

(i) By an individual for an employer as an insurance agent 12609
or as an insurance solicitor, if all this service is performed 12610
for remuneration solely by way of commission; 12611

(ii) As a home worker performing work, according to 12612
specifications furnished by the employer for whom the services 12613
are performed, on materials or goods furnished by such employer 12614
which are required to be returned to the employer or to a person 12615
designated for that purpose. 12616

(h) Service performed after December 31, 1971: 12617

(i) In the employ of a church or convention or association 12618
of churches, or in an organization which is operated primarily 12619
for religious purposes and which is operated, supervised, 12620
controlled, or principally supported by a church or convention 12621
or association of churches; 12622

(ii) By a duly ordained, commissioned, or licensed 12623
minister of a church in the exercise of the individual's 12624
ministry or by a member of a religious order in the exercise of 12625
duties required by such order; or 12626

(iii) In a facility conducted for the purpose of carrying 12627
out a program of rehabilitation for individuals whose earning 12628
capacity is impaired by age or physical or mental ~~deficiency~~ 12629
disability or injury, or providing remunerative work for 12630
individuals who because of their impaired physical or mental 12631
capacity cannot be readily absorbed in the competitive labor 12632
market, by an individual receiving such rehabilitation or 12633
remunerative work. 12634

(i) Service performed after June 30, 1939, with respect to 12635
which unemployment compensation is payable under the "Railroad 12636
Unemployment Insurance Act," 52 Stat. 1094 (1938), 45 U.S.C. 12637
351; 12638

(j) Service performed by an individual in the employ of 12639
any organization exempt from income tax under section 501 of the 12640
"Internal Revenue Code of 1954," if the remuneration for such 12641
service does not exceed fifty dollars in any calendar quarter, 12642
or if such service is in connection with the collection of dues 12643
or premiums for a fraternal beneficial society, order, or 12644
association and is performed away from the home office or is 12645
ritualistic service in connection with any such society, order, 12646
or association; 12647

(k) Casual labor not in the course of an employer's trade 12648
or business; incidental service performed by an officer, 12649
appraiser, or member of a finance committee of a bank, building 12650
and loan association, savings and loan association, or savings 12651
association when the remuneration for such incidental service 12652

exclusive of the amount paid or allotted for directors' fees 12653
does not exceed sixty dollars per calendar quarter is casual 12654
labor; 12655

(l) Service performed in the employ of a voluntary 12656
employees' beneficial association providing for the payment of 12657
life, sickness, accident, or other benefits to the members of 12658
such association or their dependents or their designated 12659
beneficiaries, if admission to a membership in such association 12660
is limited to individuals who are officers or employees of a 12661
municipal or public corporation, of a political subdivision of 12662
the state, or of the United States and no part of the net 12663
earnings of such association inures, other than through such 12664
payments, to the benefit of any private shareholder or 12665
individual; 12666

(m) Service performed by an individual in the employ of a 12667
foreign government, including service as a consular or other 12668
officer or employee or of a nondiplomatic representative; 12669

(n) Service performed in the employ of an instrumentality 12670
wholly owned by a foreign government if the service is of a 12671
character similar to that performed in foreign countries by 12672
employees of the United States or of an instrumentality thereof 12673
and if the director finds that the secretary of state of the 12674
United States has certified to the secretary of the treasury of 12675
the United States that the foreign government, with respect to 12676
whose instrumentality exemption is claimed, grants an equivalent 12677
exemption with respect to similar service performed in the 12678
foreign country by employees of the United States and of 12679
instrumentalities thereof; 12680

(o) Service with respect to which unemployment 12681
compensation is payable under an unemployment compensation 12682

system established by an act of congress; 12683

(p) Service performed as a student nurse in the employ of 12684
a hospital or a nurses' training school by an individual who is 12685
enrolled and is regularly attending classes in a nurses' 12686
training school chartered or approved pursuant to state law, and 12687
service performed as an intern in the employ of a hospital by an 12688
individual who has completed a four years' course in a medical 12689
school chartered or approved pursuant to state law; 12690

(q) Service performed by an individual under the age of 12691
eighteen in the delivery or distribution of newspapers or 12692
shopping news, not including delivery or distribution to any 12693
point for subsequent delivery or distribution; 12694

(r) Service performed in the employ of the United States 12695
or an instrumentality of the United States immune under the 12696
Constitution of the United States from the contributions imposed 12697
by this chapter, except that to the extent that congress permits 12698
states to require any instrumentalities of the United States to 12699
make payments into an unemployment fund under a state 12700
unemployment compensation act, this chapter shall be applicable 12701
to such instrumentalities and to services performed for such 12702
instrumentalities in the same manner, to the same extent, and on 12703
the same terms as to all other employers, individuals, and 12704
services, provided that if this state is not certified for any 12705
year by the proper agency of the United States under section 12706
3304 of the "Internal Revenue Code of 1954," the payments 12707
required of such instrumentalities with respect to such year 12708
shall be refunded by the director from the fund in the same 12709
manner and within the same period as is provided in division (E) 12710
of section 4141.09 of the Revised Code with respect to 12711
contributions erroneously collected; 12712

(s) Service performed by an individual as a member of a band or orchestra, provided such service does not represent the principal occupation of such individual, and which service is not subject to or required to be covered for full tax credit against the tax imposed by the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311.	12713 12714 12715 12716 12717 12718
(t) Service performed in the employ of a day camp whose camping season does not exceed twelve weeks in any calendar year, and which service is not subject to the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. Service performed after December 31, 1971:	12719 12720 12721 12722 12723
(i) In the employ of a hospital, if the service is performed by a patient of the hospital, as defined in division (W) of this section;	12724 12725 12726
(ii) For a prison or other correctional institution by an inmate of the prison or correctional institution;	12727 12728
(iii) Service performed after December 31, 1977, by an inmate of a custodial institution operated by the state, a political subdivision, or a nonprofit organization.	12729 12730 12731
(u) Service that is performed by a nonresident alien individual for the period the individual temporarily is present in the United States as a nonimmigrant under division (F), (J), (M), or (Q) of section 101(a)(15) of the "Immigration and Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101, as amended, that is excluded under section 3306(c)(19) of the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311.	12732 12733 12734 12735 12736 12737 12738 12739
(v) Notwithstanding any other provisions of division (B) (3) of this section, services that are excluded under divisions	12740 12741

(B) (3) (g), (j), (k), and (l) of this section shall not be 12742
excluded from employment when performed for a nonprofit 12743
organization, as defined in division (X) of this section, or for 12744
this state or its instrumentalities, or for a political 12745
subdivision or its instrumentalities or for Indian tribes; 12746

(w) Service that is performed by an individual working as 12747
an election official or election worker if the amount of 12748
remuneration received by the individual during the calendar year 12749
for services as an election official or election worker is less 12750
than one thousand dollars; 12751

(x) Service performed for an elementary or secondary 12752
school that is operated primarily for religious purposes, that 12753
is described in subsection 501(c) (3) and exempt from federal 12754
income taxation under subsection 501(a) of the Internal Revenue 12755
Code, 26 U.S.C.A. 501; 12756

(y) Service performed by a person committed to a penal 12757
institution. 12758

(z) Service performed for an Indian tribe as described in 12759
division (B) (2) (l) of this section when performed in any of the 12760
following manners: 12761

(i) As a publicly elected official; 12762

(ii) As a member of an Indian tribal council; 12763

(iii) As a member of a legislative or judiciary body; 12764

(iv) In a position which, pursuant to Indian tribal law, 12765
is designated as a major nontenured policymaking or advisory 12766
position, or a policymaking or advisory position where the 12767
performance of the duties ordinarily does not require more than 12768
eight hours of time per week; 12769

(v) As an employee serving on a temporary basis in the case of a fire, storm, snow, earthquake, flood, or similar emergency. 12770
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(aa) Service performed after December 31, 1971, for a nonprofit organization, this state or its instrumentalities, a political subdivision or its instrumentalities, or an Indian tribe as part of an unemployment work-relief or work-training program assisted or financed in whole or in part by any federal agency or an agency of a state or political subdivision, thereof, by an individual receiving the work-relief or work-training. 12773
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(bb) Participation in a learn to earn program as defined in section 4141.293 of the Revised Code. 12781
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(4) If the services performed during one half or more of any pay period by an employee for the person employing that employee constitute employment, all the services of such employee for such period shall be deemed to be employment; but if the services performed during more than one half of any such pay period by an employee for the person employing that employee do not constitute employment, then none of the services of such employee for such period shall be deemed to be employment. As used in division (B) (4) of this section, "pay period" means a period, of not more than thirty-one consecutive days, for which payment of remuneration is ordinarily made to the employee by the person employing that employee. Division (B) (4) of this section does not apply to services performed in a pay period by an employee for the person employing that employee, if any of such service is excepted by division (B) (3) (o) of this section. 12783
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(C) "Benefits" means money payments payable to an individual who has established benefit rights, as provided in 12798
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this chapter, for loss of remuneration due to the individual's 12800
unemployment. 12801

(D) "Benefit rights" means the weekly benefit amount and 12802
the maximum benefit amount that may become payable to an 12803
individual within the individual's benefit year as determined by 12804
the director. 12805

(E) "Claim for benefits" means a claim for waiting period 12806
or benefits for a designated week. 12807

(F) "Additional claim" means the first claim for benefits 12808
filed following any separation from employment during a benefit 12809
year; "continued claim" means any claim other than the first 12810
claim for benefits and other than an additional claim. 12811

(G) "Wages" means remuneration paid to an employee by each 12812
of the employee's employers with respect to employment; except 12813
that wages shall not include that part of remuneration paid 12814
during any calendar year to an individual by an employer or such 12815
employer's predecessor in interest in the same business or 12816
enterprise, which in any calendar year is in excess of nine 12817
thousand dollars on and after January 1, 1995; nine thousand 12818
five hundred dollars on and after January 1, 2018; and nine 12819
thousand dollars on and after January 1, 2020. Remuneration in 12820
excess of such amounts shall be deemed wages subject to 12821
contribution to the same extent that such remuneration is 12822
defined as wages under the "Federal Unemployment Tax Act," 84 12823
Stat. 714 (1970), 26 U.S.C.A. 3301 to 3311, as amended. The 12824
remuneration paid an employee by an employer with respect to 12825
employment in another state, upon which contributions were 12826
required and paid by such employer under the unemployment 12827
compensation act of such other state, shall be included as a 12828
part of remuneration in computing the amount specified in this 12829

division. 12830

(H) (1) "Remuneration" means all compensation for personal 12831
services, including commissions and bonuses and the cash value 12832
of all compensation in any medium other than cash, except that 12833
in the case of agricultural or domestic service, "remuneration" 12834
includes only cash remuneration. Gratuities customarily received 12835
by an individual in the course of the individual's employment 12836
from persons other than the individual's employer and which are 12837
accounted for by such individual to the individual's employer 12838
are taxable wages. 12839

The reasonable cash value of compensation paid in any 12840
medium other than cash shall be estimated and determined in 12841
accordance with rules prescribed by the director, provided that 12842
"remuneration" does not include: 12843

(a) Payments as provided in divisions (b) (2) to (b) (20) of 12844
section 3306 of the "Federal Unemployment Tax Act," 84 Stat. 12845
713, 26 U.S.C.A. 3301 to 3311, as amended; 12846

(b) The payment by an employer, without deduction from the 12847
remuneration of the individual in the employer's employ, of the 12848
tax imposed upon an individual in the employer's employ under 12849
section 3101 of the "Internal Revenue Code of 1954," with 12850
respect to services performed after October 1, 1941. 12851

(2) "Cash remuneration" means all remuneration paid in 12852
cash, including commissions and bonuses, but not including the 12853
cash value of all compensation in any medium other than cash. 12854

(I) "Interested party" means the director and any party to 12855
whom notice of a determination of an application for benefit 12856
rights or a claim for benefits is required to be given under 12857
section 4141.28 of the Revised Code. 12858

(J) "Annual payroll" means the total amount of wages 12859
subject to contributions during a twelve-month period ending 12860
with the last day of the second calendar quarter of any calendar 12861
year. 12862

(K) "Average annual payroll" means the average of the last 12863
three annual payrolls of an employer, provided that if, as of 12864
any computation date, the employer has had less than three 12865
annual payrolls in such three-year period, such average shall be 12866
based on the annual payrolls which the employer has had as of 12867
such date. 12868

(L) (1) "Contributions" means the money payments to the 12869
state unemployment compensation fund required of employers by 12870
section 4141.25 of the Revised Code and of the state and any of 12871
its political subdivisions electing to pay contributions under 12872
section 4141.242 of the Revised Code. Employers paying 12873
contributions shall be described as "contributory employers." 12874

(2) "Payments in lieu of contributions" means the money 12875
payments to the state unemployment compensation fund required of 12876
reimbursing employers under sections 4141.241 and 4141.242 of 12877
the Revised Code. 12878

(M) An individual is "totally unemployed" in any week 12879
during which the individual performs no services and with 12880
respect to such week no remuneration is payable to the 12881
individual. 12882

(N) An individual is "partially unemployed" in any week 12883
if, due to involuntary loss of work, the total remuneration 12884
payable to the individual for such week is less than the 12885
individual's weekly benefit amount. 12886

(O) "Week" means the calendar week ending at midnight 12887

Saturday unless an equivalent week of seven consecutive calendar days is prescribed by the director. 12888
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(1) "Qualifying week" means any calendar week in an individual's base period with respect to which the individual earns or is paid remuneration in employment subject to this chapter. A calendar week with respect to which an individual earns remuneration but for which payment was not made within the base period, when necessary to qualify for benefit rights, may be considered to be a qualifying week. The number of qualifying weeks which may be established in a calendar quarter shall not exceed the number of calendar weeks in the quarter. 12890
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(2) "Average weekly wage" means the amount obtained by dividing an individual's total remuneration for all qualifying weeks during the base period by the number of such qualifying weeks, provided that if the computation results in an amount that is not a multiple of one dollar, such amount shall be rounded to the next lower multiple of one dollar. 12899
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(P) "Weekly benefit amount" means the amount of benefits an individual would be entitled to receive for one week of total unemployment. 12905
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(Q) (1) "Base period" means the first four of the last five completed calendar quarters immediately preceding the first day of an individual's benefit year, except as provided in division (Q) (2) of this section. 12908
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(2) If an individual does not have sufficient qualifying weeks and wages in the base period to qualify for benefit rights, the individual's base period shall be the four most recently completed calendar quarters preceding the first day of the individual's benefit year. Such base period shall be known 12912
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as the "alternate base period." If information as to weeks and 12917
wages for the most recent quarter of the alternate base period 12918
is not available to the director from the regular quarterly 12919
reports of wage information, which are systematically 12920
accessible, the director may, consistent with the provisions of 12921
section 4141.28 of the Revised Code, base the determination of 12922
eligibility for benefits on the affidavit of the claimant with 12923
respect to weeks and wages for that calendar quarter. The 12924
claimant shall furnish payroll documentation, where available, 12925
in support of the affidavit. The determination based upon the 12926
alternate base period as it relates to the claimant's benefit 12927
rights, shall be amended when the quarterly report of wage 12928
information from the employer is timely received and that 12929
information causes a change in the determination. As provided in 12930
division (B) of section 4141.28 of the Revised Code, any 12931
benefits paid and charged to an employer's account, based upon a 12932
claimant's affidavit, shall be adjusted effective as of the 12933
beginning of the claimant's benefit year. No calendar quarter in 12934
a base period or alternate base period shall be used to 12935
establish a subsequent benefit year. 12936

(3) The "base period" of a combined wage claim, as 12937
described in division (H) of section 4141.43 of the Revised 12938
Code, shall be the base period prescribed by the law of the 12939
state in which the claim is allowed. 12940

(4) For purposes of determining the weeks that comprise a 12941
completed calendar quarter under this division, only those weeks 12942
ending at midnight Saturday within the calendar quarter shall be 12943
utilized. 12944

(R) (1) "Benefit year" with respect to an individual means 12945
the fifty-two week period beginning with the first day of that 12946

week with respect to which the individual first files a valid 12947
application for determination of benefit rights, and thereafter 12948
the fifty-two week period beginning with the first day of that 12949
week with respect to which the individual next files a valid 12950
application for determination of benefit rights after the 12951
termination of the individual's last preceding benefit year, 12952
except that the application shall not be considered valid unless 12953
the individual has had employment in six weeks that is subject 12954
to this chapter or the unemployment compensation act of another 12955
state, or the United States, and has, since the beginning of the 12956
individual's previous benefit year, in the employment earned 12957
three times the average weekly wage determined for the previous 12958
benefit year. The "benefit year" of a combined wage claim, as 12959
described in division (H) of section 4141.43 of the Revised 12960
Code, shall be the benefit year prescribed by the law of the 12961
state in which the claim is allowed. Any application for 12962
determination of benefit rights made in accordance with section 12963
4141.28 of the Revised Code is valid if the individual filing 12964
such application is unemployed, has been employed by an employer 12965
or employers subject to this chapter in at least twenty 12966
qualifying weeks within the individual's base period, and has 12967
earned or been paid remuneration at an average weekly wage of 12968
not less than twenty-seven and one-half per cent of the 12969
statewide average weekly wage for such weeks. For purposes of 12970
determining whether an individual has had sufficient employment 12971
since the beginning of the individual's previous benefit year to 12972
file a valid application, "employment" means the performance of 12973
services for which remuneration is payable. 12974

(2) Effective for benefit years beginning on and after 12975
December 26, 2004, any application for determination of benefit 12976
rights made in accordance with section 4141.28 of the Revised 12977

Code is valid if the individual satisfies the criteria described 12978
in division (R) (1) of this section, and if the reason for the 12979
individual's separation from employment is not disqualifying 12980
pursuant to division (D) (2) of section 4141.29 or section 12981
4141.291 of the Revised Code. A disqualification imposed 12982
pursuant to division (D) (2) of section 4141.29 or section 12983
4141.291 of the Revised Code must be removed as provided in 12984
those sections as a requirement of establishing a valid 12985
application for benefit years beginning on and after December 12986
26, 2004. 12987

(3) The statewide average weekly wage shall be calculated 12988
by the director once a year based on the twelve-month period 12989
ending the thirtieth day of June, as set forth in division (B) 12990
(3) of section 4141.30 of the Revised Code, rounded down to the 12991
nearest dollar. Increases or decreases in the amount of 12992
remuneration required to have been earned or paid in order for 12993
individuals to have filed valid applications shall become 12994
effective on Sunday of the calendar week in which the first day 12995
of January occurs that follows the twelve-month period ending 12996
the thirtieth day of June upon which the calculation of the 12997
statewide average weekly wage was based. 12998

(4) As used in this division, an individual is 12999
"unemployed" if, with respect to the calendar week in which such 13000
application is filed, the individual is "partially unemployed" 13001
or "totally unemployed" as defined in this section or if, prior 13002
to filing the application, the individual was separated from the 13003
individual's most recent work for any reason which terminated 13004
the individual's employee-employer relationship, or was laid off 13005
indefinitely or for a definite period of seven or more days. 13006

(S) "Calendar quarter" means the period of three 13007

consecutive calendar months ending on the thirty-first day of 13008
March, the thirtieth day of June, the thirtieth day of 13009
September, and the thirty-first day of December, or the 13010
equivalent thereof as the director prescribes by rule. 13011

(T) "Computation date" means the first day of the third 13012
calendar quarter of any calendar year. 13013

(U) "Contribution period" means the calendar year 13014
beginning on the first day of January of any year. 13015

(V) "Agricultural labor," for the purpose of this 13016
division, means any service performed prior to January 1, 1972, 13017
which was agricultural labor as defined in this division prior 13018
to that date, and service performed after December 31, 1971: 13019

(1) On a farm, in the employ of any person, in connection 13020
with cultivating the soil, or in connection with raising or 13021
harvesting any agricultural or horticultural commodity, 13022
including the raising, shearing, feeding, caring for, training, 13023
and management of livestock, bees, poultry, and fur-bearing 13024
animals and wildlife; 13025

(2) In the employ of the owner or tenant or other operator 13026
of a farm in connection with the operation, management, 13027
conservation, improvement, or maintenance of such farm and its 13028
tools and equipment, or in salvaging timber or clearing land of 13029
brush and other debris left by hurricane, if the major part of 13030
such service is performed on a farm; 13031

(3) In connection with the production or harvesting of any 13032
commodity defined as an agricultural commodity in section 15 (g) 13033
of the "Agricultural Marketing Act," 46 Stat. 1550 (1931), 12 13034
U.S.C. 1141j, as amended, or in connection with the ginning of 13035
cotton, or in connection with the operation or maintenance of 13036

ditches, canals, reservoirs, or waterways, not owned or operated 13037
for profit, used exclusively for supplying and storing water for 13038
farming purposes; 13039

(4) In the employ of the operator of a farm in handling, 13040
planting, drying, packing, packaging, processing, freezing, 13041
grading, storing, or delivering to storage or to market or to a 13042
carrier for transportation to market, in its unmanufactured 13043
state, any agricultural or horticultural commodity, but only if 13044
the operator produced more than one half of the commodity with 13045
respect to which such service is performed; 13046

(5) In the employ of a group of operators of farms, or a 13047
cooperative organization of which the operators are members, in 13048
the performance of service described in division (V) (4) of this 13049
section, but only if the operators produced more than one-half 13050
of the commodity with respect to which the service is performed; 13051

(6) Divisions (V) (4) and (5) of this section shall not be 13052
deemed to be applicable with respect to service performed: 13053

(a) In connection with commercial canning or commercial 13054
freezing or in connection with any agricultural or horticultural 13055
commodity after its delivery to a terminal market for 13056
distribution for consumption; or 13057

(b) On a farm operated for profit if the service is not in 13058
the course of the employer's trade or business. 13059

As used in division (V) of this section, "farm" includes 13060
stock, dairy, poultry, fruit, fur-bearing animal, and truck 13061
farms, plantations, ranches, nurseries, ranges, greenhouses, or 13062
other similar structures used primarily for the raising of 13063
agricultural or horticultural commodities and orchards. 13064

(W) "Hospital" means an institution which has been 13065

registered or licensed by the Ohio department of health as a 13066
hospital. 13067

(X) "Nonprofit organization" means an organization, or 13068
group of organizations, described in section 501(c)(3) of the 13069
"Internal Revenue Code of 1954," and exempt from income tax 13070
under section 501(a) of that code. 13071

(Y) "Institution of higher education" means a public or 13072
nonprofit educational institution, including an educational 13073
institution operated by an Indian tribe, which: 13074

(1) Admits as regular students only individuals having a 13075
certificate of graduation from a high school, or the recognized 13076
equivalent; 13077

(2) Is legally authorized in this state or by the Indian 13078
tribe to provide a program of education beyond high school; and 13079

(3) Provides an educational program for which it awards a 13080
bachelor's or higher degree, or provides a program which is 13081
acceptable for full credit toward such a degree, a program of 13082
post-graduate or post-doctoral studies, or a program of training 13083
to prepare students for gainful employment in a recognized 13084
occupation. 13085

For the purposes of this division, all colleges and 13086
universities in this state are institutions of higher education. 13087

(Z) For the purposes of this chapter, "states" includes 13088
the District of Columbia, the Commonwealth of Puerto Rico, and 13089
the Virgin Islands. 13090

(AA) "Alien" means, for the purposes of division (A)(1)(d) 13091
of this section, an individual who is an alien admitted to the 13092
United States to perform service in agricultural labor pursuant 13093

to sections 214 (c) and 101 (a) (15) (H) of the "Immigration and Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101. 13094
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(BB) (1) "Crew leader" means an individual who furnishes individuals to perform agricultural labor for any other employer or farm operator, and: 13096
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(a) Pays, either on the individual's own behalf or on behalf of the other employer or farm operator, the individuals so furnished by the individual for the service in agricultural labor performed by them; 13099
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(b) Has not entered into a written agreement with the other employer or farm operator under which the agricultural worker is designated as in the employ of the other employer or farm operator. 13103
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(2) For the purposes of this chapter, any individual who is a member of a crew furnished by a crew leader to perform service in agricultural labor for any other employer or farm operator shall be treated as an employee of the crew leader if: 13107
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(a) The crew leader holds a valid certificate of registration under the "Farm Labor Contractor Registration Act of 1963," 90 Stat. 2668, 7 U.S.C. 2041; or 13111
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(b) Substantially all the members of the crew operate or maintain tractors, mechanized harvesting or crop-dusting equipment, or any other mechanized equipment, which is provided by the crew leader; and 13114
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(c) If the individual is not in the employment of the other employer or farm operator within the meaning of division (B) (1) of this section. 13118
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(3) For the purposes of this division, any individual who 13121

is furnished by a crew leader to perform service in agricultural 13122
labor for any other employer or farm operator and who is not 13123
treated as in the employment of the crew leader under division 13124
(BB) (2) of this section shall be treated as the employee of the 13125
other employer or farm operator and not of the crew leader. The 13126
other employer or farm operator shall be treated as having paid 13127
cash remuneration to the individual in an amount equal to the 13128
amount of cash remuneration paid to the individual by the crew 13129
leader, either on the crew leader's own behalf or on behalf of 13130
the other employer or farm operator, for the service in 13131
agricultural labor performed for the other employer or farm 13132
operator. 13133

(CC) "Educational institution" means an institution other 13134
than an institution of higher education as defined in division 13135
(Y) of this section, including an educational institution 13136
operated by an Indian tribe, which: 13137

(1) Offers participants, trainees, or students an 13138
organized course of study or training designed to transfer to 13139
them knowledge, skills, information, doctrines, attitudes, or 13140
abilities from, by, or under the guidance of an instructor or 13141
teacher; and 13142

(2) Is approved, chartered, or issued a permit to operate 13143
as a school by the state board of education, other government 13144
agency, or Indian tribe that is authorized within the state to 13145
approve, charter, or issue a permit for the operation of a 13146
school. 13147

For the purposes of this division, the courses of study or 13148
training which the institution offers may be academic, 13149
technical, trade, or preparation for gainful employment in a 13150
recognized occupation. 13151

(DD) "Cost savings day" means any unpaid day off from work 13152
in which employees continue to accrue employee benefits which 13153
have a determinable value including, but not limited to, 13154
vacation, pension contribution, sick time, and life and health 13155
insurance. 13156

(EE) "Motor carrier" has the same meaning as in section 13157
4923.01 of the Revised Code. 13158

Sec. 4173.02. (A) Any retail establishment that has a 13159
toilet facility for its employees is encouraged to permit a 13160
customer to use that facility during normal business hours if 13161
the toilet facility is reasonably safe and all of the following 13162
conditions are met: 13163

(1) The customer requesting the use of the employee toilet 13164
facility ~~suffers from~~ has an eligible medical condition or 13165
utilizes an ostomy device. 13166

(2) The employee toilet facility is not located in an area 13167
where providing access would create an obvious health or safety 13168
risk to the customer or an obvious security risk to the retail 13169
establishment. 13170

(3) A public restroom or employee restroom normally 13171
available to the public is not immediately accessible to the 13172
customer. 13173

(B) This section does not require a retail establishment 13174
to make any physical changes to an employee toilet facility. 13175

(C) No restroom facility, by reason of being made 13176
available to a customer pursuant to this section, shall be 13177
considered a public facility for the purpose of laws or 13178
regulations that generally govern facilities available to the 13179
public. That restroom facility shall be governed by the laws and 13180

regulations that otherwise would govern the facility if it were 13181
not made available to a customer pursuant to this section. 13182

Sec. 4501.21. (A) There is hereby created in the state 13183
treasury the license plate contribution fund. The fund shall 13184
consist of all contributions paid by motor vehicle registrants 13185
and collected by the registrar of motor vehicles pursuant to 13186
sections 4503.491, 4503.492, 4503.493, 4503.494, 4503.495, 13187
4503.496, 4503.497, 4503.498, 4503.499, 4503.4910, 4503.4911, 13188
4503.50, 4503.501, 4503.502, 4503.505, 4503.506, 4503.508, 13189
4503.509, 4503.51, 4503.514, 4503.521, 4503.522, 4503.523, 13190
4503.524, 4503.525, 4503.526, 4503.528, 4503.529, 4503.531, 13191
4503.534, 4503.545, 4503.55, 4503.551, 4503.552, 4503.553, 13192
4503.554, 4503.555, 4503.556, 4503.557, 4503.561, 4503.562, 13193
4503.564, 4503.565, 4503.566, 4503.567, 4503.576, 4503.577, 13194
4503.579, 4503.581, 4503.591, 4503.592, 4503.594, 4503.595, 13195
4503.596, 4503.67, 4503.68, 4503.69, 4503.70, 4503.701, 13196
4503.702, 4503.71, 4503.711, 4503.712, 4503.713, 4503.714, 13197
4503.715, 4503.716, 4503.72, 4503.722, 4503.724, 4503.725, 13198
4503.73, 4503.732, 4503.733, 4503.734, 4503.74, 4503.75, 13199
4503.751, 4503.752, 4503.754, 4503.763, 4503.764, 4503.765, 13200
4503.767, 4503.85, 4503.86, 4503.87, 4503.871, 4503.872, 13201
4503.873, 4503.874, 4503.875, 4503.876, 4503.877, 4503.878, 13202
4503.879, 4503.88, 4503.881, 4503.882, 4503.883, 4503.884, 13203
4503.89, 4503.891, 4503.892, 4503.893, 4503.899, 4503.90, 13204
4503.901, 4503.902, 4503.903, 4503.904, 4503.905, 4503.906, 13205
4503.907, 4503.908, 4503.909, 4503.92, 4503.931, 4503.932, 13206
4503.94, 4503.941, 4503.942, 4503.944, 4503.945, 4503.951, 13207
4503.952, 4503.953, 4503.954, 4503.955, 4503.956, 4503.957, 13208
4503.958, 4503.961, 4503.962, 4503.963, 4503.97, and 4503.98 of 13209
the Revised Code. 13210

(B) The registrar shall pay the contributions the 13211

registrar collects in the fund as follows: 13212

The registrar shall pay the contributions received 13213
pursuant to section 4503.491 of the Revised Code to the breast 13214
cancer fund of Ohio, which shall use that money only to pay for 13215
programs that provide assistance and education to Ohio breast 13216
cancer patients and that improve access for such patients to 13217
quality health care and clinical trials and shall not use any of 13218
the money for abortion information, counseling, services, or 13219
other abortion-related activities. 13220

The registrar shall pay the contributions the registrar 13221
receives pursuant to section 4503.492 of the Revised Code to the 13222
organization cancer support community central Ohio, which shall 13223
deposit the money into the Sheryl L. Kraner Fund of that 13224
organization. Cancer support community central Ohio shall expend 13225
the money it receives pursuant to this division only in the same 13226
manner and for the same purposes as that organization expends 13227
other money in that fund. 13228

The registrar shall pay the contributions received 13229
pursuant to section 4503.493 of the Revised Code to the autism 13230
society of Ohio, which shall use the contributions for programs 13231
and autism awareness efforts throughout the state. 13232

The registrar shall pay the contributions the registrar 13233
receives pursuant to section 4503.494 of the Revised Code to the 13234
national multiple sclerosis society for distribution in equal 13235
amounts to the northwestern Ohio, Ohio buckeye, and Ohio valley 13236
chapters of the national multiple sclerosis society. These 13237
chapters shall use the money they receive under this section to 13238
assist in paying the expenses they incur in providing services 13239
directly to their clients. 13240

The registrar shall pay the contributions the registrar receives pursuant to section 4503.495 of the Revised Code to the national pancreatic cancer foundation, which shall use the money it receives under this section to assist those who ~~suffer with~~ have pancreatic cancer and their families.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.496 of the Revised Code to the Ohio sickle cell and health association, which shall use the contributions to help support educational, clinical, and social support services for adults who have sickle cell disease.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.497 of the Revised Code to the St. Baldrick's foundation, which shall use the contributions for its research and other programs.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.498 of the Revised Code to special olympics Ohio, inc., which shall use the contributions for its programs, charitable efforts, and other activities.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.499 of the Revised Code to the children's glioma cancer foundation, which shall use the contributions for its research and other programs.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.4910 of the Revised Code to the KylerStrong foundation, which shall use the contributions to raise awareness of brain cancer caused by diffuse intrinsic pontine glioma and to fund research for the cure of such cancer.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.4911 of the Revised Code to

the research institution for childhood cancer at nationwide 13270
children's hospital, which shall use the contributions to fund 13271
research for the cure of childhood cancers. 13272

The registrar shall pay the contributions the registrar 13273
receives pursuant to section 4503.50 of the Revised Code to the 13274
future farmers of America foundation, which shall deposit the 13275
contributions into its general account to be used for 13276
educational and scholarship purposes of the future farmers of 13277
America foundation. 13278

The registrar shall pay the contributions the registrar 13279
receives pursuant to section 4503.501 of the Revised Code to the 13280
4-H youth development program of the Ohio state university 13281
extension program, which shall use those contributions to pay 13282
the expenses it incurs in conducting its educational activities. 13283

The registrar shall pay the contributions received 13284
pursuant to section 4503.502 of the Revised Code to the Ohio 13285
cattlemen's foundation, which shall use those contributions for 13286
scholarships and other educational activities. 13287

The registrar shall pay the contributions received 13288
pursuant to section 4503.505 of the Revised Code to the 13289
organization Ohio region phi theta kappa, which shall use those 13290
contributions for scholarships for students who are members of 13291
that organization. 13292

The registrar shall pay the contributions the registrar 13293
receives pursuant to section 4503.506 of the Revised Code to 13294
Ohio demolay, which shall use the contributions for 13295
scholarships, educational programs, and any other programs or 13296
events the organization holds or sponsors in this state. 13297

The registrar shall pay the contributions received 13298

pursuant to section 4503.508 of the Revised Code to the 13299
organization bottoms up diaper drive to provide funding for that 13300
organization for collecting and delivering diapers to parents in 13301
need. 13302

The registrar shall pay the contributions the registrar 13303
receives pursuant to section 4503.509 of the Revised Code to a 13304
kid again, incorporated for distribution in equal amounts to the 13305
Ohio chapters of a kid again. 13306

The registrar shall pay each contribution the registrar 13307
receives pursuant to section 4503.51 of the Revised Code to the 13308
university or college whose name or marking or design appears on 13309
collegiate license plates that are issued to a person under that 13310
section. A university or college that receives contributions 13311
from the fund shall deposit the contributions into its general 13312
scholarship fund. 13313

The registrar shall pay the contributions the registrar 13314
receives pursuant to section 4503.514 of the Revised Code to the 13315
university of Notre Dame in South Bend, Indiana, for purposes of 13316
awarding grants or scholarships to residents of Ohio who attend 13317
the university. The university shall not use any of the funds it 13318
receives for purposes of administering the scholarship program. 13319
The registrar shall enter into appropriate agreements with the 13320
university of Notre Dame to effectuate the distribution of such 13321
funds as provided in this section. 13322

The registrar shall pay the contributions the registrar 13323
receives pursuant to section 4503.521 of the Revised Code to the 13324
Ohio bicycle federation to assist that organization in paying 13325
for the educational programs it sponsors in support of Ohio 13326
cyclists of all ages. 13327

The registrar shall pay the contributions the registrar receives pursuant to section 4503.522 of the Revised Code to the "friends of Perry's victory and international peace memorial, incorporated," a nonprofit corporation organized under the laws of this state, to assist that organization in paying the expenses it incurs in sponsoring or holding charitable, educational, and cultural events at the monument.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.523 of the Revised Code to the fairport lights foundation, which shall use the money to pay for the restoration, maintenance, and preservation of the lighthouses of fairport harbor.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.524 of the Revised Code to the Massillon tiger football booster club, which shall use the contributions only to promote and support the football team of Washington high school of the Massillon city school district.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.525 of the Revised Code to the United States power squadron districts seven, eleven, twenty-four, and twenty-nine in equal amounts. Each power squadron district shall use the money it receives under this section to pay for the educational boating programs each district holds or sponsors within this state.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.526 of the Revised Code to the Ohio district Kiwanis foundation of the Ohio district of Kiwanis international, which shall use the money it receives under this section to pay the costs of its educational and humanitarian activities.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.528 of the Revised Code to the Ohio children's alliance, which shall use the money it receives under this section to pay the expenses it incurs in advancing its mission of sustainably improving the provision of services to children, young adults, and families in this state.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.529 of the Revised Code to the Ohio nurses foundation. The foundation shall use the money it receives under this section to provide educational scholarships to assist individuals who aspire to join the nursing profession, to assist nurses in the nursing profession who seek to advance their education, and to support persons conducting nursing research concerning the evidence-based practice of nursing and the improvement of patient outcomes.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.531 of the Revised Code to the thank you foundation, incorporated, a nonprofit corporation organized under the laws of this state, to assist that organization in paying for the charitable activities and programs it sponsors in support of United States military personnel, veterans, and their families.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.534 of the Revised Code to the disabled American veterans department of Ohio, to be used for programs that serve disabled American veterans and their families.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.55 of the Revised Code to the pro football hall of fame, which shall deposit the contributions

into a special bank account that it establishes and which shall 13388
be separate and distinct from any other account the pro football 13389
hall of fame maintains, to be used exclusively for the purpose 13390
of promoting the pro football hall of fame as a travel 13391
destination. 13392

The registrar shall pay the contributions that are paid to 13393
the registrar pursuant to section 4503.545 of the Revised Code 13394
to the national rifle association foundation, which shall use 13395
the money to pay the costs of the educational activities and 13396
programs the foundation holds or sponsors in this state. 13397

The registrar shall pay to the Ohio pet fund the 13398
contributions the registrar receives pursuant to section 13399
4503.551 of the Revised Code and any other money from any other 13400
source, including donations, gifts, and grants, that is 13401
designated by the source to be paid to the Ohio pet fund. The 13402
Ohio pet fund shall use the moneys it receives under this 13403
section to support programs for the sterilization of dogs and 13404
cats and for educational programs concerning the proper 13405
veterinary care of those animals, and for expenses of the Ohio 13406
pet fund that are reasonably necessary for it to obtain and 13407
maintain its tax-exempt status and to perform its duties. 13408

The registrar shall pay the contributions the registrar 13409
receives pursuant to section 4503.552 of the Revised Code to the 13410
rock and roll hall of fame and museum, incorporated. 13411

The registrar shall pay the contributions the registrar 13412
receives pursuant to section 4503.553 of the Revised Code to the 13413
Ohio coalition for animals, incorporated, a nonprofit 13414
corporation. Except as provided in division (B) of this section, 13415
the coalition shall distribute the money to its members, and the 13416
members shall use the money only to pay for educational, 13417

charitable, and other programs of each coalition member that 13418
provide care for unwanted, abused, and neglected horses. The 13419
Ohio coalition for animals may use a portion of the money to pay 13420
for reasonable marketing costs incurred in the design and 13421
promotion of the license plate and for administrative costs 13422
incurred in the disbursement and management of funds received 13423
under this section. 13424

The registrar shall pay the contributions the registrar 13425
receives pursuant to section 4503.554 of the Revised Code to the 13426
Ohio state council of the knights of Columbus, which shall use 13427
the contributions to pay for its charitable activities and 13428
programs. 13429

The registrar shall pay the contributions the registrar 13430
receives pursuant to section 4503.555 of the Revised Code to the 13431
western reserve historical society, which shall use the 13432
contributions to fund the Crawford auto aviation museum. 13433

The registrar shall pay the contributions the registrar 13434
receives pursuant to section 4503.556 of the Revised Code to the 13435
Erica J. Holloman foundation, inc., for the awareness of triple 13436
negative breast cancer. The foundation shall use the 13437
contributions for charitable and educational purposes. 13438

The registrar shall pay each contribution the registrar 13439
receives pursuant to section 4503.557 of the Revised Code to the 13440
central Ohio chapter of the Ronald McDonald house charities, 13441
which shall distribute the contribution to the chapter of the 13442
Ronald McDonald house charities in whose geographic territory 13443
the person who paid the contribution resides. 13444

The registrar shall pay the contributions the registrar 13445
receives pursuant to section 4503.561 of the Revised Code to the 13446

state of Ohio chapter of ducks unlimited, inc., which shall 13447
deposit the contributions into a special bank account that it 13448
establishes. The special bank account shall be separate and 13449
distinct from any other account the state of Ohio chapter of 13450
ducks unlimited, inc., maintains and shall be used exclusively 13451
for the purpose of protecting, enhancing, restoring, and 13452
managing wetlands and conserving wildlife habitat. The state of 13453
Ohio chapter of ducks unlimited, inc., annually shall notify the 13454
registrar in writing of the name, address, and account to which 13455
such payments are to be made. 13456

The registrar shall pay the contributions the registrar 13457
receives pursuant to section 4503.562 of the Revised Code to the 13458
Mahoning river consortium, which shall use the money to pay the 13459
expenses it incurs in restoring and maintaining the Mahoning 13460
river watershed. 13461

The registrar shall pay the contributions the registrar 13462
receives pursuant to section 4503.564 of the Revised Code to the 13463
Glen Helen association to pay expenses related to the Glen Helen 13464
nature preserve. 13465

The registrar shall pay the contributions the registrar 13466
receives pursuant to section 4503.565 of the Revised Code to the 13467
conservancy for Cuyahoga valley national park, which shall use 13468
the money in support of the park. 13469

The registrar shall pay the contributions the registrar 13470
receives pursuant to section 4503.566 of the Revised Code to the 13471
Ottawa national wildlife refuge, which shall use the 13472
contributions for wildlife preservation purposes. 13473

The registrar shall pay the contributions the registrar 13474
receives pursuant to section 4503.567 of the Revised Code to the 13475

girls on the run of Franklin county, inc., which shall use the 13476
contributions to support the activities of the organization. 13477

The registrar shall pay the contributions the registrar 13478
receives pursuant to section 4503.576 of the Revised Code to the 13479
Ohio state beekeepers association, which shall use those 13480
contributions to promote beekeeping, provide educational 13481
information about beekeeping, and to support other state and 13482
local beekeeping programs. 13483

The registrar shall pay the contributions the registrar 13484
receives pursuant to section 4503.577 of the Revised Code to the 13485
national aviation hall of fame, which shall use the 13486
contributions to fulfill its mission of honoring aerospace 13487
legends to inspire future leaders. 13488

The registrar shall pay the contributions the registrar 13489
receives pursuant to section 4503.579 of the Revised Code to the 13490
national council of negro women, incorporated, which shall use 13491
the contributions for educational purposes. 13492

The registrar shall pay the contributions the registrar 13493
receives pursuant to section 4503.581 of the Revised Code to the 13494
Ohio sons of the American legion, which shall use the 13495
contributions to support the activities of the organization. 13496

The registrar shall pay to a sports commission created 13497
pursuant to section 4503.591 of the Revised Code each 13498
contribution the registrar receives under that section that an 13499
applicant pays to obtain license plates that bear the logo of a 13500
professional sports team located in the county of that sports 13501
commission and that is participating in the license plate 13502
program pursuant to division (E) of that section, irrespective 13503
of the county of residence of an applicant. 13504

The registrar shall pay to a community charity each 13505
contribution the registrar receives under section 4503.591 of 13506
the Revised Code that an applicant pays to obtain license plates 13507
that bear the logo of a professional sports team that is 13508
participating in the license plate program pursuant to division 13509
(G) of that section. 13510

The registrar shall pay the contributions the registrar 13511
receives pursuant to section 4503.592 of the Revised Code to 13512
pollinator partnership's monarch wings across Ohio program, 13513
which shall use the contributions for the protection and 13514
preservation of the monarch butterfly and pollinator corridor in 13515
Ohio and for educational programs. 13516

The registrar shall pay the contributions the registrar 13517
receives pursuant to section 4503.594 of the Revised Code to 13518
pelotonia, which shall use the contributions for the purpose of 13519
supporting cancer research. 13520

The registrar shall pay the contributions the registrar 13521
receives pursuant to section 4503.595 of the Revised Code to the 13522
Stan Hywet hall and gardens. 13523

The registrar shall pay the contributions the registrar 13524
receives pursuant to section 4503.596 of the Revised Code to the 13525
Cuyahoga valley scenic railroad. 13526

The registrar shall pay the contributions the registrar 13527
receives pursuant to section 4503.67 of the Revised Code to the 13528
Dan Beard council of the boy scouts of America. The council 13529
shall distribute all contributions in an equitable manner 13530
throughout the state to regional councils of the boy scouts. 13531

The registrar shall pay the contributions the registrar 13532
receives pursuant to section 4503.68 of the Revised Code to the 13533

girl scouts of Ohio's heartland. The girl scouts of Ohio's 13534
heartland shall distribute all contributions in an equitable 13535
manner throughout the state to regional councils of the girl 13536
scouts. 13537

The registrar shall pay the contributions the registrar 13538
receives pursuant to section 4503.69 of the Revised Code to the 13539
Dan Beard council of the boy scouts of America. The council 13540
shall distribute all contributions in an equitable manner 13541
throughout the state to regional councils of the boy scouts. 13542

The registrar shall pay the contributions the registrar 13543
receives pursuant to section 4503.70 of the Revised Code to the 13544
charitable foundation of the grand lodge of Ohio, f. & a. m., 13545
which shall use the contributions for scholarship purposes. 13546

The registrar shall pay the contributions the registrar 13547
receives pursuant to section 4503.701 of the Revised Code to the 13548
Prince Hall grand lodge of free and accepted masons of Ohio, 13549
which shall use the contributions for scholarship purposes. 13550

The registrar shall pay the contributions the registrar 13551
receives pursuant to section 4503.702 of the Revised Code to the 13552
Ohio Association of the Improved Benevolent and Protective Order 13553
of the Elks of the World, which shall use the funds for 13554
charitable purposes. 13555

The registrar shall pay the contributions the registrar 13556
receives pursuant to section 4503.71 of the Revised Code to the 13557
fraternal order of police of Ohio, incorporated, which shall 13558
deposit the fees into its general account to be used for 13559
purposes of the fraternal order of police of Ohio, incorporated. 13560

The registrar shall pay the contributions the registrar 13561
receives pursuant to section 4503.711 of the Revised Code to the 13562

fraternal order of police of Ohio, incorporated, which shall 13563
deposit the contributions into an account that it creates to be 13564
used for the purpose of advancing and protecting the law 13565
enforcement profession, promoting improved law enforcement 13566
methods, and teaching respect for law and order. 13567

The registrar shall pay the contributions received 13568
pursuant to section 4503.712 of the Revised Code to Ohio 13569
concerns of police survivors, which shall use those 13570
contributions to provide whatever assistance may be appropriate 13571
to the families of Ohio law enforcement officers who are killed 13572
in the line of duty. 13573

The registrar shall pay the contributions received 13574
pursuant to section 4503.713 of the Revised Code to the greater 13575
Cleveland peace officers memorial society, which shall use those 13576
contributions to honor law enforcement officers who have died in 13577
the line of duty and support its charitable purposes. 13578

The registrar shall pay the contributions received 13579
pursuant to section 4503.714 of the Revised Code to the Ohio 13580
association of chiefs of police. 13581

The registrar shall pay the contributions the registrar 13582
receives pursuant to section 4503.715 of the Revised Code to the 13583
fallen linemen organization, which shall use the contributions 13584
to recognize and memorialize fallen linemen and support their 13585
families. 13586

The registrar shall pay the contributions the registrar 13587
receives pursuant to section 4503.716 of the Revised Code to the 13588
fallen timbers battlefield preservation commission, which shall 13589
use the contributions to further the mission of the commission. 13590

The registrar shall pay the contributions the registrar 13591

receives pursuant to section 4503.72 of the Revised Code to the 13592
organization known on March 31, 2003, as the Ohio CASA/GAL 13593
association, a private, nonprofit corporation organized under 13594
Chapter 1702. of the Revised Code. The Ohio CASA/GAL association 13595
shall use these contributions to pay the expenses it incurs in 13596
administering a program to secure the proper representation in 13597
the courts of this state of abused, neglected, and dependent 13598
children, and for the training and supervision of persons 13599
participating in that program. 13600

The registrar shall pay the contributions the registrar 13601
receives pursuant to section 4503.722 of the Revised Code to the 13602
Down Syndrome Association of Central Ohio, which shall use the 13603
contributions for advocacy purposes throughout the state. 13604

The registrar shall pay the contributions the registrar 13605
receives pursuant to section 4503.724 of the Revised Code to the 13606
Ohio Chapter of the American Foundation for Suicide Prevention, 13607
which shall use the contributions for programs, education, and 13608
advocacy purposes throughout the state. 13609

The registrar shall pay the contributions the registrar 13610
receives pursuant to section 4503.725 of the Revised Code to the 13611
ALS association central & southern Ohio chapter, which shall 13612
split the contributions between that chapter and the ALS 13613
association northern Ohio chapter in accordance with any 13614
agreement between the two associations. The contributions shall 13615
be used to discover treatments and a cure for ALS, and to serve, 13616
advocate for, and empower people affected by ALS to live their 13617
lives to the fullest. 13618

The registrar shall pay the contributions the registrar 13619
receives pursuant to section 4503.73 of the Revised Code to 13620
Wright B. Flyer, incorporated, which shall deposit the 13621

contributions into its general account to be used for purposes 13622
of Wright B. Flyer, incorporated. 13623

The registrar shall pay the contributions the registrar 13624
receives pursuant to section 4503.732 of the Revised Code to the 13625
Siegel Shuster society, a nonprofit organization dedicated to 13626
commemorating and celebrating the creation of Superman in 13627
Cleveland, Ohio. 13628

The registrar shall pay the contributions the registrar 13629
receives pursuant to section 4503.733 of the Revised Code to the 13630
central Ohio chapter of the juvenile diabetes research 13631
foundation, which shall distribute the contributions to the 13632
chapters of the juvenile diabetes research foundation in whose 13633
geographic territory the person who paid the contribution 13634
resides. 13635

The registrar shall pay the contributions the registrar 13636
receives pursuant to section 4503.734 of the Revised Code to the 13637
Ohio highway patrol auxiliary foundation, which shall use the 13638
contributions to fulfill the foundation's mission of supporting 13639
law enforcement education and assistance. 13640

The registrar shall pay the contributions the registrar 13641
receives pursuant to section 4503.74 of the Revised Code to the 13642
Columbus zoological park association, which shall disburse the 13643
moneys to Ohio's major metropolitan zoos, as defined in section 13644
4503.74 of the Revised Code, in accordance with a written 13645
agreement entered into by the major metropolitan zoos. 13646

The registrar shall pay the contributions the registrar 13647
receives pursuant to section 4503.75 of the Revised Code to the 13648
rotary foundation, located on March 31, 2003, in Evanston, 13649
Illinois, to be placed in a fund known as the permanent fund and 13650

used to endow educational and humanitarian programs of the 13651
rotary foundation. 13652

The registrar shall pay the contributions the registrar 13653
receives pursuant to section 4503.751 of the Revised Code to the 13654
Ohio association of realtors, which shall deposit the 13655
contributions into a property disaster relief fund maintained 13656
under the Ohio realtors charitable and education foundation. 13657

The registrar shall pay the contributions the registrar 13658
receives pursuant to section 4503.752 of the Revised Code to 13659
buckeye corvettes, incorporated, which shall use the 13660
contributions to pay for its charitable activities and programs. 13661

The registrar shall pay the contributions the registrar 13662
receives pursuant to section 4503.754 of the Revised Code to the 13663
municipal corporation of Twinsburg. 13664

The registrar shall pay the contributions the registrar 13665
receives pursuant to section 4503.763 of the Revised Code to the 13666
Ohio history connection to be used solely to build, support, and 13667
maintain the Ohio battleflag collection within the Ohio history 13668
connection. 13669

The registrar shall pay the contributions the registrar 13670
receives pursuant to section 4503.764 of the Revised Code to the 13671
Medina county historical society, which shall use those 13672
contributions to distribute between the various historical 13673
societies and museums in Medina county. 13674

The registrar shall pay the contributions the registrar 13675
receives pursuant to section 4503.765 of the Revised Code to the 13676
Amaranth grand chapter foundation, which shall use the 13677
contributions for communal outreach, charitable service, and 13678
scholarship purposes. 13679

The registrar shall pay the contributions the registrar receives pursuant to section 4503.767 of the Revised Code to folds of honor of central Ohio, which shall use the contributions to provide scholarships to spouses and children either of disabled veterans or of members of any branch of the armed forces who died during their service.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.85 of the Revised Code to the Ohio sea grant college program to be used for Lake Erie area research projects.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.86 of the Revised Code to the Ohio Lincoln highway historic byway, which shall use those contributions solely to promote and support the historical preservation and advertisement of the Lincoln highway in this state.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.87 of the Revised Code to the Grove City little league dream field fund, which shall use those contributions solely to build, maintain, and improve youth baseball fields within the municipal corporation of Grove City.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.871 of the Revised Code to the Solon city school district. The school district shall use the contributions it receives to pay the expenses it incurs in providing services to the school district's students that assist in developing or maintaining the mental and emotional well-being of the students. The services provided may include bereavement counseling, instruction in defensive driving techniques, sensitivity training, and the counseling and education of

students regarding bullying, dating violence, drug abuse, 13710
suicide prevention, and human trafficking. The school district 13711
superintendent or, in the school district superintendent's 13712
discretion, the appropriate school principal or appropriate 13713
school counselors shall determine any charitable organizations 13714
that the school district hires to provide those services. The 13715
school district also may use the contributions it receives to 13716
pay for members of the faculty of the school district to receive 13717
training in providing such services to the students of the 13718
school district. The school district shall ensure that any 13719
charitable organization that is hired by the district is exempt 13720
from federal income taxation under subsection 501(c)(3) of the 13721
Internal Revenue Code. The school district shall not use the 13722
contributions it receives for any other purpose. 13723

The registrar shall pay the contributions the registrar 13724
receives pursuant to section 4503.872 of the Revised Code to the 13725
Canton city school district. The district may use the 13726
contributions for student welfare, but shall not use the 13727
contributions for any political purpose or to pay salaries of 13728
district employees. 13729

The registrar shall pay the contributions the registrar 13730
receives pursuant to section 4503.873 of the Revised Code to 13731
Padua Franciscan high school located in the municipal 13732
corporation of Parma. The school shall use fifty per cent of the 13733
contributions it receives to provide tuition assistance to its 13734
students. The school shall use the remaining fifty per cent to 13735
pay the expenses it incurs in providing services to the school's 13736
students that assist in developing or maintaining the mental and 13737
emotional well-being of the students. The services provided may 13738
include bereavement counseling, instruction in defensive driving 13739
techniques, sensitivity training, and the counseling and 13740

education of students regarding bullying, dating violence, drug 13741
abuse, suicide prevention, and human trafficking. As a part of 13742
providing such services, the school may pay for members of the 13743
faculty of the school to receive training in providing those 13744
services. The school principal or, in the school principal's 13745
discretion, appropriate school counselors shall determine any 13746
charitable organizations that the school hires to provide those 13747
services. The school shall ensure that any such charitable 13748
organization is exempt from federal income taxation under 13749
subsection 501(c)(3) of the Internal Revenue Code. The school 13750
shall not use the contributions it receives for any other 13751
purpose. 13752

The registrar shall pay the contributions the registrar 13753
receives pursuant to section 4503.874 of the Revised Code to St. 13754
Edward high school located in the municipal corporation of 13755
Lakewood. The school shall use fifty per cent of the 13756
contributions it receives to provide tuition assistance to its 13757
students. The school shall use the remaining fifty per cent to 13758
pay the expenses it incurs in providing services to the school's 13759
students that assist in developing or maintaining the mental and 13760
emotional well-being of the students. The services provided may 13761
include bereavement counseling, instruction in defensive driving 13762
techniques, sensitivity training, and the counseling and 13763
education of students regarding bullying, dating violence, drug 13764
abuse, suicide prevention, and human trafficking. As a part of 13765
providing such services, the school may pay for members of the 13766
faculty of the school to receive training in providing those 13767
services. The school principal or, in the school principal's 13768
discretion, appropriate school counselors shall determine any 13769
charitable organizations that the school hires to provide those 13770
services. The school shall ensure that any such charitable 13771

organization is exempt from federal income taxation under 13772
subsection 501(c)(3) of the Internal Revenue Code. The school 13773
shall not use the contributions it receives for any other 13774
purpose. 13775

The registrar shall pay the contributions the registrar 13776
receives pursuant to section 4503.875 of the Revised Code to 13777
Walsh Jesuit high school located in the municipal corporation of 13778
Cuyahoga Falls. The school shall use fifty per cent of the 13779
contributions it receives to provide tuition assistance to its 13780
students. The school shall use the remaining fifty per cent to 13781
pay the expenses it incurs in providing services to the school's 13782
students that assist in developing or maintaining the mental and 13783
emotional well-being of the students. The services provided may 13784
include bereavement counseling, instruction in defensive driving 13785
techniques, sensitivity training, and the counseling and 13786
education of students regarding bullying, dating violence, drug 13787
abuse, suicide prevention, and human trafficking. As a part of 13788
providing such services, the school may pay for members of the 13789
faculty of the school to receive training in providing those 13790
services. The school principal or, in the school principal's 13791
discretion, appropriate school counselors shall determine any 13792
charitable organizations that the school hires to provide those 13793
services. The school shall ensure that any such charitable 13794
organization is exempt from federal income taxation under 13795
subsection 501(c)(3) of the Internal Revenue Code. The school 13796
shall not use the contributions it receives for any other 13797
purpose. 13798

The registrar shall pay the contributions the registrar 13799
receives pursuant to section 4503.876 of the Revised Code to the 13800
North Royalton city school district. The school district shall 13801
use the contributions it receives to pay the expenses it incurs 13802

in providing services to the school district's students that 13803
assist in developing or maintaining the mental and emotional 13804
well-being of the students. The services provided may include 13805
bereavement counseling, instruction in defensive driving 13806
techniques, sensitivity training, and the counseling and 13807
education of students regarding bullying, dating violence, drug 13808
abuse, suicide prevention, and human trafficking. The school 13809
district superintendent or, in the school district 13810
superintendent's discretion, the appropriate school principal or 13811
appropriate school counselors shall determine any charitable 13812
organizations that the school district hires to provide those 13813
services. The school district also may use the contributions it 13814
receives to pay for members of the faculty of the school 13815
district to receive training in providing such services to the 13816
students of the school district. The school district shall 13817
ensure that any charitable organization that is hired by the 13818
district is exempt from federal income taxation under subsection 13819
501(c)(3) of the Internal Revenue Code. The school district 13820
shall not use the contributions it receives for any other 13821
purpose. 13822

The registrar shall pay the contributions the registrar 13823
receives pursuant to section 4503.877 of the Revised Code to the 13824
Independence local school district. The school district shall 13825
use the contributions it receives to pay the expenses it incurs 13826
in providing services to the school district's students that 13827
assist in developing or maintaining the mental and emotional 13828
well-being of the students. The services provided may include 13829
bereavement counseling, instruction in defensive driving 13830
techniques, sensitivity training, and the counseling and 13831
education of students regarding bullying, dating violence, drug 13832
abuse, suicide prevention, and human trafficking. The school 13833

district superintendent or, in the school district 13834
superintendent's discretion, the appropriate school principal or 13835
appropriate school counselors shall determine any charitable 13836
organizations that the school district hires to provide those 13837
services. The school district also may use the contributions it 13838
receives to pay for members of the faculty of the school 13839
district to receive training in providing such services to the 13840
students of the school district. The school district shall 13841
ensure that any charitable organization that is hired by the 13842
district is exempt from federal income taxation under subsection 13843
501(c)(3) of the Internal Revenue Code. The school district 13844
shall not use the contributions it receives for any other 13845
purpose. 13846

The registrar shall pay the contributions the registrar 13847
receives pursuant to section 4503.878 of the Revised Code to the 13848
Cuyahoga Heights local school district. The school district 13849
shall use the contributions it receives to pay the expenses it 13850
incurs in providing services to the school district's students 13851
that assist in developing or maintaining the mental and 13852
emotional well-being of the students. The services provided may 13853
include bereavement counseling, instruction in defensive driving 13854
techniques, sensitivity training, and the counseling and 13855
education of students regarding bullying, dating violence, drug 13856
abuse, suicide prevention, and human trafficking. The school 13857
district superintendent or, in the school district 13858
superintendent's discretion, the appropriate school principal or 13859
appropriate school counselors, shall determine any charitable 13860
organizations that the school district hires to provide those 13861
services. The school district also may use the contributions it 13862
receives to pay for members of the faculty of the school 13863
district to receive training in providing such services to the 13864

students of the school district. The school district shall 13865
ensure that any charitable organization that is hired by the 13866
district is exempt from federal income taxation under subsection 13867
501(c) (3) of the Internal Revenue Code. The school district 13868
shall not use the contributions it receives for any other 13869
purpose. 13870

The registrar shall pay the contributions the registrar 13871
receives pursuant to section 4503.879 of the Revised Code to the 13872
west technical high school alumni association, which shall use 13873
the contributions for activities sponsored by the association. 13874

The registrar shall pay the contributions the registrar 13875
receives pursuant to section 4503.88 of the Revised Code to the 13876
Kenston local school district. The school district shall use the 13877
contributions it receives to pay the expenses it incurs in 13878
providing services that assist in developing or maintaining a 13879
culture of environmental responsibility and an innovative 13880
science, technology, engineering, art, and math (S.T.E.A.M.) 13881
curriculum to the school district's students. The school 13882
district shall not use the contributions it receives for any 13883
other purpose. 13884

The registrar shall pay the contributions the registrar 13885
receives pursuant to section 4503.881 of the Revised Code to La 13886
Salle high school in the municipal corporation of Cincinnati. 13887
The high school shall not use the contributions it receives for 13888
any political purpose. 13889

The registrar shall pay the contributions the registrar 13890
receives pursuant to section 4503.882 of the Revised Code to St. 13891
John's Jesuit high school and academy located in the municipal 13892
corporation of Toledo. The school shall use the contributions it 13893
receives to provide tuition assistance for students attending 13894

the school. 13895

The registrar shall pay the contributions the registrar receives pursuant to section 4503.883 of the Revised Code to St. Charles preparatory school located in the municipal corporation of Columbus, which shall use the contributions for the school's alumni association and the alumni association's purposes. 13896
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The registrar shall pay the contributions the registrar receives pursuant to section 4503.884 of the Revised Code to Archbishop Moeller high school located in the municipal corporation of Cincinnati. The high school shall not use the contributions it receives for any political purpose. 13901
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The registrar shall pay the contributions the registrar receives pursuant to section 4503.89 of the Revised Code to the American red cross of greater Columbus on behalf of the Ohio chapters of the American red cross, which shall use the contributions for disaster readiness, preparedness, and response programs on a statewide basis. 13906
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The registrar shall pay the contributions the registrar receives pursuant to section 4503.891 of the Revised Code to the Ohio lions foundation. The foundation shall use the contributions for charitable and educational purposes. 13912
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The registrar shall pay the contributions the registrar receives pursuant to section 4503.892 of the Revised Code to the Hudson city school district. The school district shall not use the contributions it receives for any political purpose. 13916
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The registrar shall pay the contributions the registrar receives pursuant to section 4503.893 of the Revised Code to the Harrison Central jr./sr. high school located in the municipal corporation of Cadiz. 13920
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The registrar shall pay the contributions the registrar receives pursuant to section 4503.899 of the Revised Code to the Cleveland clinic foundation, which shall use the contributions to support Cleveland clinic children's education, research, and patient services.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.90 of the Revised Code to the nationwide children's hospital foundation.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.901 of the Revised Code to the Ohio association for pupil transportation, which shall use the money to support transportation programs, provide training to school transportation professionals, and support other initiatives for school transportation safety.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.902 of the Revised Code to St. Ignatius high school located in the municipal corporation of Cleveland. The school shall use fifty per cent of the contributions it receives to provide tuition assistance to its students. The school shall use the remaining fifty per cent to pay the expenses it incurs in providing services to the school's students that assist in developing or maintaining the mental and emotional well-being of the students. The services provided may include bereavement counseling, instruction in defensive driving techniques, sensitivity training, and the counseling and education of students regarding bullying, dating violence, drug abuse, suicide prevention, and human trafficking. As a part of providing such services, the school may pay for members of the faculty of the school to receive training in providing those services. The school principal or, in the school principal's

discretion, appropriate school counselors shall determine any 13954
charitable organizations that the school hires to provide those 13955
services. The school shall ensure that any such charitable 13956
organization is exempt from federal income taxation under 13957
subsection 501(c)(3) of the Internal Revenue Code. The school 13958
shall not use the contributions it receives for any other 13959
purpose. 13960

The registrar shall pay the contributions the registrar 13961
receives pursuant to section 4503.903 of the Revised Code to the 13962
Brecksville-Broadview Heights city school district. The school 13963
district shall use the contributions it receives to pay the 13964
expenses it incurs in providing services to the school 13965
district's students that assist in developing or maintaining the 13966
mental and emotional well-being of the students. The services 13967
provided may include bereavement counseling, instruction in 13968
defensive driving techniques, sensitivity training, and the 13969
counseling and education of students regarding bullying, dating 13970
violence, drug abuse, suicide prevention, and human trafficking. 13971
The school district superintendent or, in the school district 13972
superintendent's discretion, the appropriate school principal or 13973
appropriate school counselors shall determine any charitable 13974
organizations that the school district hires to provide those 13975
services. The school district also may use the contributions it 13976
receives to pay for members of the faculty of the school 13977
district to receive training in providing such services to the 13978
students of the school district. The school district shall 13979
ensure that any charitable organization that is hired by the 13980
district is exempt from federal income taxation under subsection 13981
501(c)(3) of the Internal Revenue Code. The school district 13982
shall not use the contributions it receives for any other 13983
purpose. 13984

The registrar shall pay the contributions the registrar receives pursuant to section 4503.904 of the Revised Code to the Chagrin Falls exempted village school district. The school district shall use the contributions it receives to pay the expenses it incurs in providing services to the school district's students that assist in developing or maintaining the mental and emotional well-being of the students. The services provided may include bereavement counseling, instruction in defensive driving techniques, sensitivity training, and the counseling and education of students regarding bullying, dating violence, drug abuse, suicide prevention, and human trafficking. The school district superintendent or, in the school district superintendent's discretion, the appropriate school principal or appropriate school counselors shall determine any charitable organizations that the school district hires to provide those services. The school district also may use the contributions it receives to pay for members of the faculty of the school district to receive training in providing such services to the students of the school district. The school district shall ensure that any charitable organization that is hired by the district is exempt from federal income taxation under subsection 501(c)(3) of the Internal Revenue Code. The school district shall not use the contributions it receives for any other purpose.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.905 of the Revised Code to the Cuyahoga valley career center. The career center shall use the contributions it receives to pay the expenses it incurs in providing services to the career center's students that assist in developing or maintaining the mental and emotional well-being of the students. The services provided may include bereavement

counseling, instruction in defensive driving techniques, 14016
sensitivity training, and the counseling and education of 14017
students regarding bullying, dating violence, drug abuse, 14018
suicide prevention, and human trafficking. The career center's 14019
superintendent or in the career center's superintendent's 14020
discretion, the school board or appropriate school counselors 14021
shall determine any charitable organizations that the career 14022
center hires to provide those services. The career center also 14023
may use the contributions it receives to pay for members of the 14024
faculty of the career center to receive training in providing 14025
such services to the students of the career center. The career 14026
center shall ensure that any charitable organization that is 14027
hired by the career center is exempt from federal income 14028
taxation under subsection 501(c)(3) of the Internal Revenue 14029
Code. The career center shall not use the contributions it 14030
receives for any other purpose. 14031

The registrar shall pay the contributions the registrar 14032
receives pursuant to section 4503.906 of the Revised Code to the 14033
Stow-Munroe Falls city school district. The school district 14034
shall not use the contributions it receives for any political 14035
purpose. 14036

The registrar shall pay the contributions the registrar 14037
receives pursuant to section 4503.907 of the Revised Code to the 14038
Twinsburg city school district. The school district shall not 14039
use the contributions it receives for any political purpose. 14040

The registrar shall pay the contributions the registrar 14041
receives pursuant to section 4503.908 of the Revised Code to St. 14042
Xavier high school located in Springfield township in Hamilton 14043
county. The school shall use fifty per cent of the contributions 14044
it receives to provide tuition assistance to its students. The 14045

school shall use the remaining fifty per cent to pay the 14046
expenses it incurs in providing services to the school's 14047
students that assist in developing or maintaining the mental and 14048
emotional well-being of the students. The services provided may 14049
include bereavement counseling, instruction in defensive driving 14050
techniques, sensitivity training, and the counseling and 14051
education of students regarding bullying, dating violence, drug 14052
abuse, suicide prevention, and human trafficking. As a part of 14053
providing such services, the school may pay for members of the 14054
faculty of the school to receive training in providing those 14055
services. The school principal or, in the school principal's 14056
discretion, appropriate school counselors shall determine any 14057
charitable organizations that the school hires to provide those 14058
services. The school shall ensure that any such charitable 14059
organization is exempt from federal income taxation under 14060
subsection 501(c)(3) of the Internal Revenue Code. The school 14061
shall not use the contributions it receives for any other 14062
purpose. 14063

The registrar shall pay the contributions the registrar 14064
receives pursuant to section 4503.909 of the Revised Code to the 14065
Grandview Heights city school district, which shall use the 14066
contributions for its gifted programs and special education and 14067
related services. 14068

The registrar shall pay the contributions received 14069
pursuant to section 4503.92 of the Revised Code to support our 14070
troops, incorporated, a national nonprofit corporation, which 14071
shall use those contributions in accordance with its articles of 14072
incorporation and for the benefit of servicemembers of the armed 14073
forces of the United States and their families when they are in 14074
financial need. 14075

The registrar shall pay the contributions received 14076
pursuant to section 4503.931 of the Revised Code to healthy New 14077
Albany, which shall use the contributions for its community 14078
programs, events, and other activities. 14079

The registrar shall pay the contributions the registrar 14080
receives pursuant to section 4503.932 of the Revised Code to 14081
habitat for humanity of Ohio, inc., which shall use the 14082
contributions for its projects related to building affordable 14083
houses. 14084

The registrar shall pay the contributions the registrar 14085
receives pursuant to section 4503.94 of the Revised Code to the 14086
Michelle's leading star foundation, which shall use the money 14087
solely to fund the rental, lease, or purchase of the simulated 14088
driving curriculum of the Michelle's leading star foundation by 14089
boards of education of city, exempted village, local, and joint 14090
vocational school districts. 14091

The registrar shall pay the contributions the registrar 14092
receives pursuant to section 4503.941 of the Revised Code to the 14093
Ohio chapter international society of arboriculture, which shall 14094
use the money to increase consumer awareness on the importance 14095
of proper tree care and to raise funds for the chapter's 14096
educational efforts. 14097

The registrar shall pay the contributions received 14098
pursuant to section 4503.942 of the Revised Code to zero, the 14099
end of prostate cancer, incorporated, a nonprofit organization, 14100
which shall use those contributions to raise awareness of 14101
prostate cancer, to support research to end prostate cancer, and 14102
to support prostate cancer patients and their families. 14103

The registrar shall pay the contributions the registrar 14104

receives pursuant to section 4503.944 of the Revised Code to the 14105
eastern European congress of Ohio, which shall use the 14106
contributions for charitable and educational purposes. 14107

The registrar shall pay the contributions the registrar 14108
receives pursuant to section 4503.945 of the Revised Code to the 14109
Summit metro parks foundation, which shall use the money in 14110
support of the Summit county metro parks. 14111

The registrar shall pay the contributions the registrar 14112
receives pursuant to section 4503.951 of the Revised Code to the 14113
Cincinnati city school district. 14114

The registrar shall pay the contributions the registrar 14115
receives pursuant to section 4503.952 of the Revised Code to 14116
Hawken school located in northeast Ohio. The school shall use 14117
fifty per cent of the contributions it receives to provide 14118
tuition assistance to its students. The school shall use the 14119
remaining fifty per cent to pay the expenses it incurs in 14120
providing services to the school's students that assist in 14121
developing or maintaining the mental and emotional well-being of 14122
the students. The services provided may include bereavement 14123
counseling, instruction in defensive driving techniques, 14124
sensitivity training, and the counseling and education of 14125
students regarding bullying, dating violence, drug abuse, 14126
suicide prevention, and human trafficking. As a part of 14127
providing such services, the school may pay for members of the 14128
faculty of the school to receive training in providing those 14129
services. The school principal or, in the school principal's 14130
discretion, appropriate school counselors shall determine any 14131
charitable organizations that the school hires to provide those 14132
services. The school shall ensure that any such charitable 14133
organization is exempt from federal income taxation under 14134

subsection 501(c)(3) of the Internal Revenue Code. The school 14135
shall not use the contributions it receives for any other 14136
purpose. 14137

The registrar shall pay the contributions the registrar 14138
receives pursuant to section 4503.953 of the Revised Code to 14139
Gilmour academy located in the municipal corporation of Gates 14140
Mills. The school shall use fifty per cent of the contributions 14141
it receives to provide tuition assistance to its students. The 14142
school shall use the remaining fifty per cent to pay the 14143
expenses it incurs in providing services to the school's 14144
students that assist in developing or maintaining the mental and 14145
emotional well-being of the students. The services provided may 14146
include bereavement counseling, instruction in defensive driving 14147
techniques, sensitivity training, and the counseling and 14148
education of students regarding bullying, dating violence, drug 14149
abuse, suicide prevention, and human trafficking. As a part of 14150
providing such services, the school may pay for members of the 14151
faculty of the school to receive training in providing those 14152
services. The school principal or, in the school principal's 14153
discretion, appropriate school counselors shall determine any 14154
charitable organizations that the school hires to provide those 14155
services. The school shall ensure that any such charitable 14156
organization is exempt from federal income taxation under 14157
subsection 501(c)(3) of the Internal Revenue Code. The school 14158
shall not use the contributions it receives for any other 14159
purpose. 14160

The registrar shall pay the contributions the registrar 14161
receives pursuant to section 4503.954 of the Revised Code to 14162
University school located in the suburban area near the 14163
municipal corporation of Cleveland. The school shall use fifty 14164
per cent of the contributions it receives to provide tuition 14165

assistance to its students. The school shall use the remaining 14166
fifty per cent to pay the expenses it incurs in providing 14167
services to the school's students that assist in developing or 14168
maintaining the mental and emotional well-being of the students. 14169
The services provided may include bereavement counseling, 14170
instruction in defensive driving techniques, sensitivity 14171
training, and the counseling and education of students regarding 14172
bullying, dating violence, drug abuse, suicide prevention, and 14173
human trafficking. As a part of providing such services, the 14174
school may pay for members of the faculty of the school to 14175
receive training in providing those services. The school 14176
principal or, in the school principal's discretion, appropriate 14177
school counselors shall determine any charitable organizations 14178
that the school hires to provide those services. The school 14179
shall ensure that any such charitable organization is exempt 14180
from federal income taxation under subsection 501(c)(3) of the 14181
Internal Revenue Code. The school shall not use the 14182
contributions it receives for any other purpose. 14183

The registrar shall pay the contributions the registrar 14184
receives pursuant to section 4503.955 of the Revised Code to 14185
Saint Albert the Great school located in North Royalton. The 14186
school shall use fifty per cent of the contributions it receives 14187
to provide tuition assistance to its students. The school shall 14188
use the remaining fifty per cent to pay the expenses it incurs 14189
in providing services to the school's students that assist in 14190
developing or maintaining the mental and emotional well-being of 14191
the students. The services provided may include bereavement 14192
counseling, instruction in defensive driving techniques, 14193
sensitivity training, and the counseling and education of 14194
students regarding bullying, dating violence, drug abuse, 14195
suicide prevention, and human trafficking. As a part of 14196

providing such services, the school may pay for members of the 14197
faculty of the school to receive training in providing those 14198
services. The school principal or, in the school principal's 14199
discretion, appropriate school counselors shall determine any 14200
charitable organizations that the school hires to provide those 14201
services. The school shall ensure that any such charitable 14202
organization is exempt from federal income taxation under 14203
subsection 501(c)(3) of the Internal Revenue Code. The school 14204
shall not use the contributions it receives for any other 14205
purpose. 14206

The registrar shall pay the contributions the registrar 14207
receives pursuant to section 4503.956 of the Revised Code to the 14208
Liberty Center local school district, which shall use the 14209
contributions for its gifted programs and special education and 14210
related services. 14211

The registrar shall pay the contributions the registrar 14212
receives pursuant to section 4503.957 of the Revised Code to 14213
John F. Kennedy Catholic school located in Warren. The school 14214
shall not use the contributions it receives for any political 14215
purpose. 14216

The registrar shall pay the contributions the registrar 14217
receives pursuant to section 4503.958 of the Revised Code to 14218
Elder high school located in the municipal corporation of 14219
Cincinnati. The school shall use fifty per cent of the 14220
contributions it receives to provide tuition assistance to its 14221
students, twenty-five per cent of the contributions to benefit 14222
arts and enrichment at the school, and twenty-five per cent of 14223
the contributions to benefit athletics at the school. 14224

The registrar shall pay the contributions the registrar 14225
receives pursuant to section 4503.961 of the Revised Code to 14226

Fairfield senior high school located in the municipal 14227
corporation of Fairfield. The high school shall not use the 14228
contributions for any political purpose. 14229

The registrar shall pay the contributions the registrar 14230
receives pursuant to section 4503.962 of the Revised Code to 14231
Hamilton high school located in the municipal corporation of 14232
Hamilton. The high school shall not use the contributions for 14233
any political purpose. 14234

The registrar shall pay the contributions the registrar 14235
receives pursuant to section 4503.963 of the Revised Code to 14236
Ross high school located in Ross township in Butler county. The 14237
high school shall not use the contributions for any political 14238
purpose. 14239

The registrar shall pay the contributions the registrar 14240
receives pursuant to section 4503.97 of the Revised Code to the 14241
friends of united Hatzalah of Israel, which shall use the money 14242
to support united Hatzalah of Israel, which provides free 14243
emergency medical first response throughout Israel. 14244

The registrar shall pay the contributions the registrar 14245
receives pursuant to section 4503.98 of the Revised Code to the 14246
Westerville parks foundation to support the programs and 14247
activities of the foundation and its mission of pursuing the 14248
city of Westerville's vision of becoming "A City Within A Park." 14249

(C) All investment earnings of the license plate 14250
contribution fund shall be credited to the fund. Not later than 14251
the first day of May of every year, the registrar shall 14252
distribute to each entity described in division (B) of this 14253
section the investment income the fund earned the previous 14254
calendar year. The amount of such a distribution paid to an 14255

entity shall be proportionate to the amount of money the entity 14256
received from the fund during the previous calendar year. 14257

Sec. 4503.04. Except as provided in sections 4503.042 and 14258
4503.65 of the Revised Code for the registration of commercial 14259
cars, trailers, semitrailers, and certain buses, the rates of 14260
the taxes imposed by section 4503.02 of the Revised Code shall 14261
be as follows: 14262

(A) (1) For motor vehicles having three wheels or less, the 14263
license tax is: 14264

(a) For each motorized bicycle or moped, ten dollars; 14265

(b) For each motorcycle, autocycle, cab-enclosed 14266
motorcycle, motor-driven cycle, or motor scooter, fourteen 14267
dollars. 14268

(2) For each low-speed, under-speed, and utility vehicle, 14269
and each mini-truck, ten dollars. 14270

(B) For each passenger car, twenty dollars; 14271

(C) For each manufactured home, each mobile home, and each 14272
travel trailer or house vehicle, ten dollars; 14273

(D) For each noncommercial motor vehicle designed by the 14274
manufacturer to carry a load of no more than three-quarters of 14275
one ton and for each motor home, thirty-five dollars; for each 14276
noncommercial motor vehicle designed by the manufacturer to 14277
carry a load of more than three-quarters of one ton, but not 14278
more than one ton, seventy dollars; 14279

(E) For each noncommercial trailer, the license tax is: 14280

(1) Eighty-five cents for each one hundred pounds or part 14281
thereof for the first two thousand pounds or part thereof of 14282

weight of vehicle fully equipped;	14283
(2) One dollar and forty cents for each one hundred pounds	14284
or part thereof in excess of two thousand pounds up to and	14285
including ten thousand pounds.	14286
(F) Notwithstanding its weight, twelve dollars for any:	14287
(1) Vehicle equipped, owned, and used by a charitable or	14288
nonprofit corporation exclusively for the purpose of	14289
administering chest x-rays or receiving blood donations;	14290
(2) Van used principally for the transportation of	14291
handicapped persons <u>with disabilities</u> that has been modified by	14292
being equipped with adaptive equipment to facilitate the	14293
movement of such persons into and out of the van;	14294
(3) Bus used principally for the transportation of	14295
handicapped persons <u>with disabilities</u> or persons sixty-five	14296
years of age or older.	14297
(G) Notwithstanding its weight, twenty dollars for any bus	14298
used principally for the transportation of persons in a	14299
ridesharing arrangement.	14300
(H) For each transit bus having motor power the license	14301
tax is twelve dollars.	14302
"Transit bus" means either a motor vehicle having a	14303
seating capacity of more than seven persons which is operated	14304
and used by any person in the rendition of a public mass	14305
transportation service primarily in a municipal corporation or	14306
municipal corporations and provided at least seventy-five per	14307
cent of the annual mileage of such service and use is within	14308
such municipal corporation or municipal corporations or a motor	14309
vehicle having a seating capacity of more than seven persons	14310

which is operated solely for the transportation of persons 14311
associated with a charitable or nonprofit corporation, but does 14312
not mean any motor vehicle having a seating capacity of more 14313
than seven persons when such vehicle is used in a ridesharing 14314
capacity or any bus described by division (F) (3) of this 14315
section. 14316

The application for registration of such transit bus shall 14317
be accompanied by an affidavit prescribed by the registrar of 14318
motor vehicles and signed by the person or an agent of the firm 14319
or corporation operating such bus stating that the bus has a 14320
seating capacity of more than seven persons, and that it is 14321
either to be operated and used in the rendition of a public mass 14322
transportation service and that at least seventy-five per cent 14323
of the annual mileage of such operation and use shall be within 14324
one or more municipal corporations or that it is to be operated 14325
solely for the transportation of persons associated with a 14326
charitable or nonprofit corporation. 14327

The form of the license plate, and the manner of its 14328
attachment to the vehicle, shall be prescribed by the registrar 14329
of motor vehicles. 14330

(I) Except as otherwise provided in division (A) or (J) of 14331
this section, the minimum tax for any vehicle having motor power 14332
is ten dollars and eighty cents, and for each noncommercial 14333
trailer, five dollars. 14334

(J) (1) Except as otherwise provided in division (J) of 14335
this section, for each farm truck, except a noncommercial motor 14336
vehicle, that is owned, controlled, or operated by one or more 14337
farmers exclusively in farm use as defined in this section, and 14338
not for commercial purposes, and provided that at least seventy- 14339
five per cent of such farm use is by or for the one or more 14340

owners, controllers, or operators of the farm in the operation 14341
of which a farm truck is used, the license tax is five dollars 14342
plus: 14343

(a) Fifty cents per one hundred pounds or part thereof for 14344
the first three thousand pounds; 14345

(b) Seventy cents per one hundred pounds or part thereof 14346
in excess of three thousand pounds up to and including four 14347
thousand pounds; 14348

(c) Ninety cents per one hundred pounds or part thereof in 14349
excess of four thousand pounds up to and including six thousand 14350
pounds; 14351

(d) Two dollars for each one hundred pounds or part 14352
thereof in excess of six thousand pounds up to and including ten 14353
thousand pounds; 14354

(e) Two dollars and twenty-five cents for each one hundred 14355
pounds or part thereof in excess of ten thousand pounds; 14356

(f) The minimum license tax for any farm truck shall be 14357
twelve dollars. 14358

(2) The owner of a farm truck may register the truck for a 14359
period of one-half year by paying one-half the registration tax 14360
imposed on the truck under this chapter and one-half the amount 14361
of any tax imposed on the truck under Chapter 4504. of the 14362
Revised Code. 14363

(3) A farm bus may be registered for a period of two 14364
hundred ten days from the date of issue of the license plates 14365
for the bus, for a fee of ten dollars, provided such license 14366
plates shall not be issued for more than one such period in any 14367
calendar year. Such use does not include the operation of trucks 14368

by commercial processors of agricultural products. 14369

(4) License plates for farm trucks and for farm buses 14370
shall have some distinguishing marks, letters, colors, or other 14371
characteristics to be determined by the director of public 14372
safety. 14373

(5) Every person registering a farm truck or bus under 14374
this section shall furnish an affidavit certifying that the 14375
truck or bus licensed to that person is to be so used as to meet 14376
the requirements necessary for the farm truck or farm bus 14377
classification. 14378

Any farmer may use a truck owned by the farmer for 14379
commercial purposes by paying the difference between the 14380
commercial truck registration fee and the farm truck 14381
registration fee for the remaining part of the registration 14382
period for which the truck is registered. Such remainder shall 14383
be calculated from the beginning of the semiannual period in 14384
which application for such commercial license is made. 14385

Taxes at the rates provided in this section are in lieu of 14386
all taxes on or with respect to the ownership of such motor 14387
vehicles, except as provided in sections 4503.042, 4503.06, and 14388
4503.65 of the Revised Code. 14389

(K) Other than trucks registered under the international 14390
registration plan in another jurisdiction and for which this 14391
state has received an apportioned registration fee, the license 14392
tax for each truck which is owned, controlled, or operated by a 14393
nonresident, and licensed in another state, and which is used 14394
exclusively for the transportation of nonprocessed agricultural 14395
products intrastate, from the place of production to the place 14396
of processing, is twenty-four dollars. 14397

"Truck," as used in this division, means any pickup truck, 14398
straight truck, semitrailer, or trailer other than a travel 14399
trailer. Nonprocessed agricultural products, as used in this 14400
division, does not include livestock or grain. 14401

A license issued under this division shall be issued for a 14402
period of one hundred thirty days in the same manner in which 14403
all other licenses are issued under this section, provided that 14404
no truck shall be so licensed for more than one one-hundred- 14405
thirty-day period during any calendar year. 14406

The license issued pursuant to this division shall consist 14407
of a windshield decal to be designed by the director of public 14408
safety. 14409

Every person registering a truck under this division shall 14410
furnish an affidavit certifying that the truck licensed to the 14411
person is to be used exclusively for the purposes specified in 14412
this division. 14413

(L) Every person registering a motor vehicle as a 14414
noncommercial motor vehicle as defined in section 4501.01 of the 14415
Revised Code, or registering a trailer as a noncommercial 14416
trailer as defined in that section, shall furnish an affidavit 14417
certifying that the motor vehicle or trailer so licensed to the 14418
person is to be so used as to meet the requirements necessary 14419
for the noncommercial vehicle classification. 14420

(M) Every person registering a van or bus as provided in 14421
divisions (F) (2) and (3) of this section shall furnish a 14422
notarized statement certifying that the van or bus licensed to 14423
the person is to be used for the purposes specified in those 14424
divisions. The form of the license plate issued for such motor 14425
vehicles shall be prescribed by the registrar. 14426

(N) Every person registering as a passenger car a motor vehicle designed and used for carrying more than nine but not more than fifteen passengers, and every person registering a bus as provided in division (G) of this section, shall furnish an affidavit certifying that the vehicle so licensed to the person is to be used in a ridesharing arrangement and that the person will have in effect whenever the vehicle is used in a ridesharing arrangement a policy of liability insurance with respect to the motor vehicle in amounts and coverages no less than those required by section 4509.79 of the Revised Code. The form of the license plate issued for such a motor vehicle shall be prescribed by the registrar.

(O) (1) If an application for registration renewal is not applied for prior to the expiration date of the registration or within thirty days after that date, the registrar or deputy registrar shall collect a fee of ten dollars for the issuance of the vehicle registration. For any motor vehicle that is used on a seasonal basis, whether used for general transportation or not, and that has not been used on the public roads or highways since the expiration of the registration, the registrar or deputy registrar shall waive the fee established under this division if the application is accompanied by supporting evidence of seasonal use as the registrar may require. The registrar or deputy registrar may waive the fee for other good cause shown if the application is accompanied by supporting evidence as the registrar may require. The fee shall be in addition to all other fees established by this section. A deputy registrar shall retain fifty cents of the fee and shall transmit the remaining amount to the registrar at the time and in the manner provided by section 4503.10 of the Revised Code. The registrar shall deposit all moneys received under this division

into the public safety - highway purposes fund established in 14458
section 4501.06 of the Revised Code. 14459

(2) Division (O) (1) of this section does not apply to a 14460
farm truck or farm bus registered under division (J) of this 14461
section. 14462

(P) As used in this section: 14463

(1) "Van" means any motor vehicle having a single rear 14464
axle and an enclosed body without a second seat. 14465

(2) ~~"Handicapped person"~~ "Person with a disability" means 14466
any person who has lost the use of one or both legs, or one or 14467
both arms, or is blind, deaf, or ~~so severely disabled as to be~~ 14468
unable to move about without the aid of crutches or a 14469
wheelchair. 14470

(3) "Farm truck" means a truck used in the transportation 14471
from the farm of products of the farm, including livestock and 14472
its products, poultry and its products, floricultural and 14473
horticultural products, and in the transportation to the farm of 14474
supplies for the farm, including tile, fence, and every other 14475
thing or commodity used in agricultural, floricultural, 14476
horticultural, livestock, and poultry production and livestock, 14477
poultry, and other animals and things used for breeding, 14478
feeding, or other purposes connected with the operation of the 14479
farm. 14480

(4) "Farm bus" means a bus used only for the 14481
transportation of agricultural employees and used only in the 14482
transportation of such employees as are necessary in the 14483
operation of the farm. 14484

(5) "Farm supplies" includes fuel used exclusively in the 14485
operation of a farm, including one or more homes located on and 14486

used in the operation of one or more farms, and furniture and 14487
other things used in and around such homes. 14488

Sec. 4503.042. The rates established under this section 14489
apply to commercial cars, buses, trailers, and semitrailers that 14490
are not subject to apportioned rates under the international 14491
registration plan. 14492

(A) The rates of the annual registration taxes imposed by 14493
section 4503.02 of the Revised Code, based on gross vehicle 14494
weight or combined gross vehicle weight, for commercial cars 14495
that are not apportionable are as follows: 14496

(1) For not more than two thousand pounds, forty-five 14497
dollars; 14498

(2) For more than two thousand but not more than six 14499
thousand pounds, seventy dollars; 14500

(3) For more than six thousand but not more than ten 14501
thousand pounds, eighty-five dollars; 14502

(4) For more than ten thousand but not more than fourteen 14503
thousand pounds, one hundred five dollars; 14504

(5) For more than fourteen thousand but not more than 14505
eighteen thousand pounds, one hundred twenty-five dollars; 14506

(6) For more than eighteen thousand but not more than 14507
twenty-two thousand pounds, one hundred fifty dollars; 14508

(7) For more than twenty-two thousand but not more than 14509
twenty-six thousand pounds, one hundred seventy-five dollars; 14510

(8) For more than twenty-six thousand but not more than 14511
thirty thousand pounds, three hundred fifty-five dollars; 14512

(9) For more than thirty thousand but not more than 14513

thirty-four thousand pounds, four hundred twenty dollars;	14514
(10) For more than thirty-four thousand but not more than	14515
thirty-eight thousand pounds, four hundred eighty dollars;	14516
(11) For more than thirty-eight thousand but not more than	14517
forty-two thousand pounds, five hundred forty dollars;	14518
(12) For more than forty-two thousand but not more than	14519
forty-six thousand pounds, six hundred dollars;	14520
(13) For more than forty-six thousand but not more than	14521
fifty thousand pounds, six hundred sixty dollars;	14522
(14) For more than fifty thousand but not more than fifty-	14523
four thousand pounds, seven hundred twenty-five dollars;	14524
(15) For more than fifty-four thousand but not more than	14525
fifty-eight thousand pounds, seven hundred eighty-five dollars;	14526
(16) For more than fifty-eight thousand but not more than	14527
sixty-two thousand pounds, eight hundred fifty-five dollars;	14528
(17) For more than sixty-two thousand but not more than	14529
sixty-six thousand pounds, nine hundred twenty-five dollars;	14530
(18) For more than sixty-six thousand but not more than	14531
seventy thousand pounds, nine hundred ninety-five dollars;	14532
(19) For more than seventy thousand but not more than	14533
seventy-four thousand pounds, one thousand eighty dollars;	14534
(20) For more than seventy-four thousand but not more than	14535
seventy-eight thousand pounds, one thousand two hundred dollars;	14536
(21) For more than seventy-eight thousand pounds, one	14537
thousand three hundred forty dollars.	14538
(B) The rates of the annual registration taxes imposed by	14539

section 4503.02 of the Revised Code, based on gross vehicle	14540
weight or combined gross vehicle weight, for buses that are not	14541
apportionable are as follows:	14542
(1) For not more than two thousand pounds, ten dollars;	14543
(2) For more than two thousand but not more than six	14544
thousand pounds, forty dollars;	14545
(3) For more than six thousand but not more than ten	14546
thousand pounds, one hundred dollars;	14547
(4) For more than ten thousand but not more than fourteen	14548
thousand pounds, one hundred eighty dollars;	14549
(5) For more than fourteen thousand but not more than	14550
eighteen thousand pounds, two hundred sixty dollars;	14551
(6) For more than eighteen thousand but not more than	14552
twenty-two thousand pounds, three hundred forty dollars;	14553
(7) For more than twenty-two thousand but not more than	14554
twenty-six thousand pounds, four hundred twenty dollars;	14555
(8) For more than twenty-six thousand but not more than	14556
thirty thousand pounds, five hundred dollars;	14557
(9) For more than thirty thousand but not more than	14558
thirty-four thousand pounds, five hundred eighty dollars;	14559
(10) For more than thirty-four thousand but not more than	14560
thirty-eight thousand pounds, six hundred sixty dollars;	14561
(11) For more than thirty-eight thousand but not more than	14562
forty-two thousand pounds, seven hundred forty dollars;	14563
(12) For more than forty-two thousand but not more than	14564
forty-six thousand pounds, eight hundred twenty dollars;	14565

(13) For more than forty-six thousand but not more than	14566
fifty thousand pounds, nine hundred forty dollars;	14567
(14) For more than fifty thousand but not more than fifty-	14568
four thousand pounds, one thousand dollars;	14569
(15) For more than fifty-four thousand but not more than	14570
fifty-eight thousand pounds, one thousand ninety dollars;	14571
(16) For more than fifty-eight thousand but not more than	14572
sixty-two thousand pounds, one thousand one hundred eighty	14573
dollars;	14574
(17) For more than sixty-two thousand but not more than	14575
sixty-six thousand pounds, one thousand two hundred seventy	14576
dollars;	14577
(18) For more than sixty-six thousand but not more than	14578
seventy thousand pounds, one thousand three hundred sixty	14579
dollars;	14580
(19) For more than seventy thousand but not more than	14581
seventy-four thousand pounds, one thousand four hundred fifty	14582
dollars;	14583
(20) For more than seventy-four thousand but not more than	14584
seventy-eight thousand pounds, one thousand five hundred forty	14585
dollars;	14586
(21) For more than seventy-eight thousand pounds, one	14587
thousand six hundred thirty dollars.	14588
(C) The rate of the tax for each trailer and semitrailer	14589
is twenty-five dollars.	14590
(D) If an application for registration renewal is not	14591
applied for prior to the expiration date of the registration or	14592

within thirty days after that date, the registrar or deputy 14593
registrar shall collect a fee of ten dollars for the issuance of 14594
the vehicle registration, but may waive the fee for good cause 14595
shown if the application is accompanied by supporting evidence 14596
as the registrar may require. The fee shall be in addition to 14597
all other fees established by this section. A deputy registrar 14598
shall retain fifty cents of the fee and shall transmit the 14599
remaining amount to the registrar at the time and in the manner 14600
provided by section 4503.10 of the Revised Code. The registrar 14601
shall deposit all moneys received under this division into the 14602
public safety - highway purposes fund established in section 14603
4501.06 of the Revised Code. 14604

(E) The rates established by this section shall not apply 14605
to any of the following: 14606

(1) Vehicles equipped, owned, and used by a charitable or 14607
nonprofit corporation exclusively for the purpose of 14608
administering chest x-rays or receiving blood donations; 14609

(2) Vans used principally for the transportation of 14610
~~handicapped persons~~ with disabilities that have been modified by 14611
being equipped with adaptive equipment to facilitate the 14612
movement of such persons into and out of the vans; 14613

(3) Buses used principally for the transportation of 14614
~~handicapped persons~~ with disabilities or persons sixty-five 14615
years of age or older; 14616

(4) Buses used principally for the transportation of 14617
persons in a ridesharing arrangement; 14618

(5) Transit buses having motor power; 14619

(6) Noncommercial trailers, mobile homes, or manufactured 14620
homes. 14621

Sec. 4503.44. (A) As used in this section and in section 14622
4511.69 of the Revised Code: 14623

(1) "Person with a disability that limits or impairs the 14624
ability to walk" means any person who, as determined by a health 14625
care provider, meets any of the following criteria: 14626

(a) Cannot walk two hundred feet without stopping to rest; 14627

(b) Cannot walk without the use of, or assistance from, a 14628
brace, cane, crutch, another person, prosthetic device, 14629
wheelchair, or other assistive device; 14630

(c) Is restricted by a lung disease to such an extent that 14631
the person's forced (respiratory) expiratory volume for one 14632
second, when measured by spirometry, is less than one liter, or 14633
the arterial oxygen tension is less than sixty millimeters of 14634
mercury on room air at rest; 14635

(d) Uses portable oxygen; 14636

(e) Has a cardiac condition to the extent that the 14637
person's functional limitations are classified in severity as 14638
class III or class IV according to standards set by the American 14639
heart association; 14640

(f) Is severely limited in the ability to walk due to an 14641
arthritic, neurological, or orthopedic condition; 14642

(g) Is blind, legally blind, or severely visually 14643
impaired. 14644

(2) "Organization" means any private organization or 14645
corporation, or any governmental board, agency, department, 14646
division, or office, that, as part of its business or program, 14647
transports persons with disabilities that limit or impair the 14648
ability to walk on a regular basis in a motor vehicle that has 14649

not been altered for the purpose of providing it with ~~special-~~ 14650
accessible equipment for use by persons with disabilities. This 14651
definition does not apply to division (I) of this section. 14652

(3) "Health care provider" means a physician, physician 14653
assistant, advanced practice registered nurse, optometrist, or 14654
chiropractor as defined in this section except that an 14655
optometrist shall only make determinations as to division (A) (1) 14656
(g) of this section. 14657

(4) "Physician" means a person licensed to practice 14658
medicine or surgery or osteopathic medicine and surgery under 14659
Chapter 4731. of the Revised Code. 14660

(5) "Chiropractor" means a person licensed to practice 14661
chiropractic under Chapter 4734. of the Revised Code. 14662

(6) "Advanced practice registered nurse" means a certified 14663
nurse practitioner, clinical nurse specialist, certified 14664
registered nurse anesthetist, or certified nurse-midwife who 14665
holds a certificate of authority issued by the board of nursing 14666
under Chapter 4723. of the Revised Code. 14667

(7) "Physician assistant" means a person who is licensed 14668
as a physician assistant under Chapter 4730. of the Revised 14669
Code. 14670

(8) "Optometrist" means a person licensed to engage in the 14671
practice of optometry under Chapter 4725. of the Revised Code. 14672

(B) (1) An organization, or a person with a disability that 14673
limits or impairs the ability to walk, may apply for the 14674
registration of any motor vehicle the organization or person 14675
owns or leases. When a motor vehicle has been altered for the 14676
purpose of providing it with ~~special-~~accessible equipment for a 14677
person with a disability that limits or impairs the ability to 14678

walk, but is owned or leased by someone other than such a 14679
person, the owner or lessee may apply to the registrar or a 14680
deputy registrar for registration under this section. The 14681
application for registration of a motor vehicle owned or leased 14682
by a person with a disability that limits or impairs the ability 14683
to walk shall be accompanied by a signed statement from the 14684
applicant's health care provider certifying that the applicant 14685
meets at least one of the criteria contained in division (A)(1) 14686
of this section and that the disability is expected to continue 14687
for more than six consecutive months. The application for 14688
registration of a motor vehicle that has been altered for the 14689
purpose of providing it with ~~special-accessible~~ equipment for a 14690
person with a disability that limits or impairs the ability to 14691
walk but is owned by someone other than such a person shall be 14692
accompanied by such documentary evidence of vehicle alterations 14693
as the registrar may require by rule. 14694

(2) When an organization, a person with a disability that 14695
limits or impairs the ability to walk, or a person who does not 14696
have a disability that limits or impairs the ability to walk but 14697
owns a motor vehicle that has been altered for the purpose of 14698
providing it with ~~special-accessible~~ equipment for a person with 14699
a disability that limits or impairs the ability to walk first 14700
submits an application for registration of a motor vehicle under 14701
this section and every fifth year thereafter, the organization 14702
or person shall submit a signed statement from the applicant's 14703
health care provider, a completed application, and any required 14704
documentary evidence of vehicle alterations as provided in 14705
division (B)(1) of this section, and also a power of attorney 14706
from the owner of the motor vehicle if the applicant leases the 14707
vehicle. Upon submission of these items, the registrar or deputy 14708
registrar shall issue to the applicant appropriate vehicle 14709

registration and a set of license plates and validation 14710
stickers, or validation stickers alone when required by section 14711
4503.191 of the Revised Code. In addition to the letters and 14712
numbers ordinarily inscribed thereon, the license plates shall 14713
be imprinted with the international symbol of access. The 14714
license plates and validation stickers shall be issued upon 14715
payment of the regular license fee as prescribed under section 14716
4503.04 of the Revised Code and any motor vehicle tax levied 14717
under Chapter 4504. of the Revised Code, and the payment of a 14718
service fee equal to the amount specified in division (D) or (G) 14719
of section 4503.10 of the Revised Code. 14720

(C) (1) A person with a disability that limits or impairs 14721
the ability to walk may apply to the registrar of motor vehicles 14722
for a removable windshield placard by completing and signing an 14723
application provided by the registrar. The person shall include 14724
with the application a prescription from the person's health 14725
care provider prescribing such a placard for the person based 14726
upon a determination that the person meets at least one of the 14727
criteria contained in division (A) (1) of this section. The 14728
health care provider shall state on the prescription the length 14729
of time the health care provider expects the applicant to have 14730
the disability that limits or impairs the person's ability to 14731
walk. 14732

In addition to one placard or one or more sets of license 14733
plates, a person with a disability that limits or impairs the 14734
ability to walk is entitled to one additional placard, but only 14735
if the person applies separately for the additional placard, 14736
states the reasons why the additional placard is needed, and the 14737
registrar, in the registrar's discretion determines that good 14738
and justifiable cause exists to approve the request for the 14739
additional placard. 14740

(2) An organization may apply to the registrar of motor vehicles for a removable windshield placard by completing and signing an application provided by the registrar. The organization shall comply with any procedures the registrar establishes by rule. The organization shall include with the application documentary evidence that the registrar requires by rule showing that the organization regularly transports persons with disabilities that limit or impair the ability to walk.

(3) Upon receipt of a completed and signed application for a removable windshield placard, the accompanying documents required under division (C)(1) or (2) of this section, and payment of a service fee equal to the amount specified in division (D) or (G) of section 4503.10 of the Revised Code, the registrar or deputy registrar shall issue to the applicant a removable windshield placard, which shall bear the date of expiration on both sides of the placard and shall be valid until expired, revoked, or surrendered. Every removable windshield placard expires as described in division (C)(4) of this section, but in no case shall a removable windshield placard be valid for a period of less than sixty days. Removable windshield placards shall be renewable upon application as provided in division (C)(1) or (2) of this section and upon payment of a service fee equal to the amount specified in division (D) or (G) of section 4503.10 of the Revised Code for the renewal of a removable windshield placard. The registrar shall provide the application form and shall determine the information to be included thereon. The registrar also shall determine the form and size of the removable windshield placard, the material of which it is to be made, and any other information to be included thereon, and shall adopt rules relating to the issuance, expiration, revocation, surrender, and proper display of such placards. Any

placard issued after October 14, 1999, shall be manufactured in 14772
a manner that allows the expiration date of the placard to be 14773
indicated on it through the punching, drilling, boring, or 14774
creation by any other means of holes in the placard. 14775

(4) At the time a removable windshield placard is issued 14776
to a person with a disability that limits or impairs the ability 14777
to walk, the registrar or deputy registrar shall enter into the 14778
records of the bureau of motor vehicles the last date on which 14779
the person will have that disability, as indicated on the 14780
accompanying prescription. Not less than thirty days prior to 14781
that date and all removable windshield placard renewal dates, 14782
the bureau shall send a renewal notice to that person at the 14783
person's last known address as shown in the records of the 14784
bureau, informing the person that the person's removable 14785
windshield placard will expire on the indicated date not to 14786
exceed five years from the date of issuance, and that the person 14787
is required to renew the placard by submitting to the registrar 14788
or a deputy registrar another prescription, as described in 14789
division (C) (1) or (2) of this section, and by complying with 14790
the renewal provisions prescribed in division (C) (3) of this 14791
section. If such a prescription is not received by the registrar 14792
or a deputy registrar by that date, the placard issued to that 14793
person expires and no longer is valid, and this fact shall be 14794
recorded in the records of the bureau. 14795

(5) At least once every year, on a date determined by the 14796
registrar, the bureau shall examine the records of the office of 14797
vital statistics, located within the department of health, that 14798
pertain to deceased persons, and also the bureau's records of 14799
all persons who have been issued removable windshield placards 14800
and temporary removable windshield placards. If the records of 14801
the office of vital statistics indicate that a person to whom a 14802

removable windshield placard or temporary removable windshield placard has been issued is deceased, the bureau shall cancel that placard, and note the cancellation in its records.

The office of vital statistics shall make available to the bureau all information necessary to enable the bureau to comply with division (C) (5) of this section.

(6) Nothing in this section shall be construed to require a person or organization to apply for a removable windshield placard or ~~special~~accessible license plates if the ~~special~~accessible license plates issued to the person or organization under prior law have not expired or been surrendered or revoked.

(D) (1) (a) A person with a disability that limits or impairs the ability to walk may apply to the registrar or a deputy registrar for a temporary removable windshield placard. The application for a temporary removable windshield placard shall be accompanied by a prescription from the applicant's health care provider prescribing such a placard for the applicant, provided that the applicant meets at least one of the criteria contained in division (A) (1) of this section and that the disability is expected to continue for six consecutive months or less. The health care provider shall state on the prescription the length of time the health care provider expects the applicant to have the disability that limits or impairs the applicant's ability to walk, which cannot exceed six months from the date of the prescription. Upon receipt of an application for a temporary removable windshield placard, presentation of the prescription from the applicant's health care provider, and payment of a service fee equal to the amount specified in division (D) or (G) of section 4503.10 of the Revised Code, the registrar or deputy registrar shall issue to the applicant a

temporary removable windshield placard. 14833

(b) Any active-duty member of the armed forces of the 14834
United States, including the reserve components of the armed 14835
forces and the national guard, who has an illness or injury that 14836
limits or impairs the ability to walk may apply to the registrar 14837
or a deputy registrar for a temporary removable windshield 14838
placard. With the application, the person shall present evidence 14839
of the person's active-duty status and the illness or injury. 14840
Evidence of the illness or injury may include a current 14841
department of defense convalescent leave statement, any 14842
department of defense document indicating that the person 14843
currently has an ill or injured casualty status or has limited 14844
duties, or a prescription from any health care provider 14845
prescribing the placard for the applicant. Upon receipt of the 14846
application and the necessary evidence, the registrar or deputy 14847
registrar shall issue the applicant the temporary removable 14848
windshield placard without the payment of any service fee. 14849

(2) The temporary removable windshield placard shall be of 14850
the same size and form as the removable windshield placard, 14851
shall be printed in white on a red-colored background, and shall 14852
bear the word "temporary" in letters of such size as the 14853
registrar shall prescribe. A temporary removable windshield 14854
placard also shall bear the date of expiration on the front and 14855
back of the placard, and shall be valid until expired, 14856
surrendered, or revoked, but in no case shall such a placard be 14857
valid for a period of less than sixty days. The registrar shall 14858
provide the application form and shall determine the information 14859
to be included on it, provided that the registrar shall not 14860
require a health care provider's prescription or certification 14861
for a person applying under division (D) (1) (b) of this section. 14862
The registrar also shall determine the material of which the 14863

temporary removable windshield placard is to be made and any 14864
other information to be included on the placard and shall adopt 14865
rules relating to the issuance, expiration, surrender, 14866
revocation, and proper display of those placards. Any temporary 14867
removable windshield placard issued after October 14, 1999, 14868
shall be manufactured in a manner that allows for the expiration 14869
date of the placard to be indicated on it through the punching, 14870
drilling, boring, or creation by any other means of holes in the 14871
placard. 14872

(E) If an applicant for a removable windshield placard is 14873
a veteran of the armed forces of the United States whose 14874
disability, as defined in division (A)(1) of this section, is 14875
service-connected, the registrar or deputy registrar, upon 14876
receipt of the application, presentation of a signed statement 14877
from the applicant's health care provider certifying the 14878
applicant's disability, and presentation of such documentary 14879
evidence from the department of veterans affairs that the 14880
disability of the applicant meets at least one of the criteria 14881
identified in division (A)(1) of this section and is service- 14882
connected as the registrar may require by rule, but without the 14883
payment of any service fee, shall issue the applicant a 14884
removable windshield placard that is valid until expired, 14885
surrendered, or revoked. 14886

(F) Upon a conviction of a violation of division (H) or 14887
(I) of this section, the court shall report the conviction, and 14888
send the placard, if available, to the registrar, who thereupon 14889
shall revoke the privilege of using the placard and send notice 14890
in writing to the placardholder at that holder's last known 14891
address as shown in the records of the bureau, and the 14892
placardholder shall return the placard if not previously 14893
surrendered to the court, to the registrar within ten days 14894

following mailing of the notice. 14895

Whenever a person to whom a removable windshield placard 14896
has been issued moves to another state, the person shall 14897
surrender the placard to the registrar; and whenever an 14898
organization to which a placard has been issued changes its 14899
place of operation to another state, the organization shall 14900
surrender the placard to the registrar. 14901

(G) Subject to division (F) of section 4511.69 of the 14902
Revised Code, the operator of a motor vehicle displaying a 14903
removable windshield placard, temporary removable windshield 14904
placard, or the ~~special-accessible~~ license plates authorized by 14905
this section is entitled to park the motor vehicle in any 14906
~~special-accessible~~ parking location reserved for persons with 14907
disabilities that limit or impair the ability to walk, ~~also~~ 14908
~~known as handicapped parking spaces or disability parking~~ 14909
~~spaces.~~ 14910

(H) No person or organization that is not eligible for the 14911
issuance of license plates or any placard under this section 14912
shall willfully and falsely represent that the person or 14913
organization is so eligible. 14914

No person or organization shall display license plates 14915
issued under this section unless the license plates have been 14916
issued for the vehicle on which they are displayed and are 14917
valid. 14918

(I) No person or organization to which a removable 14919
windshield placard or temporary removable windshield placard is 14920
issued shall do either of the following: 14921

(1) Display or permit the display of the placard on any 14922
motor vehicle when having reasonable cause to believe the motor 14923

vehicle is being used in connection with an activity that does 14924
not include providing transportation for persons with 14925
disabilities that limit or impair the ability to walk; 14926

(2) Refuse to return or surrender the placard, when 14927
required. 14928

(J) If a removable windshield placard, temporary removable 14929
windshield placard, or parking card is lost, destroyed, or 14930
mutilated, the placardholder or cardholder may obtain a 14931
duplicate by doing both of the following: 14932

(1) Furnishing suitable proof of the loss, destruction, or 14933
mutilation to the registrar; 14934

(2) Paying a service fee equal to the amount specified in 14935
division (D) or (G) of section 4503.10 of the Revised Code. 14936

Any placardholder or cardholder who loses a placard or 14937
card and, after obtaining a duplicate, finds the original, 14938
immediately shall surrender the original placard or card to the 14939
registrar. 14940

(K) (1) The registrar shall pay all fees received under 14941
this section for the issuance of removable windshield placards 14942
or temporary removable windshield placards or duplicate 14943
removable windshield placards or cards into the state treasury 14944
to the credit of the public safety - highway purposes fund 14945
created in section 4501.06 of the Revised Code. 14946

(2) In addition to the fees collected under this section, 14947
the registrar or deputy registrar shall ask each person applying 14948
for a removable windshield placard or temporary removable 14949
windshield placard or duplicate removable windshield placard or 14950
license plate issued under this section, whether the person 14951
wishes to make a two-dollar voluntary contribution to support 14952

rehabilitation employment services. The registrar shall transmit 14953
the contributions received under this division to the treasurer 14954
of state for deposit into the rehabilitation employment fund, 14955
which is hereby created in the state treasury. A deputy 14956
registrar shall transmit the contributions received under this 14957
division to the registrar in the time and manner prescribed by 14958
the registrar. The contributions in the fund shall be used by 14959
the opportunities for Ohioans with disabilities agency to 14960
purchase services related to vocational evaluation, work 14961
adjustment, personal adjustment, job placement, job coaching, 14962
and community-based assessment from accredited community 14963
rehabilitation program facilities. 14964

(L) For purposes of enforcing this section, every peace 14965
officer is deemed to be an agent of the registrar. Any peace 14966
officer or any authorized employee of the bureau of motor 14967
vehicles who, in the performance of duties authorized by law, 14968
becomes aware of a person whose placard or parking card has been 14969
revoked pursuant to this section, may confiscate that placard or 14970
parking card and return it to the registrar. The registrar shall 14971
prescribe any forms used by law enforcement agencies in 14972
administering this section. 14973

No peace officer, law enforcement agency employing a peace 14974
officer, or political subdivision or governmental agency 14975
employing a peace officer, and no employee of the bureau is 14976
liable in a civil action for damages or loss to persons arising 14977
out of the performance of any duty required or authorized by 14978
this section. As used in this division, "peace officer" has the 14979
same meaning as in division (B) of section 2935.01 of the 14980
Revised Code. 14981

(M) All applications for registration of motor vehicles, 14982

removable windshield placards, and temporary removable 14983
windshield placards issued under this section, all renewal 14984
notices for such items, and all other publications issued by the 14985
bureau that relate to this section shall set forth the criminal 14986
penalties that may be imposed upon a person who violates any 14987
provision relating to ~~special~~accessible license plates issued 14988
under this section, the parking of vehicles displaying such 14989
license plates, and the issuance, procurement, use, and display 14990
of removable windshield placards and temporary removable 14991
windshield placards issued under this section. 14992

(N) Whoever violates this section is guilty of a 14993
misdemeanor of the fourth degree. 14994

Sec. 4506.07. (A) An applicant for a commercial driver's 14995
license, restricted commercial driver's license, or a commercial 14996
driver's license temporary instruction permit, or a duplicate of 14997
such a license or permit, shall submit an application upon a 14998
form approved and furnished by the registrar of motor vehicles. 14999
Except as provided in section 4506.24 of the Revised Code in 15000
regard to a restricted commercial driver's license, the 15001
applicant shall sign the application which shall contain the 15002
following information: 15003

(1) The applicant's name, date of birth, social security 15004
account number, sex, general description including height, 15005
weight, and color of hair and eyes, current residence, duration 15006
of residence in this state, state of domicile, country of 15007
citizenship, and occupation; 15008

(2) Whether the applicant previously has been licensed to 15009
operate a commercial motor vehicle or any other type of motor 15010
vehicle in another state or a foreign jurisdiction and, if so, 15011
when, by what state, and whether the license or driving 15012

privileges currently are suspended or revoked in any 15013
jurisdiction, or the applicant otherwise has been disqualified 15014
from operating a commercial motor vehicle, or is subject to an 15015
out-of-service order issued under this chapter or any similar 15016
law of another state or a foreign jurisdiction and, if so, the 15017
date of, locations involved, and reason for the suspension, 15018
revocation, disqualification, or out-of-service order; 15019

(3) Whether the applicant ~~is afflicted with or suffering~~ 15020
~~from~~ has any physical or mental disability or disease that 15021
prevents the applicant from exercising reasonable and ordinary 15022
control over a motor vehicle while operating it upon a highway 15023
or is or has been subject to any condition resulting in episodic 15024
impairment of consciousness or loss of muscular control and, if 15025
so, the nature and extent of the disability, disease, or 15026
condition, and the names and addresses of the physicians 15027
attending the applicant; 15028

(4) Whether the applicant has obtained a medical 15029
examiner's certificate as required by this chapter and, 15030
beginning January 30, 2012, the applicant, prior to or at the 15031
time of applying, has self-certified to the registrar the 15032
applicable status of the applicant under division (A) (1) of 15033
section 4506.10 of the Revised Code; 15034

(5) Whether the applicant has pending a citation for 15035
violation of any motor vehicle law or ordinance except a parking 15036
violation and, if so, a description of the citation, the court 15037
having jurisdiction of the offense, and the date when the 15038
offense occurred; 15039

(6) If an applicant has not certified the applicant's 15040
willingness to make an anatomical gift under section 2108.05 of 15041
the Revised Code, whether the applicant wishes to certify 15042

willingness to make such an anatomical gift, which shall be 15043
given no consideration in the issuance of a license; 15044

(7) Whether the applicant has executed a valid durable 15045
power of attorney for health care pursuant to sections 1337.11 15046
to 1337.17 of the Revised Code or has executed a declaration 15047
governing the use or continuation, or the withholding or 15048
withdrawal, of life-sustaining treatment pursuant to sections 15049
2133.01 to 2133.15 of the Revised Code and, if the applicant has 15050
executed either type of instrument, whether the applicant wishes 15051
the license issued to indicate that the applicant has executed 15052
the instrument; 15053

(8) Whether the applicant is a veteran, active duty, or 15054
reservist of the armed forces of the United States and, if the 15055
applicant is such, whether the applicant wishes the license 15056
issued to indicate that the applicant is a veteran, active duty, 15057
or reservist of the armed forces of the United States by a 15058
military designation on the license. 15059

(B) Every applicant shall certify, on a form approved and 15060
furnished by the registrar, all of the following: 15061

(1) That the motor vehicle in which the applicant intends 15062
to take the driving skills test is representative of the type of 15063
motor vehicle that the applicant expects to operate as a driver; 15064

(2) That the applicant is not subject to any 15065
disqualification or out-of-service order, or license suspension, 15066
revocation, or cancellation, under the laws of this state, of 15067
another state, or of a foreign jurisdiction and does not have 15068
more than one driver's license issued by this or another state 15069
or a foreign jurisdiction; 15070

(3) Any additional information, certification, or evidence 15071

that the registrar requires by rule in order to ensure that the 15072
issuance of a commercial driver's license or commercial driver's 15073
license temporary instruction permit to the applicant is in 15074
compliance with the law of this state and with federal law. 15075

(C) Every applicant shall execute a form, approved and 15076
furnished by the registrar, under which the applicant consents 15077
to the release by the registrar of information from the 15078
applicant's driving record. 15079

(D) The registrar or a deputy registrar, in accordance 15080
with section 3503.11 of the Revised Code, shall register as an 15081
elector any applicant for a commercial driver's license or for a 15082
renewal or duplicate of such a license under this chapter, if 15083
the applicant is eligible and wishes to be registered as an 15084
elector. The decision of an applicant whether to register as an 15085
elector shall be given no consideration in the decision of 15086
whether to issue the applicant a license or a renewal or 15087
duplicate. 15088

(E) The registrar or a deputy registrar, in accordance 15089
with section 3503.11 of the Revised Code, shall offer the 15090
opportunity of completing a notice of change of residence or 15091
change of name to any applicant for a commercial driver's 15092
license or for a renewal or duplicate of such a license who is a 15093
resident of this state, if the applicant is a registered elector 15094
who has changed the applicant's residence or name and has not 15095
filed such a notice. 15096

(F) In considering any application submitted pursuant to 15097
this section, the bureau of motor vehicles may conduct any 15098
inquiries necessary to ensure that issuance or renewal of a 15099
commercial driver's license would not violate any provision of 15100
the Revised Code or federal law. 15101

(G) In addition to any other information it contains, the form approved and furnished by the registrar of motor vehicles for an application for a commercial driver's license, restricted commercial driver's license, or a commercial driver's license temporary instruction permit or an application for a duplicate of such a license or permit shall inform applicants that the applicant must present a copy of the applicant's DD-214 or an equivalent document in order to qualify to have the license, or permit, or duplicate indicate that the applicant is a veteran, active duty, or reservist of the armed forces of the United States based on a request made pursuant to division (A) (8) of this section.

Sec. 4507.06. (A) (1) Every application for a driver's license, motorcycle operator's license or endorsement, or motor-driven cycle or motor scooter license or endorsement, or duplicate of any such license or endorsement, shall be made upon the approved form furnished by the registrar of motor vehicles and shall be signed by the applicant.

Every application shall state the following:

(a) The applicant's name, date of birth, social security number if such has been assigned, sex, general description, including height, weight, color of hair, and eyes, residence address, including county of residence, duration of residence in this state, and country of citizenship;

(b) Whether the applicant previously has been licensed as an operator, chauffeur, driver, commercial driver, or motorcycle operator and, if so, when, by what state, and whether such license is suspended or canceled at the present time and, if so, the date of and reason for the suspension or cancellation;

(c) Whether the applicant is now or ever has been 15131
afflicted with epilepsy, or whether the applicant now ~~is~~ 15132
~~suffering from~~ has any physical or mental disability or disease 15133
and, if so, the nature and extent of the disability or disease, 15134
giving the names and addresses of physicians then or previously 15135
in attendance upon the applicant; 15136

(d) Whether an applicant for a duplicate driver's license, 15137
duplicate license containing a motorcycle operator endorsement, 15138
or duplicate license containing a motor-driven cycle or motor 15139
scooter endorsement has pending a citation for violation of any 15140
motor vehicle law or ordinance, a description of any such 15141
citation pending, and the date of the citation; 15142

(e) If an applicant has not certified the applicant's 15143
willingness to make an anatomical gift under section 2108.05 of 15144
the Revised Code, whether the applicant wishes to certify 15145
willingness to make such an anatomical gift, which shall be 15146
given no consideration in the issuance of a license or 15147
endorsement; 15148

(f) Whether the applicant has executed a valid durable 15149
power of attorney for health care pursuant to sections 1337.11 15150
to 1337.17 of the Revised Code or has executed a declaration 15151
governing the use or continuation, or the withholding or 15152
withdrawal, of life-sustaining treatment pursuant to sections 15153
2133.01 to 2133.15 of the Revised Code and, if the applicant has 15154
executed either type of instrument, whether the applicant wishes 15155
the applicant's license to indicate that the applicant has 15156
executed the instrument; 15157

(g) On and after October 7, 2009, whether the applicant is 15158
a veteran, active duty, or reservist of the armed forces of the 15159
United States and, if the applicant is such, whether the 15160

applicant wishes the applicant's license to indicate that the 15161
applicant is a veteran, active duty, or reservist of the armed 15162
forces of the United States by a military designation on the 15163
license. 15164

(2) Every applicant for a driver's license shall be 15165
photographed in color at the time the application for the 15166
license is made. The application shall state any additional 15167
information that the registrar requires. 15168

(B) The registrar or a deputy registrar, in accordance 15169
with section 3503.11 of the Revised Code, shall register as an 15170
elector any person who applies for a license or endorsement 15171
under division (A) of this section, or for a renewal or 15172
duplicate of the license or endorsement, if the applicant is 15173
eligible and wishes to be registered as an elector. The decision 15174
of an applicant whether to register as an elector shall be given 15175
no consideration in the decision of whether to issue the 15176
applicant a license or endorsement, or a renewal or duplicate. 15177

(C) The registrar or a deputy registrar, in accordance 15178
with section 3503.11 of the Revised Code, shall offer the 15179
opportunity of completing a notice of change of residence or 15180
change of name to any applicant for a driver's license or 15181
endorsement under division (A) of this section, or for a renewal 15182
or duplicate of the license or endorsement, if the applicant is 15183
a registered elector who has changed the applicant's residence 15184
or name and has not filed such a notice. 15185

(D) In addition to any other information it contains, on 15186
and after October 7, 2009, the approved form furnished by the 15187
registrar of motor vehicles for an application for a license or 15188
endorsement or an application for a duplicate of any such 15189
license or endorsement shall inform applicants that the 15190

applicant must present a copy of the applicant's DD-214 or an 15191
equivalent document in order to qualify to have the license or 15192
duplicate indicate that the applicant is a veteran, active duty, 15193
or reservist of the armed forces of the United States based on a 15194
request made pursuant to division (A) (1) (g) of this section. 15195

Sec. 4507.08. (A) No probationary license shall be issued 15196
to any person under the age of eighteen who has been adjudicated 15197
an unruly or delinquent child or a juvenile traffic offender for 15198
having committed any act that if committed by an adult would be 15199
a drug abuse offense, as defined in section 2925.01 of the 15200
Revised Code, a violation of division (B) of section 2917.11, or 15201
a violation of division (A) of section 4511.19 of the Revised 15202
Code, unless the person has been required by the court to attend 15203
a drug abuse or alcohol abuse education, intervention, or 15204
treatment program specified by the court and has satisfactorily 15205
completed the program. 15206

(B) No temporary instruction permit or driver's license 15207
shall be issued to any person whose license has been suspended, 15208
during the period for which the license was suspended, nor to 15209
any person whose license has been canceled, under Chapter 4510. 15210
or any other provision of the Revised Code. 15211

(C) No temporary instruction permit or driver's license 15212
shall be issued to any person whose commercial driver's license 15213
is suspended under Chapter 4510. or any other provision of the 15214
Revised Code during the period of the suspension. 15215

No temporary instruction permit or driver's license shall 15216
be issued to any person when issuance is prohibited by division 15217
(A) of section 4507.091 of the Revised Code. 15218

(D) No temporary instruction permit or driver's license 15219

shall be issued to, or retained by, any of the following 15220
persons: 15221

(1) Any person who ~~is an alcoholic~~has alcoholism, or is 15222
addicted to the use of controlled substances to the extent that 15223
the use constitutes an impairment to the person's ability to 15224
operate a motor vehicle with the required degree of safety; 15225

(2) Any person who is under the age of eighteen and has 15226
been adjudicated an unruly or delinquent child or a juvenile 15227
traffic offender for having committed any act that if committed 15228
by an adult would be a drug abuse offense, as defined in section 15229
2925.01 of the Revised Code, a violation of division (B) of 15230
section 2917.11, or a violation of division (A) of section 15231
4511.19 of the Revised Code, unless the person has been required 15232
by the court to attend a drug abuse or alcohol abuse education, 15233
intervention, or treatment program specified by the court and 15234
has satisfactorily completed the program; 15235

(3) Any person who, in the opinion of the registrar, ~~is~~ 15236
~~afflicted with or suffering from~~has a physical or mental 15237
disability or disease that prevents the person from exercising 15238
reasonable and ordinary control over a motor vehicle while 15239
operating the vehicle upon the highways, except that a 15240
restricted license effective for six months may be issued to any 15241
person otherwise qualified who is or has been subject to any 15242
condition resulting in episodic impairment of consciousness or 15243
loss of muscular control and whose condition, in the opinion of 15244
the registrar, is dormant or is sufficiently under medical 15245
control that the person is capable of exercising reasonable and 15246
ordinary control over a motor vehicle. A restricted license 15247
effective for six months shall be issued to any person who 15248
otherwise is qualified and who is subject to any condition that 15249

causes episodic impairment of consciousness or a loss of 15250
muscular control if the person presents a statement from a 15251
licensed physician that the person's condition is under 15252
effective medical control and the period of time for which the 15253
control has been continuously maintained, unless, thereafter, a 15254
medical examination is ordered and, pursuant thereto, cause for 15255
denial is found. 15256

A person to whom a six-month restricted license has been 15257
issued shall give notice of the person's medical condition to 15258
the registrar on forms provided by the registrar and signed by 15259
the licensee's physician. The notice shall be sent to the 15260
registrar six months after the issuance of the license. 15261
Subsequent restricted licenses issued to the same individual 15262
shall be effective for six months. 15263

(4) Any person who is unable to understand highway 15264
warnings or traffic signs or directions given in the English 15265
language; 15266

(5) Any person making an application whose driver's 15267
license or driving privileges are under cancellation, 15268
revocation, or suspension in the jurisdiction where issued or 15269
any other jurisdiction, until the expiration of one year after 15270
the license was canceled or revoked or until the period of 15271
suspension ends. Any person whose application is denied under 15272
this division may file a petition in the municipal court or 15273
county court in whose jurisdiction the person resides agreeing 15274
to pay the cost of the proceedings and alleging that the conduct 15275
involved in the offense that resulted in suspension, 15276
cancellation, or revocation in the foreign jurisdiction would 15277
not have resulted in a suspension, cancellation, or revocation 15278
had the offense occurred in this state. If the petition is 15279

granted, the petitioner shall notify the registrar by a 15280
certified copy of the court's findings and a license shall not 15281
be denied under this division. 15282

(6) Any person who is under a class one or two suspension 15283
imposed for a violation of section 2903.01, 2903.02, 2903.04, 15284
2903.06, 2903.08, 2903.11, 2921.331, or 2923.02 of the Revised 15285
Code or whose driver's or commercial driver's license or permit 15286
was permanently revoked prior to January 1, 2004, for a 15287
substantially equivalent violation pursuant to section 4507.16 15288
of the Revised Code; 15289

(7) Any person who is not a resident or temporary resident 15290
of this state. 15291

(E) No person whose driver's license or permit has been 15292
suspended under Chapter 4510. of the Revised Code or any other 15293
provision of the Revised Code shall have driving privileges 15294
reinstated if the registrar determines that a warrant has been 15295
issued in this state or any other state for the person's arrest 15296
and that warrant is an active warrant. 15297

Sec. 4508.01. As used in this chapter: 15298

(A) "Beginning driver" means any person being trained to 15299
drive a particular motor vehicle who has not been previously 15300
licensed to drive that motor vehicle by any state or country. 15301

(B) ~~"Disabled person"~~ "Person with a disability" means a 15302
person who, in the opinion of the registrar of motor vehicles, 15303
~~is afflicted with or suffering from~~ has a physical or mental 15304
disability or disease that prevents the person, in the absence 15305
of special training or equipment, from exercising reasonable and 15306
ordinary control over a motor vehicle while operating the 15307
vehicle upon the highways. ~~"Disabled person"~~ "Person with a 15308

disability" does not mean any person who is or has been subject 15309
to any condition resulting in episodic impairment of 15310
consciousness or loss of muscular control and whose condition, 15311
in the opinion of the registrar, is dormant or is sufficiently 15312
under medical control that the person is capable of exercising 15313
reasonable and ordinary control over a motor vehicle. 15314

(C) "Driver training school" or "school" means any of the 15315
following: 15316

(1) A private business enterprise conducted by an 15317
individual, association, partnership, or corporation for the 15318
education and training of persons to operate or drive motor 15319
vehicles, that does any of the following: 15320

(a) Uses public streets or highways to provide training 15321
and charges a consideration or tuition for such services; 15322

(b) Provides an online driver education course approved by 15323
the director of public safety pursuant to division (A) (2) of 15324
section 4508.02 of the Revised Code and charges a consideration 15325
or tuition for the course; 15326

(c) Provides an abbreviated driver training course for 15327
adults that is approved by the director pursuant to division (F) 15328
of section 4508.02 of the Revised Code and charges a 15329
consideration or tuition for the course. 15330

(2) A lead school district as provided in section 4508.09 15331
of the Revised Code; 15332

(3) A board of education of a city, exempted village, 15333
local, or joint vocational school district or the governing 15334
board of an educational service center that offers a driver 15335
education course for high school students enrolled in the 15336
district or in a district served by the educational service 15337

center. 15338

(D) "Instructor" means any person, whether acting for self 15339
as operator of a driver training school or for such a school for 15340
compensation, who teaches, conducts classes of, gives 15341
demonstrations to, or supervises practice of, persons learning 15342
to operate or drive motor vehicles. 15343

(E) "Lead school district" means a school district, 15344
including a joint vocational school district, designated by the 15345
department of education as either a vocational education 15346
planning district itself or as responsible for providing primary 15347
vocational education leadership within a vocational education 15348
planning district that is composed of a group of districts. A 15349
"vocational education planning district" is a school district or 15350
group of school districts designated by the department as 15351
responsible for planning and providing vocational education 15352
services to students within the district or group of districts. 15353

Sec. 4508.03. (A) No person shall establish a driver 15354
training school or continue the operation of an existing school 15355
unless the person applies for and obtains from the director of 15356
public safety a license in the manner and form prescribed by the 15357
director. 15358

The director shall adopt rules that establish the 15359
requirements for a school license, including requirements 15360
concerning location, equipment, courses of instruction, 15361
instructors, previous records of the school and instructors, 15362
financial statements, schedule of fees and charges, insurance in 15363
the sum and with those provisions as the director considers 15364
necessary to protect adequately the interests of the public, and 15365
any other matters as the director may prescribe for the 15366
protection of the public. The rules also shall require financial 15367

responsibility information as part of the driver education 15368
curriculum. 15369

(B) Any school that offers a driver training program for 15370
~~disabled persons with disabilities~~ shall provide specially 15371
trained instructors for the driver training of such persons. No 15372
school shall operate a driver training program for ~~disabled-~~ 15373
persons with disabilities after June 30, 1978, unless it has 15374
been licensed for such operation by the director. No person 15375
shall act as a specially trained instructor in a driver training 15376
program for ~~disabled persons with disabilities~~ operated by a 15377
school after June 30, 1978, unless that person has been licensed 15378
by the director. 15379

(C) The director shall certify instructors to teach driver 15380
training to ~~disabled persons with disabilities~~ in accordance 15381
with training program requirements established by the department 15382
of public safety. 15383

(D) No person shall operate a driver training school 15384
unless the person has a valid license issued by the director 15385
under this section. 15386

(E) Whoever violates division (D) of this section is 15387
guilty of operating a driver training school without a valid 15388
license, a misdemeanor of the second degree. On a second or 15389
subsequent offense within two years after the first offense, the 15390
person is guilty of a misdemeanor of the first degree. 15391

Sec. 4508.04. (A) No person shall act as a driver training 15392
instructor, and no person shall act as a driver training 15393
instructor for ~~disabled persons with disabilities~~, unless such 15394
person applies for and obtains from the director of public 15395
safety a license in the manner and form prescribed by the 15396

director. The director shall provide by rule for instructors' 15397
license requirements including physical condition, knowledge of 15398
the courses of instruction, motor vehicle laws and safety 15399
principles, previous personal and employment records, and such 15400
other matters as the director may prescribe for the protection 15401
of the public. Driver training instructors for ~~disabled~~ persons 15402
with disabilities shall meet such additional requirements and 15403
receive such additional classroom and practical instruction as 15404
the director shall prescribe by rule. 15405

(B) The director may issue a license under this section to 15406
a person convicted of a disqualifying offense as determined in 15407
accordance with section 9.79 of the Revised Code. 15408

(C) No person shall knowingly make a false statement on a 15409
license application submitted under this section. 15410

(D) Upon successful completion of all requirements for an 15411
initial instructor license, the director shall issue an 15412
applicant a probationary license, which expires one hundred 15413
eighty days from the date of issuance. In order to receive a 15414
driver training instructor license, a person issued a 15415
probationary license shall pass an assessment prescribed in 15416
rules adopted by the director pursuant to section 4508.02 of the 15417
Revised Code. The person shall pass the assessment prior to 15418
expiration of the probationary license. If the person fails to 15419
pass the assessment, or fails to meet any standards required for 15420
a driver training instructor license, the director may extend 15421
the expiration date of the person's probationary license. Upon 15422
successful completion of the assessment and approval of the 15423
director, the director shall issue to the person a driver 15424
training instructor license. 15425

(E) (1) Whoever violates division (A) of this section is 15426

guilty of acting as a driver training instructor without a valid license, a misdemeanor of the first degree. 15427
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(2) Whoever violates division (C) of this section may be charged with falsification under section 2921.13 of the Revised Code. 15429
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Sec. 4511.01. As used in this chapter and in Chapter 4513. of the Revised Code: 15432
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(A) "Vehicle" means every device, including a motorized bicycle and an electric bicycle, in, upon, or by which any person or property may be transported or drawn upon a highway, except that "vehicle" does not include any motorized wheelchair, any electric personal assistive mobility device, any low-speed micromobility device, any personal delivery device as defined in section 4511.513 of the Revised Code, any device that is moved by power collected from overhead electric trolley wires or that is used exclusively upon stationary rails or tracks, or any device, other than a bicycle, that is moved by human power. 15434
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(B) "Motor vehicle" means every vehicle propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires, except motorized bicycles, electric bicycles, road rollers, traction engines, power shovels, power cranes, and other equipment used in construction work and not designed for or employed in general highway transportation, hole-digging machinery, well-drilling machinery, ditch-digging machinery, farm machinery, and trailers designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of no more than ten miles and at a speed of twenty-five miles per hour or less. 15444
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(C) "Motorcycle" means every motor vehicle, other than a tractor, having a seat or saddle for the use of the operator and designed to travel on not more than three wheels in contact with the ground, including, but not limited to, motor vehicles known as "motor-driven cycle," "motor scooter," "autocycle," "cab-enclosed motorcycle," or "motorcycle" without regard to weight or brake horsepower.

(D) "Emergency vehicle" means emergency vehicles of municipal, township, or county departments or public utility corporations when identified as such as required by law, the director of public safety, or local authorities, and motor vehicles when commandeered by a police officer.

(E) "Public safety vehicle" means any of the following:

(1) Ambulances, including private ambulance companies under contract to a municipal corporation, township, or county, and private ambulances and nontransport vehicles bearing license plates issued under section 4503.49 of the Revised Code;

(2) Motor vehicles used by public law enforcement officers or other persons sworn to enforce the criminal and traffic laws of the state;

(3) Any motor vehicle when properly identified as required by the director of public safety, when used in response to fire emergency calls or to provide emergency medical service to ill or injured persons, and when operated by a duly qualified person who is a member of a volunteer rescue service or a volunteer fire department, and who is on duty pursuant to the rules or directives of that service. The state fire marshal shall be designated by the director of public safety as the certifying agency for all public safety vehicles described in division (E)

(3) of this section. 15485

(4) Vehicles used by fire departments, including motor 15486
vehicles when used by volunteer fire fighters responding to 15487
emergency calls in the fire department service when identified 15488
as required by the director of public safety. 15489

Any vehicle used to transport or provide emergency medical 15490
service to an ill or injured person, when certified as a public 15491
safety vehicle, shall be considered a public safety vehicle when 15492
transporting an ill or injured person to a hospital regardless 15493
of whether such vehicle has already passed a hospital. 15494

(5) Vehicles used by the motor carrier enforcement unit 15495
for the enforcement of orders and rules of the public utilities 15496
commission as specified in section 5503.34 of the Revised Code. 15497

(F) "School bus" means every bus designed for carrying 15498
more than nine passengers that is owned by a public, private, or 15499
governmental agency or institution of learning and operated for 15500
the transportation of children to or from a school session or a 15501
school function, or owned by a private person and operated for 15502
compensation for the transportation of children to or from a 15503
school session or a school function, provided "school bus" does 15504
not include a bus operated by a municipally owned transportation 15505
system, a mass transit company operating exclusively within the 15506
territorial limits of a municipal corporation, or within such 15507
limits and the territorial limits of municipal corporations 15508
immediately contiguous to such municipal corporation, nor a 15509
common passenger carrier certified by the public utilities 15510
commission unless such bus is devoted exclusively to the 15511
transportation of children to and from a school session or a 15512
school function, and "school bus" does not include a van or bus 15513
used by a licensed child day-care center or type A family day- 15514

care home to transport children from the child day-care center 15515
or type A family day-care home to a school if the van or bus 15516
does not have more than fifteen children in the van or bus at 15517
any time. 15518

(G) "Bicycle" means every device, other than a device that 15519
is designed solely for use as a play vehicle by a child, that is 15520
propelled solely by human power upon which a person may ride, 15521
and that has two or more wheels, any of which is more than 15522
fourteen inches in diameter. 15523

(H) "Motorized bicycle" or "moped" means any vehicle 15524
having either two tandem wheels or one wheel in the front and 15525
two wheels in the rear, that may be pedaled, and that is 15526
equipped with a helper motor of not more than fifty cubic 15527
centimeters piston displacement that produces not more than one 15528
brake horsepower and is capable of propelling the vehicle at a 15529
speed of not greater than twenty miles per hour on a level 15530
surface. "Motorized bicycle" or "moped" does not include an 15531
electric bicycle. 15532

(I) "Commercial tractor" means every motor vehicle having 15533
motive power designed or used for drawing other vehicles and not 15534
so constructed as to carry any load thereon, or designed or used 15535
for drawing other vehicles while carrying a portion of such 15536
other vehicles, or load thereon, or both. 15537

(J) "Agricultural tractor" means every self-propelling 15538
vehicle designed or used for drawing other vehicles or wheeled 15539
machinery but having no provision for carrying loads 15540
independently of such other vehicles, and used principally for 15541
agricultural purposes. 15542

(K) "Truck" means every motor vehicle, except trailers and 15543

semitrailers, designed and used to carry property. 15544

(L) "Bus" means every motor vehicle designed for carrying 15545
more than nine passengers and used for the transportation of 15546
persons other than in a ridesharing arrangement, and every motor 15547
vehicle, automobile for hire, or funeral car, other than a 15548
taxicab or motor vehicle used in a ridesharing arrangement, 15549
designed and used for the transportation of persons for 15550
compensation. 15551

(M) "Trailer" means every vehicle designed or used for 15552
carrying persons or property wholly on its own structure and for 15553
being drawn by a motor vehicle, including any such vehicle when 15554
formed by or operated as a combination of a "semitrailer" and a 15555
vehicle of the dolly type, such as that commonly known as a 15556
"trailer dolly," a vehicle used to transport agricultural 15557
produce or agricultural production materials between a local 15558
place of storage or supply and the farm when drawn or towed on a 15559
street or highway at a speed greater than twenty-five miles per 15560
hour, and a vehicle designed and used exclusively to transport a 15561
boat between a place of storage and a marina, or in and around a 15562
marina, when drawn or towed on a street or highway for a 15563
distance of more than ten miles or at a speed of more than 15564
twenty-five miles per hour. 15565

(N) "Semitrailer" means every vehicle designed or used for 15566
carrying persons or property with another and separate motor 15567
vehicle so that in operation a part of its own weight or that of 15568
its load, or both, rests upon and is carried by another vehicle. 15569

(O) "Pole trailer" means every trailer or semitrailer 15570
attached to the towing vehicle by means of a reach, pole, or by 15571
being boomed or otherwise secured to the towing vehicle, and 15572
ordinarily used for transporting long or irregular shaped loads 15573

such as poles, pipes, or structural members capable, generally, 15574
of sustaining themselves as beams between the supporting 15575
connections. 15576

(P) "Railroad" means a carrier of persons or property 15577
operating upon rails placed principally on a private right-of- 15578
way. 15579

(Q) "Railroad train" means a steam engine or an electric 15580
or other motor, with or without cars coupled thereto, operated 15581
by a railroad. 15582

(R) "Streetcar" means a car, other than a railroad train, 15583
for transporting persons or property, operated upon rails 15584
principally within a street or highway. 15585

(S) "Trackless trolley" means every car that collects its 15586
power from overhead electric trolley wires and that is not 15587
operated upon rails or tracks. 15588

(T) "Explosives" means any chemical compound or mechanical 15589
mixture that is intended for the purpose of producing an 15590
explosion that contains any oxidizing and combustible units or 15591
other ingredients in such proportions, quantities, or packing 15592
that an ignition by fire, by friction, by concussion, by 15593
percussion, or by a detonator of any part of the compound or 15594
mixture may cause such a sudden generation of highly heated 15595
gases that the resultant gaseous pressures are capable of 15596
producing destructive effects on contiguous objects, or of 15597
destroying life or limb. Manufactured articles shall not be held 15598
to be explosives when the individual units contain explosives in 15599
such limited quantities, of such nature, or in such packing, 15600
that it is impossible to procure a simultaneous or a destructive 15601
explosion of such units, to the injury of life, limb, or 15602

property by fire, by friction, by concussion, by percussive, or 15603
by a detonator, such as fixed ammunition for small arms, 15604
firecrackers, or safety fuse matches. 15605

(U) "Flammable liquid" means any liquid that has a flash 15606
point of seventy degrees fahrenheit, or less, as determined by a 15607
tagliabue or equivalent closed cup test device. 15608

(V) "Gross weight" means the weight of a vehicle plus the 15609
weight of any load thereon. 15610

(W) "Person" means every natural person, firm, co- 15611
partnership, association, or corporation. 15612

(X) "Pedestrian" means any natural person afoot. 15613
"Pedestrian" includes a personal delivery device as defined in 15614
section 4511.513 of the Revised Code unless the context clearly 15615
suggests otherwise. 15616

(Y) "Driver or operator" means every person who drives or 15617
is in actual physical control of a vehicle, trackless trolley, 15618
or streetcar. 15619

(Z) "Police officer" means every officer authorized to 15620
direct or regulate traffic, or to make arrests for violations of 15621
traffic regulations. 15622

(AA) "Local authorities" means every county, municipal, 15623
and other local board or body having authority to adopt police 15624
regulations under the constitution and laws of this state. 15625

(BB) "Street" or "highway" means the entire width between 15626
the boundary lines of every way open to the use of the public as 15627
a thoroughfare for purposes of vehicular travel. 15628

(CC) "Controlled-access highway" means every street or 15629
highway in respect to which owners or occupants of abutting 15630

lands and other persons have no legal right of access to or from 15631
the same except at such points only and in such manner as may be 15632
determined by the public authority having jurisdiction over such 15633
street or highway. 15634

(DD) "Private road or driveway" means every way or place 15635
in private ownership used for vehicular travel by the owner and 15636
those having express or implied permission from the owner but 15637
not by other persons. 15638

(EE) "Roadway" means that portion of a highway improved, 15639
designed, or ordinarily used for vehicular travel, except the 15640
berm or shoulder. If a highway includes two or more separate 15641
roadways the term "roadway" means any such roadway separately 15642
but not all such roadways collectively. 15643

(FF) "Sidewalk" means that portion of a street between the 15644
curb lines, or the lateral lines of a roadway, and the adjacent 15645
property lines, intended for the use of pedestrians. 15646

(GG) "Laned highway" means a highway the roadway of which 15647
is divided into two or more clearly marked lanes for vehicular 15648
traffic. 15649

(HH) "Through highway" means every street or highway as 15650
provided in section 4511.65 of the Revised Code. 15651

(II) "State highway" means a highway under the 15652
jurisdiction of the department of transportation, outside the 15653
limits of municipal corporations, provided that the authority 15654
conferred upon the director of transportation in section 5511.01 15655
of the Revised Code to erect state highway route markers and 15656
signs directing traffic shall not be modified by sections 15657
4511.01 to 4511.79 and 4511.99 of the Revised Code. 15658

(JJ) "State route" means every highway that is designated 15659

with an official state route number and so marked. 15660

(KK) "Intersection" means: 15661

(1) The area embraced within the prolongation or 15662
connection of the lateral curb lines, or, if none, the lateral 15663
boundary lines of the roadways of two highways that join one 15664
another at, or approximately at, right angles, or the area 15665
within which vehicles traveling upon different highways that 15666
join at any other angle might come into conflict. The junction 15667
of an alley or driveway with a roadway or highway does not 15668
constitute an intersection unless the roadway or highway at the 15669
junction is controlled by a traffic control device. 15670

(2) If a highway includes two roadways that are thirty 15671
feet or more apart, then every crossing of each roadway of such 15672
divided highway by an intersecting highway constitutes a 15673
separate intersection. If both intersecting highways include two 15674
roadways thirty feet or more apart, then every crossing of any 15675
two roadways of such highways constitutes a separate 15676
intersection. 15677

(3) At a location controlled by a traffic control signal, 15678
regardless of the distance between the separate intersections as 15679
described in division (KK) (2) of this section: 15680

(a) If a stop line, yield line, or crosswalk has not been 15681
designated on the roadway within the median between the separate 15682
intersections, the two intersections and the roadway and median 15683
constitute one intersection. 15684

(b) Where a stop line, yield line, or crosswalk line is 15685
designated on the roadway on the intersection approach, the area 15686
within the crosswalk and any area beyond the designated stop 15687
line or yield line constitute part of the intersection. 15688

(c) Where a crosswalk is designated on a roadway on the departure from the intersection, the intersection includes the area that extends to the far side of the crosswalk.

(LL) "Crosswalk" means:

(1) That part of a roadway at intersections ordinarily included within the real or projected prolongation of property lines and curb lines or, in the absence of curbs, the edges of the traversable roadway;

(2) Any portion of a roadway at an intersection or elsewhere, distinctly indicated for pedestrian crossing by lines or other markings on the surface;

(3) Notwithstanding divisions (LL) (1) and (2) of this section, there shall not be a crosswalk where local authorities have placed signs indicating no crossing.

(MM) "Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and protected or marked or indicated by adequate signs as to be plainly visible at all times.

(NN) "Business district" means the territory fronting upon a street or highway, including the street or highway, between successive intersections within municipal corporations where fifty per cent or more of the frontage between such successive intersections is occupied by buildings in use for business, or within or outside municipal corporations where fifty per cent or more of the frontage for a distance of three hundred feet or more is occupied by buildings in use for business, and the character of such territory is indicated by official traffic control devices.

(OO) "Residence district" means the territory, not

comprising a business district, fronting on a street or highway, 15718
including the street or highway, where, for a distance of three 15719
hundred feet or more, the frontage is improved with residences 15720
or residences and buildings in use for business. 15721

(PP) "Urban district" means the territory contiguous to 15722
and including any street or highway which is built up with 15723
structures devoted to business, industry, or dwelling houses 15724
situated at intervals of less than one hundred feet for a 15725
distance of a quarter of a mile or more, and the character of 15726
such territory is indicated by official traffic control devices. 15727

(QQ) "Traffic control device" means a flagger, sign, 15728
signal, marking, or other device used to regulate, warn, or 15729
guide traffic, placed on, over, or adjacent to a street, 15730
highway, private road open to public travel, pedestrian 15731
facility, or shared-use path by authority of a public agency or 15732
official having jurisdiction, or, in the case of a private road 15733
open to public travel, by authority of the private owner or 15734
private official having jurisdiction. 15735

(RR) "Traffic control signal" means any highway traffic 15736
signal by which traffic is alternately directed to stop and 15737
permitted to proceed. 15738

(SS) "Railroad sign or signal" means any sign, signal, or 15739
device erected by authority of a public body or official or by a 15740
railroad and intended to give notice of the presence of railroad 15741
tracks or the approach of a railroad train. 15742

(TT) "Traffic" means pedestrians, ridden or herded 15743
animals, vehicles, streetcars, trackless trolleys, and other 15744
devices, either singly or together, while using for purposes of 15745
travel any highway or private road open to public travel. 15746

(UU) "Right-of-way" means either of the following, as the context requires:

(1) The right of a vehicle, streetcar, trackless trolley, or pedestrian to proceed uninterrupted in a lawful manner in the direction in which it or the individual is moving in preference to another vehicle, streetcar, trackless trolley, or pedestrian approaching from a different direction into its or the individual's path;

(2) A general term denoting land, property, or the interest therein, usually in the configuration of a strip, acquired for or devoted to transportation purposes. When used in this context, right-of-way includes the roadway, shoulders or berm, ditch, and slopes extending to the right-of-way limits under the control of the state or local authority.

(VV) "Rural mail delivery vehicle" means every vehicle used to deliver United States mail on a rural mail delivery route.

(WW) "Funeral escort vehicle" means any motor vehicle, including a funeral hearse, while used to facilitate the movement of a funeral procession.

(XX) "Alley" means a street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic, and includes any street or highway that has been declared an "alley" by the legislative authority of the municipal corporation in which such street or highway is located.

(YY) "Freeway" means a divided multi-lane highway for through traffic with all crossroads separated in grade and with

full control of access.	15776
(ZZ) "Expressway" means a divided arterial highway for through traffic with full or partial control of access with an excess of fifty per cent of all crossroads separated in grade.	15777 15778 15779
(AAA) "Thruway" means a through highway whose entire roadway is reserved for through traffic and on which roadway parking is prohibited.	15780 15781 15782
(BBB) "Stop intersection" means any intersection at one or more entrances of which stop signs are erected.	15783 15784
(CCC) "Arterial street" means any United States or state numbered route, controlled access highway, or other major radial or circumferential street or highway designated by local authorities within their respective jurisdictions as part of a major arterial system of streets or highways.	15785 15786 15787 15788 15789
(DDD) "Ridesharing arrangement" means the transportation of persons in a motor vehicle where such transportation is incidental to another purpose of a volunteer driver and includes ridesharing arrangements known as carpools, vanpools, and buspools.	15790 15791 15792 15793 15794
(EEE) "Motorized wheelchair" means any self-propelled vehicle designed for, and used by, a handicapped person <u>with a disability</u> and that is incapable of a speed in excess of eight miles per hour.	15795 15796 15797 15798
(FFF) "Child day-care center" and "type A family day-care home" have the same meanings as in section 5104.01 of the Revised Code.	15799 15800 15801
(GGG) "Multi-wheel agricultural tractor" means a type of agricultural tractor that has two or more wheels or tires on	15802 15803

each side of one axle at the rear of the tractor, is designed or 15804
used for drawing other vehicles or wheeled machinery, has no 15805
provision for carrying loads independently of the drawn vehicles 15806
or machinery, and is used principally for agricultural purposes. 15807

(HHH) "Operate" means to cause or have caused movement of 15808
a vehicle, streetcar, or trackless trolley. 15809

(III) "Predicate motor vehicle or traffic offense" means 15810
any of the following: 15811

(1) A violation of section 4511.03, 4511.051, 4511.12, 15812
4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 15813
4511.213, 4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 15814
4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 15815
4511.36, 4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 15816
4511.43, 4511.431, 4511.432, 4511.44, 4511.441, 4511.451, 15817
4511.452, 4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 15818
4511.511, 4511.522, 4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 15819
4511.58, 4511.59, 4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 15820
4511.68, 4511.70, 4511.701, 4511.71, 4511.711, 4511.712, 15821
4511.713, 4511.72, 4511.73, 4511.763, 4511.771, 4511.78, or 15822
4511.84 of the Revised Code; 15823

(2) A violation of division (A)(2) of section 4511.17, 15824
divisions (A) to (D) of section 4511.51, or division (A) of 15825
section 4511.74 of the Revised Code; 15826

(3) A violation of any provision of sections 4511.01 to 15827
4511.76 of the Revised Code for which no penalty otherwise is 15828
provided in the section that contains the provision violated; 15829

(4) A violation of section 4511.214 of the Revised Code; 15830

(5) A violation of a municipal ordinance that is 15831
substantially similar to any section or provision set forth or 15832

described in division (III) (1), (2), (3), or (4) of this section. 15833
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(JJJ) "Road service vehicle" means wreckers, utility repair vehicles, and state, county, and municipal service vehicles equipped with visual signals by means of flashing, rotating, or oscillating lights. 15835
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(KKK) "Beacon" means a highway traffic signal with one or more signal sections that operate in a flashing mode. 15839
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(LLL) "Hybrid beacon" means a type of beacon that is intentionally placed in a dark mode between periods of operation where no indications are displayed and, when in operation, displays both steady and flashing traffic control signal indications. 15841
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(MMM) "Highway traffic signal" means a power-operated traffic control device by which traffic is warned or directed to take some specific action. "Highway traffic signal" does not include a power-operated sign, steadily illuminated pavement marker, warning light, or steady burning electric lamp. 15846
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(NNN) "Median" means the area between two roadways of a divided highway, measured from edge of traveled way to edge of traveled way, but excluding turn lanes. The width of a median may be different between intersections, between interchanges, and at opposite approaches of the same intersection. 15851
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(OOO) "Private road open to public travel" means a private toll road or road, including any adjacent sidewalks that generally run parallel to the road, within a shopping center, airport, sports arena, or other similar business or recreation facility that is privately owned but where the public is allowed to travel without access restrictions. "Private road open to 15856
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public travel" includes a gated toll road but does not include a road within a private gated property where access is restricted at all times, a parking area, a driving aisle within a parking area, or a private grade crossing.

(PPP) "Shared-use path" means a bikeway outside the traveled way and physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent alignment. A shared-use path also may be used by pedestrians, including skaters, joggers, users of manual and motorized wheelchairs, and other authorized motorized and non-motorized users. A shared-use path does not include any trail that is intended to be used primarily for mountain biking, hiking, equestrian use, or other similar uses, or any other single track or natural surface trail that has historically been reserved for nonmotorized use.

(QQQ) "Highway maintenance vehicle" means a vehicle used in snow and ice removal or road surface maintenance, including a snow plow, traffic line striper, road sweeper, mowing machine, asphalt distributing vehicle, or other such vehicle designed for use in specific highway maintenance activities.

(RRR) "Waste collection vehicle" means a vehicle used in the collection of garbage, refuse, trash, or recyclable materials.

(SSS) "Electric bicycle" means a "class 1 electric bicycle," a "class 2 electric bicycle," or a "class 3 electric bicycle" as defined in this section.

(TTT) "Class 1 electric bicycle" means a bicycle that is equipped with fully operable pedals and an electric motor of less than seven hundred fifty watts that provides assistance

only when the rider is pedaling and ceases to provide assistance 15891
when the bicycle reaches the speed of twenty miles per hour. 15892

(UUU) "Class 2 electric bicycle" means a bicycle that is 15893
equipped with fully operable pedals and an electric motor of 15894
less than seven hundred fifty watts that may provide assistance 15895
regardless of whether the rider is pedaling and is not capable 15896
of providing assistance when the bicycle reaches the speed of 15897
twenty miles per hour. 15898

(VVV) "Class 3 electric bicycle" means a bicycle that is 15899
equipped with fully operable pedals and an electric motor of 15900
less than seven hundred fifty watts that provides assistance 15901
only when the rider is pedaling and ceases to provide assistance 15902
when the bicycle reaches the speed of twenty-eight miles per 15903
hour. 15904

(WWW) "Low-speed micromobility device" means a device 15905
weighing less than one hundred pounds that has handlebars, is 15906
propelled by an electric motor or human power, and has an 15907
attainable speed on a paved level surface of not more than 15908
twenty miles per hour when propelled by the electric motor. 15909

Sec. 4511.69. (A) Every vehicle stopped or parked upon a 15910
roadway where there is an adjacent curb shall be stopped or 15911
parked with the right-hand wheels of the vehicle parallel with 15912
and not more than twelve inches from the right-hand curb, unless 15913
it is impossible to approach so close to the curb; in such case 15914
the stop shall be made as close to the curb as possible and only 15915
for the time necessary to discharge and receive passengers or to 15916
load or unload merchandise. Local authorities by ordinance may 15917
permit angle parking on any roadway under their jurisdiction, 15918
except that angle parking shall not be permitted on a state 15919
route within a municipal corporation unless an unoccupied 15920

roadway width of not less than twenty-five feet is available for 15921
free-moving traffic. 15922

(B) Local authorities by ordinance may permit parking of 15923
vehicles with the left-hand wheels adjacent to and within twelve 15924
inches of the left-hand curb of a one-way roadway. 15925

(C) (1) (a) Except as provided in division (C) (1) (b) of this 15926
section, no vehicle or trackless trolley shall be stopped or 15927
parked on a road or highway with the vehicle or trackless 15928
trolley facing in a direction other than the direction of travel 15929
on that side of the road or highway. 15930

(b) The operator of a motorcycle may back the motorcycle 15931
into an angled parking space so that when the motorcycle is 15932
parked it is facing in a direction other than the direction of 15933
travel on the side of the road or highway. 15934

(2) The operator of a motorcycle may back the motorcycle 15935
into a parking space that is located on the side of, and 15936
parallel to, a road or highway. The motorcycle may face any 15937
direction when so parked. Not more than two motorcycles at a 15938
time shall be parked in a parking space as described in division 15939
(C) (2) of this section irrespective of whether or not the space 15940
is metered. 15941

(D) Notwithstanding any statute or any rule, resolution, 15942
or ordinance adopted by any local authority, air compressors, 15943
tractors, trucks, and other equipment, while being used in the 15944
construction, reconstruction, installation, repair, or removal 15945
of facilities near, on, over, or under a street or highway, may 15946
stop, stand, or park where necessary in order to perform such 15947
work, provided a flagperson is on duty or warning signs or 15948
lights are displayed as may be prescribed by the director of 15949

transportation. 15950

(E) ~~Special-Accessible~~ parking locations and privileges 15951
for persons with disabilities that limit or impair the ability 15952
to walk, ~~also known as handicapped parking spaces or disability-~~ 15953
~~parking spaces,~~ shall be provided and designated by all 15954
political subdivisions and by the state and all agencies and 15955
instrumentalities thereof at all offices and facilities, where 15956
parking is provided, whether owned, rented, or leased, and at 15957
all publicly owned parking garages. The locations shall be 15958
designated through the posting of an elevated sign, whether 15959
permanently affixed or movable, imprinted with the international 15960
symbol of access and shall be reasonably close to exits, 15961
entrances, elevators, and ramps. All elevated signs posted in 15962
accordance with this division and division (C) of section 15963
3781.111 of the Revised Code shall be mounted on a fixed or 15964
movable post, and the distance from the ground to the bottom 15965
edge of the sign shall measure not less than five feet. If a new 15966
sign or a replacement sign designating ~~a special-~~an accessible 15967
parking location is posted on or after October 14, 1999, there 15968
also shall be affixed upon the surface of that sign or affixed 15969
next to the designating sign a notice that states the fine 15970
applicable for the offense of parking a motor vehicle in the 15971
~~special-~~designated accessible parking location if the motor 15972
vehicle is not legally entitled to be parked in that location. 15973

(F) (1) (a) No person shall stop, stand, or park any motor 15974
vehicle at ~~special-accessible~~ parking locations provided under 15975
division (E) of this section or at ~~special-accessible~~ clearly 15976
marked parking locations provided in or on privately owned 15977
parking lots, parking garages, or other parking areas and 15978
designated in accordance with that division, unless one of the 15979
following applies: 15980

(i) The motor vehicle is being operated by or for the transport of a person with a disability that limits or impairs the ability to walk and is displaying a valid removable windshield placard or ~~special~~ accessible license plates; 15981
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(ii) The motor vehicle is being operated by or for the transport of a ~~handicapped~~ person with a disability and is displaying a parking card or ~~special handicapped accessible~~ license plates. 15985
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(b) Any motor vehicle that is parked in a ~~special~~ an accessible marked parking location in violation of division (F) (1) (a) (i) or (ii) of this section may be towed or otherwise removed from the parking location by the law enforcement agency of the political subdivision in which the parking location is located. A motor vehicle that is so towed or removed shall not be released to its owner until the owner presents proof of ownership of the motor vehicle and pays all towing and storage fees normally imposed by that political subdivision for towing and storing motor vehicles. If the motor vehicle is a leased vehicle, it shall not be released to the lessee until the lessee presents proof that that person is the lessee of the motor vehicle and pays all towing and storage fees normally imposed by that political subdivision for towing and storing motor vehicles. 15989
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(c) If a person is charged with a violation of division (F) (1) (a) (i) or (ii) of this section, it is an affirmative defense to the charge that the person suffered an injury not more than seventy-two hours prior to the time the person was issued the ticket or citation and that, because of the injury, the person meets at least one of the criteria contained in division (A) (1) of section 4503.44 of the Revised Code. 16004
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(2) No person shall stop, stand, or park any motor vehicle 16011
in an area that is commonly known as an access aisle, which area 16012
is marked by diagonal stripes and is located immediately 16013
adjacent to a ~~special~~ an accessible parking location provided 16014
under division (E) of this section or at a ~~special~~ an accessible 16015
clearly marked parking location provided in or on a privately 16016
owned parking lot, parking garage, or other parking area and 16017
designated in accordance with that division. 16018

(G) When a motor vehicle is being operated by or for the 16019
transport of a person with a disability that limits or impairs 16020
the ability to walk and is displaying a removable windshield 16021
placard or a temporary removable windshield placard or ~~special~~ 16022
accessible license plates, or when a motor vehicle is being 16023
operated by or for the transport of a ~~handicapped person with a~~ 16024
disability and is displaying a parking card or ~~special~~ 16025
~~handicapped~~ accessible license plates, the motor vehicle is 16026
permitted to park for a period of two hours in excess of the 16027
legal parking period permitted by local authorities, except 16028
where local ordinances or police rules provide otherwise or 16029
where the vehicle is parked in such a manner as to be clearly a 16030
traffic hazard. 16031

(H) No owner of an office, facility, or parking garage 16032
where ~~special~~ accessible parking locations are required to be 16033
designated in accordance with division (E) of this section shall 16034
fail to properly mark the ~~special~~ accessible parking locations 16035
in accordance with that division or fail to maintain the 16036
markings of the ~~special~~ accessible locations, including the 16037
erection and maintenance of the fixed or movable signs. 16038

(I) Nothing in this section shall be construed to require 16039
a person or organization to apply for a removable windshield 16040

placard or ~~special-accessible~~ license plates if the parking card 16041
or ~~special-accessible~~ license plates issued to the person or 16042
organization under prior law have not expired or been 16043
surrendered or revoked. 16044

(J) (1) Whoever violates division (A) or (C) of this 16045
section is guilty of a minor misdemeanor. 16046

(2) (a) Whoever violates division (F) (1) (a) (i) or (ii) of 16047
this section is guilty of a misdemeanor and shall be punished as 16048
provided in division (J) (2) (a) and (b) of this section. Except 16049
as otherwise provided in division (J) (2) (a) of this section, an 16050
offender who violates division (F) (1) (a) (i) or (ii) of this 16051
section shall be fined not less than two hundred fifty nor more 16052
than five hundred dollars. An offender who violates division (F) 16053
(1) (a) (i) or (ii) of this section shall be fined not more than 16054
one hundred dollars if the offender, prior to sentencing, proves 16055
either of the following to the satisfaction of the court: 16056

(i) At the time of the violation of division (F) (1) (a) (i) 16057
of this section, the offender or the person for whose transport 16058
the motor vehicle was being operated had been issued a removable 16059
windshield placard that then was valid or ~~special-accessible~~ 16060
license plates that then were valid but the offender or the 16061
person neglected to display the placard or license plates as 16062
described in division (F) (1) (a) (i) of this section. 16063

(ii) At the time of the violation of division (F) (1) (a) 16064
(ii) of this section, the offender or the person for whose 16065
transport the motor vehicle was being operated had been issued a 16066
parking card that then was valid or ~~special-handicapped-~~ 16067
accessible license plates that then were valid but the offender 16068
or the person neglected to display the card or license plates as 16069
described in division (F) (1) (a) (ii) of this section. 16070

(b) In no case shall an offender who violates division (F) 16071
(1) (a) (i) or (ii) of this section be sentenced to any term of 16072
imprisonment. 16073

An arrest or conviction for a violation of division (F) (1) 16074
(a) (i) or (ii) of this section does not constitute a criminal 16075
record and need not be reported by the person so arrested or 16076
convicted in response to any inquiries contained in any 16077
application for employment, license, or other right or 16078
privilege, or made in connection with the person's appearance as 16079
a witness. 16080

The clerk of the court shall pay every fine collected 16081
under divisions (J) (2) and (3) of this section to the political 16082
subdivision in which the violation occurred. Except as provided 16083
in division (J) (2) of this section, the political subdivision 16084
shall use the fine moneys it receives under divisions (J) (2) and 16085
(3) of this section to pay the expenses it incurs in complying 16086
with the signage and notice requirements contained in division 16087
(E) of this section. The political subdivision may use up to 16088
fifty per cent of each fine it receives under divisions (J) (2) 16089
and (3) of this section to pay the costs of educational, 16090
advocacy, support, and assistive technology programs for persons 16091
with disabilities, and for public improvements within the 16092
political subdivision that benefit or assist persons with 16093
disabilities, if governmental agencies or nonprofit 16094
organizations offer the programs. 16095

(3) Whoever violates division (F) (2) of this section shall 16096
be fined not less than two hundred fifty nor more than five 16097
hundred dollars. 16098

In no case shall an offender who violates division (F) (2) 16099
of this section be sentenced to any term of imprisonment. An 16100

arrest or conviction for a violation of division (F) (2) of this section does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries contained in any application for employment, license, or other right or privilege, or made in connection with the person's appearance as a witness.

(4) Whoever violates division (H) of this section shall be punished as follows:

(a) Except as otherwise provided in division (J) (4) of this section, the offender shall be issued a warning.

(b) If the offender previously has been convicted of or pleaded guilty to a violation of division (H) of this section or of a municipal ordinance that is substantially similar to that division, the offender shall not be issued a warning but shall be fined not more than twenty-five dollars for each parking location that is not properly marked or whose markings are not properly maintained.

(K) As used in this section:

(1) ~~"Handicapped person"~~ "Person with a disability" means any person who has lost the use of one or both legs or one or both arms, who is blind, deaf, or ~~so severely handicapped as to be~~ unable to move without the aid of crutches or a wheelchair, or whose mobility is restricted by a permanent cardiovascular, pulmonary, or other ~~handicapping~~ disabling condition.

(2) "Person with a disability that limits or impairs the ability to walk" has the same meaning as in section 4503.44 of the Revised Code.

(3) ~~"Special Accessible license plates"~~ and "removable windshield placard" mean any license plates or removable

windshield placard or temporary removable windshield placard 16130
issued under section 4503.41 or 4503.44 of the Revised Code, and 16131
also mean any substantially similar license plates or removable 16132
windshield placard or temporary removable windshield placard 16133
issued by a state, district, country, or sovereignty. 16134

Sec. 4517.01. As used in sections 4517.01 to 4517.65 of 16135
the Revised Code: 16136

(A) "Persons" includes individuals, firms, partnerships, 16137
associations, joint stock companies, corporations, and any 16138
combinations of individuals. 16139

(B) "Motor vehicle" means motor vehicle as defined in 16140
section 4501.01 of the Revised Code and also includes "all- 16141
purpose vehicle" and "off-highway motorcycle" as those terms are 16142
defined in section 4519.01 of the Revised Code. "Motor vehicle" 16143
does not include a snowmobile as defined in section 4519.01 of 16144
the Revised Code or manufactured and mobile homes. 16145

(C) "New motor vehicle" means a motor vehicle, the legal 16146
title to which has never been transferred by a manufacturer, 16147
remanufacturer, distributor, or dealer to an ultimate purchaser. 16148

(D) "Ultimate purchaser" means, with respect to any new 16149
motor vehicle, the first person, other than a dealer purchasing 16150
in the capacity of a dealer, who in good faith purchases such 16151
new motor vehicle for purposes other than resale. 16152

(E) "Business" includes any activities engaged in by any 16153
person for the object of gain, benefit, or advantage either 16154
direct or indirect. 16155

(F) "Engaging in business" means commencing, conducting, 16156
or continuing in business, or liquidating a business when the 16157
liquidator thereof holds self out to be conducting such 16158

business; making a casual sale or otherwise making transfers in 16159
the ordinary course of business when the transfers are made in 16160
connection with the disposition of all or substantially all of 16161
the transferor's assets is not engaging in business. 16162

(G) "Retail sale" or "sale at retail" means the act or 16163
attempted act of selling, bartering, exchanging, or otherwise 16164
disposing of a motor vehicle to an ultimate purchaser for use as 16165
a consumer. 16166

(H) "Retail installment contract" includes any contract in 16167
the form of a note, chattel mortgage, conditional sales 16168
contract, lease, agreement, or other instrument payable in one 16169
or more installments over a period of time and arising out of 16170
the retail sale of a motor vehicle. 16171

(I) "Farm machinery" means all machines and tools used in 16172
the production, harvesting, and care of farm products. 16173

(J) "Dealer" or "motor vehicle dealer" means any new motor 16174
vehicle dealer, any motor vehicle leasing dealer, and any used 16175
motor vehicle dealer. 16176

(K) "New motor vehicle dealer" means any person engaged in 16177
the business of selling at retail, displaying, offering for 16178
sale, or dealing in new motor vehicles pursuant to a contract or 16179
agreement entered into with the manufacturer, remanufacturer, or 16180
distributor of the motor vehicles. 16181

(L) "Used motor vehicle dealer" means any person engaged 16182
in the business of selling, displaying, offering for sale, or 16183
dealing in used motor vehicles, at retail or wholesale, but does 16184
not mean any new motor vehicle dealer selling, displaying, 16185
offering for sale, or dealing in used motor vehicles 16186
incidentally to engaging in the business of selling, displaying, 16187

offering for sale, or dealing in new motor vehicles, any person 16188
engaged in the business of dismantling, salvaging, or rebuilding 16189
motor vehicles by means of using used parts, or any public 16190
officer performing official duties. 16191

(M) "Motor vehicle leasing dealer" means any person 16192
engaged in the business of regularly making available, offering 16193
to make available, or arranging for another person to use a 16194
motor vehicle pursuant to a bailment, lease, sublease, or other 16195
contractual arrangement under which a charge is made for its use 16196
at a periodic rate for a term of thirty days or more, and title 16197
to the motor vehicle is in and remains in the motor vehicle 16198
leasing dealer who originally leases it, irrespective of whether 16199
or not the motor vehicle is the subject of a later sublease, and 16200
not in the user, but does not mean a manufacturer or its 16201
affiliate leasing to its employees or to dealers. 16202

(N) "Salesperson" means any person employed by a dealer to 16203
sell, display, and offer for sale, or deal in motor vehicles for 16204
a commission, compensation, or other valuable consideration, but 16205
does not mean any public officer performing official duties. 16206

(O) "Casual sale" means any transfer of a motor vehicle by 16207
a person other than a new motor vehicle dealer, used motor 16208
vehicle dealer, motor vehicle salvage dealer, as defined in 16209
division (A) of section 4738.01 of the Revised Code, 16210
salesperson, motor vehicle auction owner, manufacturer, or 16211
distributor acting in the capacity of a dealer, salesperson, 16212
auction owner, manufacturer, or distributor, to a person who 16213
purchases the motor vehicle for use as a consumer. 16214

(P) "Motor vehicle auction owner" means any person who is 16215
engaged wholly or in part in the business of auctioning motor 16216
vehicles, but does not mean a construction equipment auctioneer 16217

or a construction equipment auction licensee. 16218

(Q) "Manufacturer" means a person who manufactures, 16219
assembles, or imports motor vehicles, including motor homes, but 16220
does not mean a person who only assembles or installs a body, 16221
special equipment unit, finishing trim, or accessories on a 16222
motor vehicle chassis supplied by a manufacturer or distributor. 16223

(R) "Tent-type fold-out camping trailer" means any vehicle 16224
intended to be used, when stationary, as a temporary shelter 16225
with living and sleeping facilities, and that is subject to the 16226
following properties and limitations: 16227

(1) A minimum of twenty-five per cent of the fold-out 16228
portion of the top and sidewalls combined must be constructed of 16229
canvas, vinyl, or other fabric, and form an integral part of the 16230
shelter. 16231

(2) When folded, the unit must not exceed: 16232

(a) Fifteen feet in length, exclusive of bumper and 16233
tongue; 16234

(b) Sixty inches in height from the point of contact with 16235
the ground; 16236

(c) Eight feet in width; 16237

(d) One ton gross weight at time of sale. 16238

(S) "Distributor" means any person authorized by a motor 16239
vehicle manufacturer to distribute new motor vehicles to 16240
licensed new motor vehicle dealers, but does not mean a person 16241
who only assembles or installs a body, special equipment unit, 16242
finishing trim, or accessories on a motor vehicle chassis 16243
supplied by a manufacturer or distributor. 16244

(T) "Flea market" means a market place, other than a dealer's location licensed under this chapter, where a space or location is provided for a fee or compensation to a seller to exhibit and offer for sale or trade, motor vehicles to the general public.

(U) "Franchise" means any written agreement, contract, or understanding between any motor vehicle manufacturer or remanufacturer engaged in commerce and any motor vehicle dealer that purports to fix the legal rights and liabilities of the parties to such agreement, contract, or understanding.

(V) "Franchisee" means a person who receives new motor vehicles from the franchisor under a franchise agreement and who offers, sells, and provides service for such new motor vehicles to the general public.

(W) "Franchisor" means a new motor vehicle manufacturer, remanufacturer, or distributor who supplies new motor vehicles under a franchise agreement to a franchisee.

(X) "Dealer organization" means a state or local trade association the membership of which is comprised predominantly of new motor vehicle dealers.

(Y) "Factory representative" means a representative employed by a manufacturer, remanufacturer, or by a factory branch primarily for the purpose of promoting the sale of its motor vehicles, parts, or accessories to dealers or for supervising or contacting its dealers or prospective dealers.

(Z) "Administrative or executive management" means those individuals who are not subject to federal wage and hour laws.

(AA) "Good faith" means honesty in the conduct or transaction concerned and the observance of reasonable

commercial standards of fair dealing in the trade as is defined 16274
in section 1301.201 of the Revised Code, including, but not 16275
limited to, the duty to act in a fair and equitable manner so as 16276
to guarantee freedom from coercion, intimidation, or threats of 16277
coercion or intimidation; provided however, that recommendation, 16278
endorsement, exposition, persuasion, urging, or argument shall 16279
not be considered to constitute a lack of good faith. 16280

(BB) "Coerce" means to compel or attempt to compel by 16281
failing to act in good faith or by threat of economic harm, 16282
breach of contract, or other adverse consequences. Coerce does 16283
not mean to argue, urge, recommend, or persuade. 16284

(CC) "Relevant market area" means any area within a radius 16285
of ten miles from the site of a potential new dealership, except 16286
that for manufactured home or recreational vehicle dealerships 16287
the radius shall be twenty-five miles. The ten-mile radius shall 16288
be measured from the dealer's established place of business that 16289
is used exclusively for the purpose of selling, displaying, 16290
offering for sale, or dealing in motor vehicles. 16291

(DD) "Wholesale" or "at wholesale" means the act or 16292
attempted act of selling, bartering, exchanging, or otherwise 16293
disposing of a motor vehicle to a transferee for the purpose of 16294
resale and not for ultimate consumption by that transferee. 16295

(EE) "Motor vehicle wholesaler" means any person licensed 16296
as a dealer under the laws of another state and engaged in the 16297
business of selling, displaying, or offering for sale used motor 16298
vehicles, at wholesale, but does not mean any motor vehicle 16299
dealer as defined in this section. 16300

(FF) (1) "Remanufacturer" means a person who assembles or 16301
installs passenger seating, walls, a roof elevation, or a body 16302

extension on a conversion van with the motor vehicle chassis 16303
supplied by a manufacturer or distributor, a person who modifies 16304
a truck chassis supplied by a manufacturer or distributor for 16305
use as a public safety or public service vehicle, a person who 16306
modifies a motor vehicle chassis supplied by a manufacturer or 16307
distributor for use as a limousine or hearse, or a person who 16308
modifies an incomplete motor vehicle cab and chassis supplied by 16309
a new motor vehicle dealer or distributor for use as a tow 16310
truck, but does not mean either of the following: 16311

(a) A person who assembles or installs passenger seating, 16312
a roof elevation, or a body extension on a recreational vehicle 16313
as defined in division (Q) and referred to in division (B) of 16314
section 4501.01 of the Revised Code; 16315

(b) A person who assembles or installs ~~special~~ equipment 16316
or accessories for ~~handicapped persons~~ with disabilities, as 16317
defined in section 4503.44 of the Revised Code, upon a motor 16318
vehicle chassis supplied by a manufacturer or distributor. 16319

(2) For the purposes of division (FF)(1) of this section, 16320
"public safety vehicle or public service vehicle" means a fire 16321
truck, ambulance, school bus, street sweeper, garbage packing 16322
truck, or cement mixer, or a mobile self-contained facility 16323
vehicle. 16324

(3) For the purposes of division (FF)(1) of this section, 16325
"limousine" means a motor vehicle, designed only for the purpose 16326
of carrying nine or fewer passengers, that a person modifies by 16327
cutting the original chassis, lengthening the wheelbase by forty 16328
inches or more, and reinforcing the chassis in such a way that 16329
all modifications comply with all applicable federal motor 16330
vehicle safety standards. No person shall qualify as or be 16331
deemed to be a remanufacturer who produces limousines unless the 16332

person has a written agreement with the manufacturer of the 16333
chassis the person utilizes to produce the limousines to 16334
complete properly the remanufacture of the chassis into 16335
limousines. 16336

(4) For the purposes of division (FF)(1) of this section, 16337
"hearse" means a motor vehicle, designed only for the purpose of 16338
transporting a single casket, that is equipped with a 16339
compartment designed specifically to carry a single casket that 16340
a person modifies by cutting the original chassis, lengthening 16341
the wheelbase by ten inches or more, and reinforcing the chassis 16342
in such a way that all modifications comply with all applicable 16343
federal motor vehicle safety standards. No person shall qualify 16344
as or be deemed to be a remanufacturer who produces hearses 16345
unless the person has a written agreement with the manufacturer 16346
of the chassis the person utilizes to produce the hearses to 16347
complete properly the remanufacture of the chassis into hearses. 16348

(5) For the purposes of division (FF)(1) of this section, 16349
"mobile self-contained facility vehicle" means a mobile 16350
classroom vehicle, mobile laboratory vehicle, bookmobile, 16351
bloodmobile, testing laboratory, and mobile display vehicle, 16352
each of which is designed for purposes other than for passenger 16353
transportation and other than the transportation or displacement 16354
of cargo, freight, materials, or merchandise. A vehicle is 16355
remanufactured into a mobile self-contained facility vehicle in 16356
part by the addition of insulation to the body shell, and 16357
installation of all of the following: a generator, electrical 16358
wiring, plumbing, holding tanks, doors, windows, cabinets, 16359
shelving, and heating, ventilating, and air conditioning 16360
systems. 16361

(6) For the purposes of division (FF)(1) of this section, 16362

"tow truck" means both of the following: 16363

(a) An incomplete cab and chassis that are purchased by a 16364
remanufacturer from a new motor vehicle dealer or distributor of 16365
the cab and chassis and on which the remanufacturer then 16366
installs in a permanent manner a wrecker body it purchases from 16367
a manufacturer or distributor of wrecker bodies, installs an 16368
emergency flashing light pylon and emergency lights upon the 16369
mast of the wrecker body or rooftop, and installs such other 16370
related accessories and equipment, including push bumpers, front 16371
grille guards with pads and other custom-ordered items such as 16372
painting, special lettering, and safety striping so as to create 16373
a complete motor vehicle capable of lifting and towing another 16374
motor vehicle. 16375

(b) An incomplete cab and chassis that are purchased by a 16376
remanufacturer from a new motor vehicle dealer or distributor of 16377
the cab and chassis and on which the remanufacturer then 16378
installs in a permanent manner a car carrier body it purchases 16379
from a manufacturer or distributor of car carrier bodies, 16380
installs an emergency flashing light pylon and emergency lights 16381
upon the rooftop, and installs such other related accessories 16382
and equipment, including push bumpers, front grille guards with 16383
pads and other custom-ordered items such as painting, special 16384
lettering, and safety striping. 16385

As used in division (FF) (6) (b) of this section, "car 16386
carrier body" means a mechanical or hydraulic apparatus capable 16387
of lifting and holding a motor vehicle on a flat level surface 16388
so that one or more motor vehicles can be transported, once the 16389
car carrier is permanently installed upon an incomplete cab and 16390
chassis. 16391

(GG) "Operating as a new motor vehicle dealership" means 16392

engaging in activities such as displaying, offering for sale, 16393
and selling new motor vehicles at retail, operating a service 16394
facility to perform repairs and maintenance on motor vehicles, 16395
offering for sale and selling motor vehicle parts at retail, and 16396
conducting all other acts that are usual and customary to the 16397
operation of a new motor vehicle dealership. For the purposes of 16398
this chapter only, possession of either a valid new motor 16399
vehicle dealer franchise agreement or a new motor vehicle 16400
dealers license, or both of these items, is not evidence that a 16401
person is operating as a new motor vehicle dealership. 16402

(HH) "Outdoor power equipment" means garden and small 16403
utility tractors, walk-behind and riding mowers, chainsaws, and 16404
tillers. 16405

(II) "Remote service facility" means premises that are 16406
separate from a licensed new motor vehicle dealer's sales 16407
facility by not more than one mile and that are used by the 16408
dealer to perform repairs, warranty work, recall work, and 16409
maintenance on motor vehicles pursuant to a franchise agreement 16410
entered into with a manufacturer of motor vehicles. A remote 16411
service facility shall be deemed to be part of the franchise 16412
agreement and is subject to all the rights, duties, obligations, 16413
and requirements of Chapter 4517. of the Revised Code that 16414
relate to the performance of motor vehicle repairs, warranty 16415
work, recall work, and maintenance work by new motor vehicle 16416
dealers. 16417

(JJ) "Recreational vehicle" has the same meaning as in 16418
section 4501.01 of the Revised Code. 16419

(KK) "Construction equipment auctioneer" means a person 16420
who holds both a valid auction firm license issued under Chapter 16421
4707. of the Revised Code and a valid construction equipment 16422

auction license issued under this chapter.	16423
(LL) "Large construction or transportation equipment"	16424
means vehicles having a gross vehicle weight rating of more than	16425
ten thousand pounds and includes road rollers, traction engines,	16426
power shovels, power cranes, commercial cars and trucks, or farm	16427
trucks, and other similar vehicles obtained primarily from the	16428
construction, mining, transportation or farming industries.	16429
(MM) "Local market conditions" includes, but is not	16430
limited to:	16431
(1) Demographics in the franchisee's area;	16432
(2) Geographical and market characteristics in the	16433
franchisee's area;	16434
(3) Local economic circumstances;	16435
(4) The proximity of other motor vehicle dealers of the	16436
same line-make;	16437
(5) The proximity of motor vehicle manufacturing	16438
facilities;	16439
(6) The buying patterns of motor vehicle purchasers;	16440
(7) Customer drive time and drive distance.	16441
Sec. 4517.12. (A) The registrar of motor vehicles shall	16442
deny the application of any person for a license as a motor	16443
vehicle dealer, motor vehicle leasing dealer, or motor vehicle	16444
auction owner and refuse to issue the license if the registrar	16445
finds that the applicant:	16446
(1) Has made any false statement of a material fact in the	16447
application;	16448
(2) Has not complied with sections 4517.01 to 4517.45 of	16449

the Revised Code; 16450

(3) Is of bad business repute or has habitually defaulted 16451
on financial obligations; 16452

(4) Is engaged or will engage in the business of selling 16453
at retail any new motor vehicles without having written 16454
authority from the manufacturer or distributor thereof to sell 16455
new motor vehicles and to perform repairs under the terms of the 16456
manufacturer's or distributor's new motor vehicle warranty, 16457
except as provided in division (C) of this section and except 16458
that a person who assembles or installs special equipment or 16459
accessories for ~~handicapped~~ persons with disabilities, as 16460
defined in section 4503.44 of the Revised Code, upon a motor 16461
vehicle chassis supplied by a manufacturer or distributor shall 16462
not be denied a license pursuant to division (A)(4) of this 16463
section; 16464

(5) Has been convicted of a disqualifying offense as 16465
determined in accordance with section 9.79 of the Revised Code; 16466

(6) Has entered into or is about to enter into a contract 16467
or agreement with a manufacturer or distributor of motor 16468
vehicles that is contrary to sections 4517.01 to 4517.45 of the 16469
Revised Code; 16470

(7) Is insolvent; 16471

(8) Is of insufficient responsibility to ensure the prompt 16472
payment of any final judgments that might reasonably be entered 16473
against the applicant because of the transaction of business as 16474
a motor vehicle dealer, motor vehicle leasing dealer, or motor 16475
vehicle auction owner during the period of the license applied 16476
for, or has failed to satisfy any such judgment; 16477

(9) Has no established place of business that, where 16478

applicable, is used or will be used for the purpose of selling, 16479
displaying, offering for sale, dealing in, or leasing motor 16480
vehicles at the location for which application is made; 16481

(10) Has, less than twelve months prior to making 16482
application, been denied a motor vehicle dealer's, motor vehicle 16483
leasing dealer's, or motor vehicle auction owner's license, or 16484
has any such license revoked; 16485

(11) Is a manufacturer, or a parent company, subsidiary, 16486
or affiliated entity of a manufacturer, applying for a license 16487
to sell or lease new or used motor vehicles at retail. Division 16488
(A) (11) of this section shall not serve as a basis for the 16489
termination, revocation, or nonrenewal of a license granted 16490
prior to September 4, 2014. Nothing in division (A) (11) of this 16491
section shall prohibit a manufacturer from doing either of the 16492
following: 16493

(a) Owning, operating, or controlling not more than three 16494
licensed motor vehicle dealerships if, as of January 1, 2014, 16495
the manufacturer was selling or otherwise distributing its motor 16496
vehicles at an established place of business in this state. Such 16497
ownership, operation, or control may continue unless the 16498
manufacturer's motor vehicle operations are sold or acquired or 16499
the manufacturer produces any motor vehicles other than all- 16500
electric motor vehicles. 16501

(b) Disposing of motor vehicles at wholesale at the 16502
termination of a consumer lease through a motor vehicle auction. 16503

(B) If the applicant is a corporation or partnership, the 16504
registrar may refuse to issue a license if any officer, 16505
director, or partner of the applicant has been guilty of any act 16506
or omission that would be cause for refusing or revoking a 16507

license issued to such officer, director, or partner as an individual. The registrar's finding may be based upon facts contained in the application or upon any other information the registrar may have. Immediately upon denying an application for any of the reasons in this section, the registrar shall enter a final order together with the registrar's findings and certify the same to the motor vehicle dealers' and salespersons' licensing board.

(C) Notwithstanding division (A)(4) of this section, the registrar shall not deny the application of any person and refuse to issue a license if the registrar finds that the applicant is engaged or will engage in the business of selling at retail any new motor vehicles and demonstrates all of the following in the form prescribed by the registrar:

(1) That the applicant has posted a bond, surety, or certificate of deposit with the registrar in an amount not less than one hundred thousand dollars for the protection and benefit of the applicant's customers except that a new motor vehicle dealer who is not exclusively engaged in the business of selling remanufactured vehicles shall not be required to post the bond, surety, or certificate of deposit otherwise required by division (C)(1) of this section;

(2) That, at the time of the sale of the vehicle, each customer of the applicant will be furnished with a warranty issued by the remanufacturer for a term of at least one year;

(3) That the applicant provides and maintains at the applicant's location and place of business a permanent facility with all of the following:

(a) A showroom with space, under roof, for the display of

at least one new motor vehicle; 16537

(b) A service and parts facility for remanufactured 16538
vehicles; 16539

(c) Full-time service and parts personnel with the proper 16540
training and technical expertise to service the remanufactured 16541
vehicles sold by the applicant. 16542

Sec. 4521.01. As used in this chapter: 16543

(A) "Parking infraction" means a violation of any 16544
ordinance, resolution, or regulation enacted by a local 16545
authority that regulates the standing or parking of vehicles and 16546
that is authorized pursuant to section 505.17 or 4511.07 of the 16547
Revised Code, or a violation of any ordinance, resolution, or 16548
regulation enacted by a local authority as authorized by this 16549
chapter, if the local authority in either of these cases also 16550
has enacted an ordinance, resolution, or regulation of the type 16551
described in division (A) of section 4521.02 of the Revised Code 16552
in relation to the particular regulatory ordinance, resolution, 16553
or regulation. 16554

(B) "Vehicle" has the same meaning as in section 4511.01 16555
of the Revised Code. 16556

(C) "Court" means a municipal court, county court, 16557
juvenile court, or mayor's court, unless specifically identified 16558
as one of these courts, in which case it means the specifically 16559
identified court. 16560

(D) "Local authority" means every county, municipal 16561
corporation, township, or other local board or body having 16562
authority to adopt police regulations pursuant to the 16563
constitution and laws of this state. 16564

(E) "~~Disability-Accessible~~ parking space" means a motor vehicle parking location that is reserved for the exclusive standing or parking of a vehicle that is operated by or on behalf of a person with a disability that limits or impairs the ability to walk and displays a placard or license plates issued under section 4503.44 of the Revised Code.

(F) "Person with a disability that limits or impairs the ability to walk" has the same meaning as in section 4503.44 of the Revised Code.

Sec. 4521.02. (A) A local authority that enacts any ordinance, resolution, or regulation that regulates the standing or parking of vehicles and that is authorized pursuant to section 505.17 or 4511.07 of the Revised Code also by ordinance, resolution, or regulation may specify that a violation of the regulatory ordinance, resolution, or regulation shall not be considered a criminal offense for any purpose, that a person who commits the violation shall not be arrested as a result of the commission of the violation, and that the violation shall be handled pursuant to this chapter. If such a specification is made, the local authority also by ordinance, resolution, or regulation shall adopt a fine for a violation of the regulatory ordinance, resolution, or regulation and prescribe an additional penalty or penalties for failure to answer any charges of the violation in a timely manner. In no case shall any fine adopted or additional penalty prescribed pursuant to this division exceed the fine established by the municipal or county court having territorial jurisdiction over the entire or a majority of the political subdivision of the local authority, in its schedule of fines established pursuant to Traffic Rule 13(C), for a substantively comparable violation. Except as provided in this division, in no case shall any fine adopted or additional

penalty prescribed pursuant to this division exceed one hundred 16596
dollars, plus costs and other administrative charges, per 16597
violation. 16598

If a local authority chooses to adopt a specific fine for 16599
a violation of an ordinance, resolution, or regulation that 16600
regulates the standing or parking of a vehicle in a ~~disability~~ 16601
an accessible parking space, the fine the local authority 16602
establishes for such offense shall be an amount not less than 16603
two hundred fifty dollars but not more than five hundred 16604
dollars. 16605

(B) A local authority that enacts an ordinance, 16606
resolution, or regulation pursuant to division (A) of this 16607
section also may enact an ordinance, resolution, or regulation 16608
that provides for the impoundment or immobilization of vehicles 16609
found standing or parked in violation of the regulatory 16610
ordinance, resolution, or regulation and the release of the 16611
vehicles to their owners. In no case shall an ordinance, 16612
resolution, or regulation require the owner of the vehicle to 16613
post bond or deposit cash in excess of one thousand dollars in 16614
order to obtain release of the vehicle. 16615

(C) A local authority that enacts any ordinance, 16616
resolution, or regulation pursuant to division (A) of this 16617
section also shall enact an ordinance, resolution, or regulation 16618
that specifies the time within which a person who is issued a 16619
parking ticket must answer in relation to the parking infraction 16620
charged in the ticket. 16621

Sec. 4521.10. (A) (1) If a judgment or default judgment is 16622
entered against a person pursuant to section 4521.08 of the 16623
Revised Code for a violation of an ordinance, resolution, or 16624
regulation that regulates the standing or parking of a vehicle 16625

in ~~a disability~~ an accessible parking space and the person has 16626
not paid the judgment or default judgment within ten days of the 16627
date of entry of the judgment, the parking violations bureau, 16628
joint parking violations bureau, or traffic violations bureau in 16629
which the judgment was entered may give notice of that fact to 16630
the registrar of motor vehicles. The notice, if given, shall be 16631
given not earlier than sixteen days nor later than three years 16632
after the date of entry of the judgment, and shall be in a form 16633
and manner, and contain such information, as the registrar 16634
prescribes. 16635

(2) If three or more judgments or default judgments have 16636
been entered against a person pursuant to section 4521.08 of the 16637
Revised Code and the person has not paid the judgments or 16638
default judgments within ten days of the date of entry of the 16639
third judgment, the parking violations bureau, joint parking 16640
violations bureau, or traffic violations bureau in which the 16641
judgments were entered may give notice of that fact to the 16642
registrar. The notice, if given, shall be given not earlier than 16643
sixteen days nor later than three years after the date of entry 16644
of the third judgment, and shall be in a form and manner, and 16645
contain such information, as the registrar prescribes. 16646

(B) (1) Upon receipt of a notice as provided in division 16647
(A) of this section, neither the registrar nor any deputy 16648
registrar shall accept any application for the registration or 16649
transfer of registration of any motor vehicle owned or leased by 16650
the person named in the notice unless the person presents a 16651
release as provided in division (C) of this section or unless 16652
the registrar is properly notified by the parking violations 16653
bureau, joint parking violations bureau, or traffic violations 16654
bureau that the judgment or default judgment described in 16655
division (A) (1) of this section or the judgments or default 16656

judgments described in division (A) (2) of this section have been 16657
paid, dismissed, or reversed on appeal, or that the initial 16658
notice was given in error and is therefore canceled. 16659

(2) The registrar shall not be required to give effect to 16660
any notice provided by a parking violations bureau, joint 16661
parking violations bureau, or traffic violations bureau under 16662
division (A) of this section unless the information contained in 16663
the "Ohio uniform traffic tickets" described in Traffic Rule 3 16664
(A) and (B) that the bureau processes is transmitted to the 16665
registrar by means of an electronic transfer system. 16666

(C) When a notice as provided in division (A) of this 16667
section is given to the registrar and the judgments or default 16668
judgments are subsequently paid, dismissed, or reversed on 16669
appeal, or it is discovered that the notice was given in error 16670
and is therefore canceled, the parking violations bureau, joint 16671
parking violations bureau, or traffic violations bureau giving 16672
the initial notice shall immediately notify the registrar of 16673
such payment, dismissal, reversal, or cancellation. The 16674
notification shall be in a form and manner, and contain such 16675
information, as the registrar prescribes. If the initial notice 16676
was not given in error, the parking violations bureau, joint 16677
parking violations bureau, or traffic violations bureau shall 16678
charge the person a five dollar processing fee for each judgment 16679
or default judgment to cover the costs of the bureau of motor 16680
vehicles in administering this section. Upon payment of the fee, 16681
the parking violations bureau, joint parking violations bureau, 16682
or traffic violations bureau shall give to the person a release 16683
to be presented at the time of registering or transferring the 16684
registration of a motor vehicle owned or leased by the person. 16685
All fees collected under this division shall be transmitted 16686
monthly to the registrar for deposit in the public safety - 16687

highway purposes fund established by section 4501.06 of the Revised Code.

(D) The registrar shall cause the information contained in each notice received pursuant to division (A) of this section to be removed from the records of the bureau of motor vehicles and of the deputy registrars thirteen months after the date the information was entered into the records, unless the registrar receives a further notice from the parking violations bureau, joint parking violations bureau, or traffic violations bureau submitting the initial notice that the judgments or default judgments are still outstanding.

(E) When any application for the registration or transfer of registration of a motor vehicle is refused as provided in division (B) of this section, the registrar or deputy registrar to whom application is made shall inform the person that no such application may be accepted unless the person presents a release as provided in division (C) of this section or the records of the bureau of motor vehicles and of the deputy registrar indicate that each judgment and default judgment against the person is paid, dismissed, reversed on appeal, or canceled.

(F) When any person named in a notice as provided in division (A) of this section applies for the registration or transfer of registration of any motor vehicle owned or leased by the person and presents a release as provided in division (C) of this section or the records of the bureau of motor vehicles and of any deputy registrar to whom the application is made indicate that each judgment and default judgment against the person has been paid, dismissed, or reversed on appeal, the registrar or deputy registrar shall accept the application for registration or transfer of registration and may issue a certificate of

registration or amended certificate of registration for the 16718
motor vehicle. 16719

(G) In determining whether the judgments or default 16720
judgments that have been entered against a person as provided in 16721
division (A) (2) of this section total three or more, the parking 16722
violations bureau, joint parking violations bureau, or traffic 16723
violations bureau may apply to that total any violation the 16724
person committed during the relevant time period by illegally 16725
standing or parking a vehicle in ~~a disability~~ an accessible 16726
parking space, irrespective of the amount of the fine imposed 16727
for such violation. 16728

(H) The registrar shall adopt such rules as the registrar 16729
considers necessary to ensure the orderly operation of sections 16730
4521.09 and 4521.10 of the Revised Code, and any parking 16731
violations bureau, joint parking violations bureau, or traffic 16732
violations bureau shall conform to those rules. 16733

Sec. 4551.05. At the discretion of the court before whom 16734
the defendant is brought for a violation of sections 4551.01 to 16735
4551.03, inclusive, of the Revised Code, the cut trees or boughs 16736
being transported at the time of the offense may immediately be 16737
disposed of at the highest obtainable price, and the money 16738
obtained from such sale shall be impounded by the court, pending 16739
determination of the ownership of such trees or boughs. If such 16740
owners are unknown and cannot be ascertained within thirty days 16741
after such sale, or if there is money remaining after the claims 16742
of known owners have been satisfied, all money thereafter 16743
remaining shall be paid to the local county welfare board for 16744
expenditures in aid to ~~crippled or indigent~~ children with 16745
disabilities or who are indigent. 16746

Sec. 4741.221. (A) The state veterinary medical licensing 16747

board may, prior to or after a hearing conducted under section 16748
4741.22 of the Revised Code, and in lieu of taking or in 16749
addition to any action it may take under that section, refer any 16750
veterinarian or registered veterinarian technician: 16751

(1) Who ~~suffers from~~ experiences alcohol or substance 16752
abuse, to the Ohio veterinary medical association special 16753
assistance committee, the Ohio physicians health program, or an 16754
advocacy group approved by the board, for support and assistance 16755
in the coordination of the treatment of that veterinarian or 16756
technician; 16757

(2) Who has violated any provision of this chapter for any 16758
offense for which the board normally would not seek the 16759
revocation or suspension of the person's license or 16760
registration, to the Ohio veterinary medical association special 16761
committee on peer review. 16762

(B) To implement this section, the board shall adopt rules 16763
in accordance with Chapter 119. of the Revised Code. 16764

Sec. 4747.12. (A) In accordance with Chapter 119. of the 16765
Revised Code, the state speech and hearing professionals board 16766
may revoke, suspend, place on probation, or refuse to issue or 16767
renew a license or permit or reprimand a licensee or permit 16768
holder if the person who holds such license or permit: 16769

(1) Is convicted of a disqualifying offense or a crime of 16770
moral turpitude as those terms are defined in section 4776.10 of 16771
the Revised Code; 16772

(2) Procured a license or permit by fraud or deceit 16773
practiced upon the board; 16774

(3) Obtained any fee or made any sale of a hearing aid by 16775
fraud or misrepresentation; 16776

- (4) Used or caused or promoted the use of any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or any other representation, however disseminated or published, which is misleading, deceptive, or untruthful; 16777
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- (5) Advertised a particular model or type of hearing aid for sale when purchasers or prospective purchasers responding to the advertisement cannot purchase the specified model or type of hearing aid; 16782
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- (6) Represented or advertised that the service or advice of a person licensed to practice medicine will be used or made available in the selection, fitting, adjustment, maintenance, or repair of hearing aids when such is not true, or using the words "doctor," "clinic," or similar words, abbreviations, or symbols which connote the medical profession when such use is not accurate; 16786
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- (7) Advertised a manufacturer's product or used a manufacturer's name or trademark in a manner which suggested the existence of a relationship with the manufacturer which did not or does not exist; 16793
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- (8) Fitted or sold, or attempted to fit or sell, a hearing aid to a person without first utilizing the appropriate procedures and instruments required for proper fitting of hearing aids; 16797
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- (9) Engaged in the fitting and sale of hearing aids under a false name or an alias; 16801
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- (10) Engaged in the practice of dealing in or fitting of hearing aids while ~~suffering from~~ having a contagious or infectious disease; 16803
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- (11) Was found by the board to be guilty of gross incompetence or negligence in the fitting or sale of hearing aids; 16806
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- (12) Permitted another person to use the licensee's license; 16809
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- (13) Violate the code of ethical practice adopted under section 4744.50 of the Revised Code; 16811
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- (14) Made or filed a false report or record in the sale or dispensing of a hearing aid; 16813
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- (15) Aided or abetted the unlicensed sale, fitting, or dispensing of a hearing aid; 16815
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- (16) Committed an act of dishonorable, immoral, or unprofessional conduct while engaging in the sale or practice of dealing in or fitting of hearing aids; 16817
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- (17) Engaged in illegal, incompetent, or habitually negligent practice; 16820
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- (18) Provided professional services while mentally incompetent or under the influence of alcohol or while using any narcotic or controlled substance or other drug that is in excess of therapeutic amounts or without valid medical indication; 16822
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- (19) Violated this chapter or any lawful order given or rule adopted by the board; 16826
16827
- (20) Is disciplined by a licensing or disciplinary authority of this or any other state or country or is convicted or disciplined by a court of this or any other state or country for an act that would be grounds for disciplinary action under this section; 16828
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(21) Engaged in conduct that the board has identified in a rule adopted under section 4747.04 of the Revised Code as requiring disciplinary action under this section.

(B) If the board revokes a person's license under division (A) of this section, the person may apply for reinstatement. The board may require the person to complete an examination or additional continuing education as a condition of reinstatement.

Sec. 4766.01. As used in this chapter:

(A) "Advanced life support" means treatment described in section 4765.39 of the Revised Code that a paramedic is certified to perform.

(B) "Air medical service organization" means an organization that furnishes, conducts, maintains, advertises, promotes, or otherwise engages in providing medical services with a rotorcraft air ambulance or fixed wing air ambulance.

(C) "Air medical transportation" means the transporting of a patient by rotorcraft air ambulance or fixed wing air ambulance with appropriately licensed and certified medical personnel.

(D) "Ambulance" means any motor vehicle that is specifically designed, constructed, or modified and equipped and is intended to be used to provide basic life support, intermediate life support, advanced life support, or mobile intensive care unit services and transportation upon the streets or highways of this state of persons who are seriously ill, injured, wounded, or otherwise incapacitated or helpless. "Ambulance" does not include air medical transportation or a vehicle designed and used solely for the transportation of nonstretcher-bound persons, whether the person is hospitalized

or ~~handicapped~~ has a disability or whether the person is
ambulatory or ~~confined to a~~ using a wheelchair. 16862
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(E) "Ambulette" means a motor vehicle that is specifically 16864
designed, constructed, or modified and equipped and is intended 16865
to be used for transportation upon the streets or highways of 16866
this state of persons who require use of a wheelchair or other 16867
mobility aid. 16868

(F) "Basic life support" means treatment described in 16869
section 4765.37 of the Revised Code that an EMT is certified to 16870
perform. 16871

(G) "Disaster situation" means any condition or situation 16872
described by rule of the state board of emergency medical, fire, 16873
and transportation services as a mass casualty, major emergency, 16874
natural disaster, or national emergency. 16875

(H) "Emergency medical service organization" means an 16876
organization that uses EMTs, AEMTs, or paramedics, or a 16877
combination of EMTs, AEMTs, and paramedics, to provide medical 16878
care to victims of illness or injury. An emergency medical 16879
service organization includes, but is not limited to, a 16880
commercial ambulance service organization, a hospital, and a 16881
funeral home. 16882

(I) "EMT," "AEMT," and "paramedic" have the same meanings 16883
as in sections 4765.01 and 4765.011 of the Revised Code. 16884

(J) "Fixed wing air ambulance" means a fixed wing aircraft 16885
that is specifically designed, constructed, or modified and 16886
equipped and is intended to be used as a means of air medical 16887
transportation. 16888

(K) "Health care practitioner" has the same meaning as in 16889
section 3701.74 of the Revised Code. 16890

(L) "Health care services" has the same meaning as in section 3922.01 of the Revised Code.	16891 16892
(M) "Intermediate life support" means treatment described in section 4765.38 of the Revised Code that an AEMT is certified to perform.	16893 16894 16895
(N) "Major emergency" means any emergency event that cannot be resolved through the use of locally available emergency resources.	16896 16897 16898
(O) "Mass casualty" means an emergency event that results in ten or more persons being injured, incapacitated, made ill, or killed.	16899 16900 16901
(P) "Medical emergency" means an unforeseen event affecting an individual in such a manner that a need for immediate care is created.	16902 16903 16904
(Q) "Mobile intensive care unit" means an ambulance used only for maintaining specialized or intensive care treatment and used primarily for interhospital transports of patients whose conditions require care beyond the scope of a paramedic as provided in section 4765.39 of the Revised Code.	16905 16906 16907 16908 16909
(R) (1) "Nonemergency medical service organization" means a person that does both of the following:	16910 16911
(a) Provides services to the public on a regular basis for the purpose of transporting individuals who require the use of a wheelchair or other mobility aid to receive health care services in nonemergency circumstances;	16912 16913 16914 16915
(b) Provides the services for a fee, regardless of whether the fee is paid by the person being transported, a third party payer, as defined in section 3702.51 of the Revised Code, or any	16916 16917 16918

other person or government entity. 16919

(2) "Nonemergency medical service organization" does not 16920
include a health care facility, as defined in section 1751.01 of 16921
the Revised Code, that provides ambulette services only to 16922
patients of that facility. 16923

(S) "Nontransport vehicle" means a motor vehicle operated 16924
by a licensed emergency medical service organization not as an 16925
ambulance, but as a vehicle for providing services in 16926
conjunction with the ambulances operated by the organization or 16927
other emergency medical service organizations. 16928

(T) "Patient" means any individual who as a result of 16929
illness or injury needs medical attention, whose physical or 16930
mental condition is such that there is imminent danger of loss 16931
of life or significant health impairment, or who may be 16932
otherwise incapacitated or helpless as a result of a physical or 16933
mental condition, or any individual whose physical condition 16934
requires the use of a wheelchair or other mobility aid. 16935

(U) "Rotorcraft air ambulance" means a helicopter or other 16936
aircraft capable of vertical takeoffs, vertical landings, and 16937
hovering that is specifically designed, constructed, or modified 16938
and equipped and is intended to be used as a means of air 16939
medical transportation. 16940

(V) "Taxicab" means a taxicab vehicle operated by a 16941
taxicab service company, provided the company is not a 16942
nonemergency medical service organization. 16943

(W) "Transportation network company driver" has the same 16944
meaning as in section 3942.01 of the Revised Code. 16945

(X) "Transportation network company services" has the same 16946
meaning as in section 3942.01 of the Revised Code. 16947

Sec. 4905.79. Any telephone company, as defined in section 16948
5727.01 of the Revised Code, or, as authorized by the public 16949
utilities commission, any affiliate of such a company, that 16950
provides any telephone service program implemented after March 16951
27, 1991, to aid ~~the communicatively impaired persons with~~ 16952
communicative impairments in accessing the telephone network 16953
shall be allowed a tax credit for the costs of any such program 16954
under section 5733.56 of the Revised Code. Relative to any such 16955
program, the commission, in accordance with its rules, shall 16956
allow interested parties to intervene and participate in any 16957
proceeding or part of a proceeding brought before the commission 16958
pursuant to this section. The commission shall adopt rules it 16959
considers necessary to carry out this section. 16960

Sec. 4933.122. No natural gas, gas, or electric light 16961
company shall terminate service, except for safety reasons or 16962
upon the request of the customer, at any time to a residential 16963
consumer, except pursuant to procedures that provide for all of 16964
the following: 16965

(A) Reasonable prior notice is given to such consumer, 16966
including notice of rights and remedies, and no due date shall 16967
be established, after which a customer's account is considered 16968
to be in arrears if unpaid, that is less than fourteen days 16969
after the mailing of the billing. This limitation does not apply 16970
to charges to customers that receive service pursuant to an 16971
arrangement authorized by section 4905.31 of the Revised Code, 16972
nor to electric light companies operated not for profit or 16973
public utilities that are owned or operated by a municipal 16974
corporation. 16975

(B) A reasonable opportunity is given to dispute the 16976
reasons for such termination; 16977

(C) In circumstances in which termination of service to a consumer would be especially dangerous to health, as determined by the public utilities commission, or make the operation of necessary medical or life-supporting equipment impossible or impractical, and such consumer establishes that the consumer is unable to pay for such service in accordance with the requirements of the utility's billing except under an extended payment plan.

Such procedures shall take into account the need to include reasonable provisions for ~~elderly and handicapped~~ consumers who are elderly and who have disabilities.

The commission shall hold hearings and adopt rules to carry out this section.

To the extent that any rules adopted for the purpose of division (C) of this section require a health care professional to validate the health of a consumer or the necessity of operation of a consumer's medical or life-supporting equipment, the rules shall include as a health care professional a physician assistant, a clinical nurse specialist, a certified nurse practitioner, or a certified nurse-midwife.

Sec. 4961.08. When, under section 4961.07 of the Revised Code, a railroad company's line of railroad is diverted from a county named in the articles of incorporation, such company is liable to any person owning land in the county for damages caused by the change or diversion. All subscribers to the capital stock of the company on the line of that part of its railroad so changed shall be released from all obligation to pay their subscriptions.

Saving the rights of infants, ~~lunatics~~incompetent

individuals, and persons imprisoned, for six months after their 17007
disability is removed, no action shall be brought for damages 17008
caused by such change or diversion, unless it is begun within 17009
six months from the filing of the certificate for the change 17010
with the secretary of state, and the publication of notice 17011
thereof by the company for four consecutive weeks in a newspaper 17012
published in such county. 17013

Sec. 5101.56. (A) As used in this section, "physician" 17014
means a person who holds a valid license to practice medicine 17015
and surgery or osteopathic medicine and surgery issued under 17016
Chapter 4731. of the Revised Code. 17017

(B) Unless required by the United States Constitution or 17018
by federal statute, regulation, or decisions of federal courts, 17019
state or local funds may not be used for payment or 17020
reimbursement for abortion services unless the certification 17021
required by division (C) of this section is made and one of the 17022
following circumstances exists: 17023

(1) The woman ~~suffers from~~ has a physical disorder, 17024
physical injury, or physical illness, including a life- 17025
endangering physical condition caused by or arising from the 17026
pregnancy, that would, as certified by a physician, place the 17027
woman in danger of death unless an abortion is performed. 17028

(2) The pregnancy was the result of an act of rape and the 17029
patient, the patient's legal guardian, or the person who made 17030
the report to the law enforcement agency, certifies in writing 17031
that prior to the performance of the abortion a report was filed 17032
with a law enforcement agency having the requisite jurisdiction, 17033
unless the patient was physically unable to comply with the 17034
reporting requirement and that fact is certified by the 17035
physician performing the abortion. 17036

(3) The pregnancy was the result of an act of incest and the patient, the patient's legal guardian, or the person who made the report certifies in writing that prior to the performance of the abortion a report was filed with either a law enforcement agency having the requisite jurisdiction, or, in the case of a minor, with a county children services agency established under Chapter 5153. of the Revised Code, unless the patient was physically unable to comply with the reporting requirement and that fact is certified by the physician performing the abortion.

(C) (1) Before payment of or reimbursement for an abortion can be made with state or local funds, the physician performing the abortion shall certify that one of the three circumstances in division (B) of this section has occurred. The certification shall be made on a form created by the Ohio department of job and family services known as the "Abortion Certification Form." The physician's signature shall be in the physician's own handwriting. The certification shall list the name and address of the patient. The certification form shall be attached to the billing invoice.

(2) The certification shall be as follows:

I certify that, on the basis of my professional judgment, this service was necessary because:

(a) The woman ~~suffers from~~has a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would place the woman in danger of death unless an abortion was performed;

(b) The pregnancy was the result of an act of rape and the

patient, the patient's legal guardian, or the person who made 17066
the report to the law enforcement agency certified in writing 17067
that prior to the performance of the abortion a report was filed 17068
with a law enforcement agency having the requisite jurisdiction; 17069

(c) The pregnancy was the result of an act of incest and 17070
the patient, the patient's legal guardian, or the person who 17071
made the report certified in writing that prior to the 17072
performance of the abortion a report was filed with either a law 17073
enforcement agency having the requisite jurisdiction or, in the 17074
case of a minor, with a county children services agency 17075
established under Chapter 5153. of the Revised Code; 17076

(d) The pregnancy was the result of an act of rape and in 17077
my professional opinion the recipient was physically unable to 17078
comply with the reporting requirement; or 17079

(e) The pregnancy was a result of an act of incest and in 17080
my professional opinion the recipient was physically unable to 17081
comply with the reporting requirement. 17082

(D) Payment or reimbursement for abortion services shall 17083
not be made with state or local funds for associated services 17084
such as anesthesia, laboratory tests, or hospital services if 17085
the abortion service itself cannot be paid or reimbursed with 17086
state or local funds. All abortion services for which a 17087
physician is seeking reimbursement or payment for the purposes 17088
of this division shall be submitted on a hard-copy billing 17089
invoice. 17090

(E) Documentation that supports the certification made by 17091
a physician shall be maintained by the physician in the 17092
recipient's medical record. When the physician certifies that 17093
circumstances described in division (C) (2) (b) or (c) of this 17094

section are the case, a copy of the statement signed by the 17095
patient, the patient's legal guardian, or the person who made 17096
the report shall be maintained in the patient's medical record. 17097

(F) Nothing in this section denies reimbursement for drugs 17098
or devices to prevent implantation of the fertilized ovum, or 17099
for medical procedures for the termination of an ectopic 17100
pregnancy. This section does not apply to treatments for 17101
incomplete, missed, or septic abortions. 17102

(G) If enforcement of this section will adversely affect 17103
eligibility of the state or a political subdivision of the state 17104
for participation in a federal program, this section shall be 17105
enforced to the extent permissible without preventing 17106
participation in that federal program. 17107

Sec. 5101.60. As used in sections 5101.60 to 5101.73 of 17108
the Revised Code: 17109

(A) "Abandonment" means desertion of an adult by a 17110
caretaker without having made provision for transfer of the 17111
adult's care. 17112

(B) "Abuse" means the infliction upon an adult by self or 17113
others of injury, unreasonable confinement, intimidation, or 17114
cruel punishment with resulting physical harm, pain, or mental 17115
anguish. 17116

(C) "Adult" means any person sixty years of age or older 17117
within this state who is ~~handicapped~~disabled by the infirmities 17118
of aging or who has a physical or mental impairment which 17119
prevents the person from providing for the person's own care or 17120
protection, and who resides in an independent living 17121
arrangement. 17122

(D) "Area agency on aging" means a public or private 17123

nonprofit entity designated under section 173.011 of the Revised Code to administer programs on behalf of the department of aging. 17124
17125
17126

(E) "Caretaker" means the person assuming the primary responsibility for the care of an adult by any of the following means: 17127
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17129

(1) On a voluntary basis; 17130

(2) By contract; 17131

(3) Through receipt of payment for care; 17132

(4) As a result of a family relationship; 17133

(5) By order of a court of competent jurisdiction. 17134

(F) "Community mental health agency" means any agency, program, or facility with which a board of alcohol, drug addiction, and mental health services contracts to provide the mental health services listed in section 340.99 of the Revised Code. 17135
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(G) "Court" means the probate court in the county where an adult resides. 17140
17141

(H) "Emergency" means that the adult is living in conditions which present a substantial risk of immediate and irreparable physical harm or death to self or any other person. 17142
17143
17144

(I) "Emergency services" means protective services furnished to an adult in an emergency. 17145
17146

(J) "Exploitation" means the unlawful or improper act of a person using, in one or more transactions, an adult or an adult's resources for monetary or personal benefit, profit, or gain when the person obtained or exerted control over the adult 17147
17148
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17150

or the adult's resources in any of the following ways: 17151

(1) Without the adult's consent or the consent of the 17152
person authorized to give consent on the adult's behalf; 17153

(2) Beyond the scope of the express or implied consent of 17154
the adult or the person authorized to give consent on the 17155
adult's behalf; 17156

(3) By deception; 17157

(4) By threat; 17158

(5) By intimidation. 17159

(K) "In need of protective services" means an adult known 17160
or suspected to be suffering from abuse, neglect, or 17161
exploitation to an extent that either life is endangered or 17162
physical harm, mental anguish, or mental illness results or is 17163
likely to result. 17164

(L) "Incapacitated person" means a person who is impaired 17165
for any reason to the extent that the person lacks sufficient 17166
understanding or capacity to make and carry out reasonable 17167
decisions concerning the person's self or resources, with or 17168
without the assistance of a caretaker. Refusal to consent to the 17169
provision of services shall not be the sole determinative that 17170
the person is incapacitated. 17171

(M) "Independent living arrangement" means a domicile of a 17172
person's own choosing, including, but not limited to, a private 17173
home, apartment, trailer, or rooming house. "Independent living 17174
arrangement" includes a residential facility licensed under 17175
section 5119.22 of the Revised Code that provides 17176
accommodations, supervision, and personal care services for 17177
three to sixteen unrelated adults, but does not include any 17178

other institution or facility licensed by the state or a 17179
facility in which a person resides as a result of voluntary, 17180
civil, or criminal commitment. 17181

(N) "Mental illness" means a substantial disorder of 17182
thought, mood, perception, orientation, or memory that grossly 17183
impairs judgment, behavior, capacity to recognize reality, or 17184
ability to meet the ordinary demands of life. 17185

(O) "Neglect" means any of the following: 17186

(1) Failure of an adult to provide for self the goods or 17187
services necessary to avoid physical harm, mental anguish, or 17188
mental illness; 17189

(2) Failure of a caretaker to provide such goods or 17190
services; 17191

(3) Abandonment. 17192

(P) "Outpatient health facility" means a facility where 17193
medical care and preventive, diagnostic, therapeutic, 17194
rehabilitative, or palliative items or services are provided to 17195
outpatients by or under the direction of a physician or dentist. 17196

(Q) "Peace officer" means a peace officer as defined in 17197
section 2935.01 of the Revised Code. 17198

(R) "Physical harm" means bodily pain, injury, impairment, 17199
or disease suffered by an adult. 17200

(S) "Protective services" means services provided by the 17201
county department of job and family services or its designated 17202
agency to an adult who has been determined by evaluation to 17203
require such services for the prevention, correction, or 17204
discontinuance of an act of as well as conditions resulting from 17205
abuse, neglect, or exploitation. Protective services may 17206

include, but are not limited to, case work services, medical 17207
care, mental health services, legal services, fiscal management, 17208
home health care, homemaker services, housing-related services, 17209
guardianship services, and placement services as well as the 17210
provision of such commodities as food, clothing, and shelter. 17211

(T) "Reasonable decisions" means decisions made in daily 17212
living that facilitate the provision of food, shelter, clothing, 17213
and health care necessary for life support. 17214

(U) "Senior service provider" means a person who provides 17215
care or specialized services to an adult. 17216

(V) "Working day" means Monday, Tuesday, Wednesday, 17217
Thursday, and Friday, except when such day is a holiday as 17218
defined in section 1.14 of the Revised Code. 17219

Sec. 5104.015. The director of job and family services 17220
shall adopt rules in accordance with Chapter 119. of the Revised 17221
Code governing the operation of child day-care centers, 17222
including parent cooperative centers, part-time centers, and 17223
drop-in centers. The rules shall reflect the various forms of 17224
child care and the needs of children receiving child care or 17225
publicly funded child care and shall include specific rules for 17226
school-age child care centers that are developed in consultation 17227
with the department of education. The rules shall include the 17228
following: 17229

(A) Submission of a site plan and descriptive plan of 17230
operation to demonstrate how the center proposes to meet the 17231
requirements of this chapter and rules adopted pursuant to this 17232
chapter for the initial license application; 17233

(B) Standards for ensuring that the physical surroundings 17234
of the center are safe and sanitary including the physical 17235

environment, the physical plant, and the equipment of the center;	17236 17237
(C) Standards for the supervision, care, and discipline of children receiving child care or publicly funded child care in the center;	17238 17239 17240
(D) Standards for a program of activities, and for play equipment, materials, and supplies, to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that enhance the social, emotional, intellectual, and physical development of each child shall be permissible. As used in this division, "program" does not include instruction in religious or moral doctrines, beliefs, or values that is conducted at child day-care centers owned and operated by churches and does include methods of disciplining children at child day-care centers.	17241 17242 17243 17244 17245 17246 17247 17248 17249 17250
(E) Admissions policies and procedures;	17251
(F) Health care policies and procedures, including procedures for the isolation of children with communicable diseases;	17252 17253 17254
(G) First aid and emergency procedures;	17255
(H) Procedures for discipline and supervision of children;	17256
(I) Standards for the provision of nutritious meals and snacks;	17257 17258
(J) Procedures for screening children that may include any necessary physical examinations and shall include immunizations in accordance with section 5104.014 of the Revised Code;	17259 17260 17261
(K) Procedures for screening employees that may include any necessary physical examinations and immunizations;	17262 17263

(L) Methods for encouraging parental participation in the center and methods for ensuring that the rights of children, parents, and employees are protected and that responsibilities of parents and employees are met;	17264 17265 17266 17267
(M) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the center while under the care of a center employee;	17268 17269 17270
(N) Procedures for record keeping, organization, and administration;	17271 17272
(O) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	17273 17274 17275
(P) Inspection procedures;	17276
(Q) Procedures and standards for setting initial license application fees;	17277 17278
(R) Procedures for receiving, recording, and responding to complaints about centers;	17279 17280
(S) Procedures for enforcing section 5104.04 of the Revised Code;	17281 17282
(T) Minimum qualifications for employment as an administrator or child-care staff member;	17283 17284
(U) Requirements for the training of administrators and child-care staff members, including training in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention;	17285 17286 17287 17288
(V) Standards providing for the special -needs of children who are handicapped <u>have disabilities</u> or who require treatment	17289 17290

for health conditions while the child is receiving child care or	17291
publicly funded child care in the center;	17292
(W) A procedure for reporting of injuries of children that	17293
occur at the center;	17294
(X) Standards for licensing child day-care centers for	17295
children with short-term illnesses and other temporary medical	17296
conditions;	17297
(Y) Minimum requirements for instructional time for child	17298
day-care centers rated through the step up to quality program	17299
established pursuant to section 5104.29 of the Revised Code;	17300
(Z) Any other procedures and standards necessary to carry	17301
out the provisions of this chapter regarding child day-care	17302
centers.	17303
Sec. 5104.017. The director of job and family services	17304
shall adopt rules pursuant to Chapter 119. of the Revised Code	17305
governing the operation of type A family day-care homes,	17306
including parent cooperative type A homes, part-time type A	17307
homes, drop-in type A homes, and school-age child type A homes.	17308
The rules shall reflect the various forms of child care and the	17309
needs of children receiving child care. The rules shall include	17310
the following:	17311
(A) Submission of a site plan and descriptive plan of	17312
operation to demonstrate how the type A home proposes to meet	17313
the requirements of this chapter and rules adopted pursuant to	17314
this chapter for the initial license application;	17315
(B) Standards for ensuring that the physical surroundings	17316
of the type A home are safe and sanitary, including the physical	17317
environment, the physical plant, and the equipment of the type A	17318
home;	17319

(C) Standards for the supervision, care, and discipline of children receiving child care or publicly funded child care in the type A home;	17320 17321 17322
(D) Standards for a program of activities, and for play equipment, materials, and supplies, to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that enhance the social, emotional, intellectual, and physical development of each child shall be permissible;	17323 17324 17325 17326 17327 17328
(E) Admissions policies and procedures;	17329
(F) Health care policies and procedures, including procedures for the isolation of children with communicable diseases;	17330 17331 17332
(G) First aid and emergency procedures;	17333
(H) Procedures for discipline and supervision of children;	17334
(I) Standards for the provision of nutritious meals and snacks;	17335 17336
(J) Procedures for screening children, including any necessary physical examinations and the immunizations required pursuant to section 5104.014 of the Revised Code;	17337 17338 17339
(K) Procedures for screening employees, including any necessary physical examinations and immunizations;	17340 17341
(L) Methods for encouraging parental participation in the type A home and methods for ensuring that the rights of children, parents, and employees are protected and that the responsibilities of parents and employees are met;	17342 17343 17344 17345
(M) Procedures for ensuring the safety and adequate	17346

supervision of children traveling off the premises of the type A home while under the care of a type A home employee;	17347 17348
(N) Procedures for record keeping, organization, and administration;	17349 17350
(O) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	17351 17352 17353
(P) Inspection procedures;	17354
(Q) Procedures and standards for setting initial license application fees;	17355 17356
(R) Procedures for receiving, recording, and responding to complaints about type A homes;	17357 17358
(S) Procedures for enforcing section 5104.04 of the Revised Code;	17359 17360
(T) A standard requiring the inclusion of a current department of job and family services toll-free telephone number on each type A home license that any person may use to report a suspected violation by the type A home of this chapter or rules adopted pursuant to this chapter;	17361 17362 17363 17364 17365
(U) Requirements for the training of administrators and child-care staff members in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention;	17366 17367 17368 17369
(V) Standards providing for the special needs of children who are handicapped <u>have disabilities</u> or who require treatment for health conditions while the child is receiving child care or publicly funded child care in the type A home;	17370 17371 17372 17373

(W) Standards for the maximum number of children per child-care staff member;	17374 17375
(X) Requirements for the amount of usable indoor floor space for each child;	17376 17377
(Y) Requirements for safe outdoor play space;	17378
(Z) Qualifications and training requirements for administrators and for child-care staff members;	17379 17380
(AA) Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type A home during its hours of operation;	17381 17382 17383 17384
(BB) Standards for the preparation and distribution of a roster of parents, custodians, and guardians;	17385 17386
(CC) Minimum requirements for instructional time for type A homes rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code;	17387 17388 17389
(DD) Any other procedures and standards necessary to carry out the provisions of this chapter regarding type A homes.	17390 17391
Sec. 5104.018. The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code governing the licensure of type B family day-care homes. The rules shall provide for safeguarding the health, safety, and welfare of children receiving child care or publicly funded child care in a licensed type B family day-care home and shall include all of the following:	17392 17393 17394 17395 17396 17397 17398
(A) Requirements for the type B home to notify parents with children in the type B home that the type B home is certified as a foster home under section 5103.03 of the Revised	17399 17400 17401

Code;	17402
(B) Standards for ensuring that the type B home and the physical surroundings of the type B home are safe and sanitary, including physical environment, physical plant, and equipment;	17403 17404 17405
(C) Standards for the supervision, care, and discipline of children receiving child care or publicly funded child care in the home;	17406 17407 17408
(D) Standards for a program of activities, and for play equipment, materials, and supplies to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that enhance the social, emotional, intellectual, and physical development of each child shall be permissible;	17409 17410 17411 17412 17413 17414
(E) Admission policies and procedures;	17415
(F) Health care, first aid and emergency procedures;	17416
(G) Procedures for the care of sick children;	17417
(H) Procedures for discipline and supervision of children;	17418
(I) Nutritional standards;	17419
(J) Procedures for screening children, including any necessary physical examinations and the immunizations required pursuant to section 5104.014 of the Revised Code;	17420 17421 17422
(K) Procedures for screening administrators and employees, including any necessary physical examinations and immunizations;	17423 17424
(L) Methods of encouraging parental participation and ensuring that the rights of children, parents, and administrators are protected and the responsibilities of parents and administrators are met;	17425 17426 17427 17428

(M) Standards for the safe transport of children when under the care of administrators;	17429 17430
(N) Procedures for issuing, denying, or revoking licenses;	17431
(O) Procedures for the inspection of type B homes that require, at a minimum, that each type B home be inspected prior to licensure to ensure that the home is safe and sanitary;	17432 17433 17434
(P) Procedures for record keeping and evaluation;	17435
(Q) Procedures for receiving, recording, and responding to complaints;	17436 17437
(R) Standards providing for the special needs of children who are handicapped <u>have disabilities</u> or who receive treatment for health conditions while the child is receiving child care or publicly funded child care in the type B home;	17438 17439 17440 17441
(S) Requirements for the amount of usable indoor floor space for each child;	17442 17443
(T) Requirements for safe outdoor play space;	17444
(U) Qualification and training requirements for administrators;	17445 17446
(V) Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type B home during its hours of operation;	17447 17448 17449 17450
(W) Requirements for the type B home to notify parents with children in the type B home that the type B home is certified as a foster home under section 5103.03 of the Revised Code;	17451 17452 17453 17454
(X) Minimum requirements for instructional time for type B	17455

homes rated through the step up to quality program established 17456
pursuant to section 5104.29 of the Revised Code; 17457

(Y) Any other procedures and standards necessary to carry 17458
out the provisions of this chapter regarding licensure of type B 17459
homes. 17460

Sec. 5104.019. The director of job and family services 17461
shall adopt rules in accordance with Chapter 119. of the Revised 17462
Code governing the certification of in-home aides. The rules 17463
shall provide for safeguarding the health, safety, and welfare 17464
of children receiving publicly funded child care in their own 17465
home and shall include the following: 17466

(A) Standards for ensuring that the child's home and the 17467
physical surroundings of the child's home are safe and sanitary, 17468
including physical environment, physical plant, and equipment; 17469

(B) Standards for the supervision, care, and discipline of 17470
children receiving publicly funded child care in their own home; 17471

(C) Standards for a program of activities, and for play 17472
equipment, materials, and supplies to enhance the development of 17473
each child; however, any educational curricula, philosophies, 17474
and methodologies that are developmentally appropriate and that 17475
enhance the social, emotional, intellectual, and physical 17476
development of each child shall be permissible; 17477

(D) Health care, first aid, and emergency procedures, 17478
procedures for the care of sick children, procedures for 17479
discipline and supervision of children, nutritional standards, 17480
and procedures for screening children and in-home aides, 17481
including any necessary physical examinations and immunizations; 17482

(E) Methods of encouraging parental participation and 17483
ensuring that the rights of children, parents, and in-home aides 17484

are protected and the responsibilities of parents and in-home
aides are met; 17485
17486

(F) Standards for the safe transport of children when 17487
under the care of in-home aides; 17488

(G) Procedures for issuing, renewing, denying, refusing to 17489
renew, or revoking certificates; 17490

(H) Procedures for inspection of homes of children 17491
receiving publicly funded child care in their own homes; 17492

(I) Procedures for record keeping and evaluation; 17493

(J) Procedures for receiving, recording, and responding to 17494
complaints; 17495

(K) Qualifications and training requirements for in-home 17496
aides; 17497

(L) Standards providing for the ~~special~~ needs of children 17498
who ~~are handicapped~~ have disabilities or who receive treatment 17499
for health conditions while the child is receiving publicly 17500
funded child care in the child's own home; 17501

(M) Any other procedures and standards necessary to carry 17502
out the provisions of this chapter regarding certification of 17503
in-home aides. 17504

Sec. 5107.26. (A) As used in this section, "transitional 17505
child care" means publicly funded child care provided under 17506
division (A) (3) of section 5104.34 of the Revised Code. 17507

(B) Except as provided in division (C) of this section: 17508

(1) Each member of an assistance group participating in 17509
Ohio works first is ineligible to participate in the program for 17510
six payment months if a county department of job and family 17511

services determines that a member of the assistance group 17512
terminated the member's employment. 17513

(2) Each person who, on the day prior to the day a 17514
recipient begins to receive transitional child care, was a 17515
member of the recipient's assistance group is ineligible to 17516
participate in Ohio works first for six payment months if a 17517
county department determines that the recipient terminated the 17518
recipient's employment. 17519

(C) No assistance group member shall lose or be denied 17520
eligibility to participate in Ohio works first pursuant to 17521
division (B) of this section if the termination of employment 17522
was because an assistance group member or recipient of 17523
transitional child care secured comparable or better employment 17524
or the county department of job and family services certifies 17525
that the member or recipient terminated the employment with just 17526
cause. 17527

Just cause includes the following: 17528

(1) Discrimination by an employer based on age, race, sex, 17529
color, ~~handicap~~disability, religious beliefs, or national 17530
origin; 17531

(2) Work demands or conditions that render continued 17532
employment unreasonable, such as working without being paid on 17533
schedule; 17534

(3) Employment that has become unsuitable due to any of 17535
the following: 17536

(a) The wage is less than the federal minimum wage; 17537

(b) The work is at a site subject to a strike or lockout, 17538
unless the strike has been enjoined under section 208 of the 17539

"Labor-Management Relations Act," 61 Stat. 155 (1947), 29 17540
U.S.C.A. 178, as amended, an injunction has been issued under 17541
section 10 of the "Railway Labor Act," 44 Stat. 586 (1926), 45 17542
U.S.C.A. 160, as amended, or an injunction has been issued under 17543
section 4117.16 of the Revised Code; 17544

(c) The documented degree of risk to the member or 17545
recipient's health and safety is unreasonable; 17546

(d) The member or recipient is physically or mentally 17547
unfit to perform the employment, as documented by medical 17548
evidence or by reliable information from other sources. 17549

(4) Documented illness of the member or recipient or of 17550
another assistance group member of the member or recipient 17551
requiring the presence of the member or recipient; 17552

(5) A documented household emergency; 17553

(6) Lack of adequate child care for children of the member 17554
or recipient who are under six years of age. 17555

Sec. 5109.16. To facilitate prompt and authoritative 17556
identification of goods and articles made by blind persons, any 17557
person, public or private institution or agency, firm, 17558
association, or corporation engaged in the manufacture or 17559
distribution of goods or articles made by blind persons may 17560
apply to the ~~commission for the blind~~ bureau of services for the 17561
visually impaired for registration and authorization to use an 17562
official imprint, stamp, symbol, or label, designed or approved 17563
by the ~~commission~~ bureau to identify blind-made products and 17564
containing the words, "made by a blind ~~workman~~ worker" or "made 17565
by the blind," or "blind-made" and to which shall be added the 17566
name of the manufacturer, the place of manufacture, and such 17567
other information as the ~~commission~~ bureau prescribes. 17568

The ~~commission-bureau~~ shall adopt rules ~~and regulations~~ 17569
with respect to procedures to be followed in determining whether 17570
an applicant is engaged in the manufacture or distribution of 17571
blind-made goods or articles. Any applicant who complies with 17572
such rules and regulations and sections 5109.15 to 5109.18, ~~—~~ 17573
~~inclusive,~~ of the Revised Code, shall be provided with a 17574
certificate of registration and authorization to use the 17575
official mark of identification for blind-made products, valid 17576
for one year from the date of issue. 17577

The ~~commission-bureau~~ may register, without investigation, 17578
nonresident individuals and out-of-state agencies, firms, 17579
associations, or corporations upon proof that they are 17580
recognized and approved by the state of residence or organized 17581
pursuant to a law of such state imposing requirements 17582
substantially similar to those prescribed by sections 5109.15 to 17583
5109.18, ~~inclusive,~~ of the Revised Code. 17584

Sec. 5109.18. No person, public or private institution or 17585
agency, firm, association, or corporation shall manufacture, 17586
distribute, display, advertise, offer for sale, or sell goods or 17587
articles represented as made by blind persons unless such goods 17588
or articles bear an official imprint, stamp, symbol, or label 17589
designed or approved pursuant to section 5109.16 of the Revised 17590
Code by the ~~commission for the blind~~ bureau of services for the 17591
visually impaired which was attached by a person, institution, 17592
agency, firm, association, or corporation holding a valid 17593
certificate of registration issued by the ~~commission~~ bureau. A 17594
blind person offering for sale or selling a product made by 17595
~~him~~ the blind person is not required to apply for registration or 17596
to label such product. 17597

Sec. 5119.01. (A) As used in this chapter: 17598

(1) "Addiction" means the chronic and habitual use of alcoholic beverages, the use of a drug of abuse as defined in section 3719.011 of the Revised Code, or the use of gambling by an individual to the extent that the individual no longer can control the individual's use of alcohol, the individual becomes physically or psychologically dependent on the drug, the individual's use of alcohol or drugs endangers the health, safety, or welfare of the individual or others, or the individual's gambling causes psychological, financial, emotional, marital, legal, or other difficulties endangering the health, safety, or welfare of the individual or others.

(2) "Addiction services" means services, including intervention, for the treatment of persons with alcohol, drug, or gambling addictions, and for the prevention of such addictions.

(3) "Alcohol and drug addiction services" means services, including intervention, for the treatment of ~~alcoholics~~ persons with alcoholism or persons who abuse drugs of abuse and for the prevention of alcoholism and drug addiction.

~~(4) "Alcoholic" means a person suffering from alcoholism.~~

~~(5)~~ "Alcoholism" means the chronic and habitual use of alcoholic beverages by an individual to the extent that the individual no longer can control the individual's use of alcohol or endangers the health, safety, or welfare of the individual or others.

~~(6)~~ (5) "Certifiable services and supports" means all of the following:

(a) Alcohol and drug addiction services;

(b) Mental health services;

(c) The types of recovery supports that are specified in 17628
rules adopted under section 5119.36 of the Revised Code as 17629
requiring certification under that section. 17630

~~(7)~~(6) "Community addiction services provider" means an 17631
agency, association, corporation or other legal entity, 17632
individual, or program that provides one or more of the 17633
following: 17634

(a) Alcohol and drug addiction services that are certified 17635
by the director of mental health and addiction services under 17636
section 5119.36 of the Revised Code; 17637

(b) Gambling addiction services; 17638

(c) Recovery supports that are related to alcohol and drug 17639
addiction services or gambling addiction services and paid for 17640
with federal, state, or local funds administered by the 17641
department of mental health and addiction services or a board of 17642
alcohol, drug addiction, and mental health services. 17643

~~(8)~~(7) "Community mental health services provider" means 17644
an agency, association, corporation, individual, or program that 17645
provides either of the following: 17646

(a) Mental health services that are certified by the 17647
director of mental health and addiction services under section 17648
5119.36 of the Revised Code; 17649

(b) Recovery supports that are related to mental health 17650
services and paid for with federal, state, or local funds 17651
administered by the department of mental health and addiction 17652
services or a board of alcohol, drug addiction, and mental 17653
health services. 17654

~~(9)~~(8) "Drug addiction" means the use of a drug of abuse, 17655

as defined in section 3719.011 of the Revised Code, by an 17656
individual to the extent that the individual becomes physically 17657
or psychologically dependent on the drug or endangers the 17658
health, safety, or welfare of the individual or others. 17659

~~(10)~~(9) "Gambling addiction" means the use of gambling by 17660
an individual to the extent that it causes psychological, 17661
financial, emotional, marital, legal, or other difficulties 17662
endangering the health, safety, or welfare of the individual or 17663
others. 17664

~~(11)~~(10) "Gambling addiction services" means services for 17665
the treatment of persons who have a gambling addiction and for 17666
the prevention of gambling addiction. 17667

~~(12)~~(11) "Hospital" means a hospital or inpatient unit 17668
licensed by the department of mental health and addiction 17669
services under section 5119.33 of the Revised Code, and any 17670
institution, hospital, or other place established, controlled, 17671
or supervised by the department under Chapter 5119. of the 17672
Revised Code. 17673

~~(13)~~(12) "Included opioid and co-occurring drug addiction 17674
services and recovery supports" means the addiction services and 17675
recovery supports that, pursuant to section 340.033 of the 17676
Revised Code, are included in the array of services and recovery 17677
supports for all levels of opioid and co-occurring drug 17678
addiction required to be included in the community-based 17679
continuum of care established under section 340.032 of the 17680
Revised Code. 17681

~~(14)~~(13) "Medication-assisted treatment" has the same 17682
meaning as in section 340.01 of the Revised Code. 17683

~~(15)~~(14) "Mental illness" means a substantial disorder of 17684

thought, mood, perception, orientation, or memory that grossly 17685
impairs judgment, behavior, capacity to recognize reality, or 17686
ability to meet the ordinary demands of life. 17687

~~(16)~~ (15) "Mental health services" means services for the 17688
assessment, care, or treatment of persons who have a mental 17689
illness and for the prevention of mental illness. 17690

~~(17)~~ (16) "Opioid treatment program" has the same meaning 17691
as in 42 C.F.R. 8.2. 17692

~~(18)~~ (17) "Recovery supports" means assistance that is 17693
intended to help an individual ~~who is an alcoholic or has a~~ with 17694
alcoholism, drug addiction, or mental illness, or a member of 17695
such an individual's family, initiate and sustain the 17696
individual's recovery from alcoholism, drug addiction, or mental 17697
illness. "Recovery supports" does not mean alcohol and drug 17698
addiction services or mental health services. 17699

~~(19) (a)~~ (18) (a) "Residence" means a person's physical 17700
presence in a county with intent to remain there, except in 17701
either of the following circumstances: 17702

(i) If a person is receiving a mental health treatment 17703
service at a facility that includes nighttime sleeping 17704
accommodations, "residence" means that county in which the 17705
person maintained the person's primary place of residence at the 17706
time the person entered the facility; 17707

(ii) If a person is committed pursuant to section 2945.38, 17708
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, 17709
"residence" means the county where the criminal charges were 17710
filed. 17711

(b) When the residence of a person is disputed, the matter 17712
of residence shall be referred to the department of mental 17713

health and addiction services for investigation and 17714
determination. Residence shall not be a basis for a board of 17715
alcohol, drug addiction, and mental health services to deny 17716
services to any person present in the board's service district, 17717
and the board shall provide services for a person whose 17718
residence is in dispute while residence is being determined and 17719
for a person in an emergency situation. 17720

(B) Any reference in this chapter to a board of alcohol, 17721
drug addiction, and mental health services also refers to an 17722
alcohol and drug addiction services board or a community mental 17723
health board in a service district in which an alcohol and drug 17724
addiction services board or a community mental health board has 17725
been established under section 340.021 or former section 340.02 17726
of the Revised Code. 17727

Sec. 5119.10. (A) The director of mental health and 17728
addiction services is the chief executive and appointing 17729
authority of the department of mental health and addiction 17730
services. The director may organize the department for its 17731
efficient operation, including creating divisions or offices as 17732
necessary. The director may establish procedures for the 17733
governance of the department, conduct of its employees and 17734
officers, performance of its business, and custody, use, and 17735
preservation of departmental records, papers, books, documents, 17736
and property. Whenever the Revised Code imposes a duty upon or 17737
requires an action of the department or any of its institutions, 17738
the director or the director's designee shall perform the action 17739
or duty in the name of the department, except that the medical 17740
director appointed pursuant to section 5119.11 of the Revised 17741
Code shall be responsible for decisions relating to medical 17742
diagnosis, treatment, rehabilitation, quality assurance, and the 17743
clinical aspects of the following: licensure of hospitals and 17744

residential facilities, research, community addiction and mental 17745
health plans, and certification and delivery of addiction 17746
services and mental health services. 17747

(B) The director shall: 17748

(1) Adopt rules for the proper execution of the powers and 17749
duties of the department with respect to the institutions under 17750
its control, and require the performance of additional duties by 17751
the officers of the institutions as necessary to fully meet the 17752
requirements, intents, and purposes of this chapter. In case of 17753
an apparent conflict between the powers conferred upon any 17754
managing officer and those conferred by such sections upon the 17755
department, the presumption shall be conclusive in favor of the 17756
department. 17757

(2) Adopt rules for the nonpartisan management of the 17758
institutions under the department's control. An officer or 17759
employee of the department or any officer or employee of any 17760
institution under its control who, by solicitation or otherwise, 17761
exerts influence directly or indirectly to induce any other 17762
officer or employee of the department or any of its institutions 17763
to adopt the exerting officer's or employee's political views or 17764
to favor any particular person, issue, or candidate for office 17765
shall be removed from the exerting officer's or employee's 17766
office or position, by the department in case of an officer or 17767
employee, and by the governor in case of the director. 17768

(3) Appoint such employees, including the medical 17769
director, as are necessary for the efficient conduct of the 17770
department, and prescribe their titles and duties; 17771

(4) Prescribe the forms of affidavits, applications, 17772
medical certificates, orders of hospitalization and release, and 17773

all other forms, reports, and records that are required in the hospitalization or admission and release of all persons to the institutions under the control of the department, or are otherwise required under this chapter or Chapter 5122. of the Revised Code;

(5) Exercise the powers and perform the duties relating to addiction and mental health facilities, addiction services, mental health services, and recovery supports that are assigned to the director under this chapter and Chapter 340. of the Revised Code;

(6) Develop and implement clinical evaluation and monitoring of services that are operated by the department;

(7) Adopt rules establishing standards for the performance of evaluations by a forensic center or other psychiatric program or facility of the mental condition of defendants ordered by the court under section 2919.271, or 2945.371 of the Revised Code, and for the treatment of defendants who have been found incompetent to stand trial and ordered by the court under section 2945.38, 2945.39, 2945.401, or 2945.402 of the Revised Code to receive treatment in facilities;

(8) On behalf of the department, have the authority and responsibility for entering into contracts and other agreements with providers, agencies, institutions, and other entities, both public and private, as necessary for the department to carry out its duties under this chapter and Chapters 340., 2919., 2945., and 5122. of the Revised Code. Chapter 125. of the Revised Code does not apply to contracts the director enters into under this section for addiction services, mental health services, or recovery supports provided to individuals who have an addiction or mental illness by providers, agencies, institutions, and

other entities not owned or operated by the department. 17804

(9) Adopt rules in accordance with Chapter 119. of the 17805
Revised Code specifying the supplemental services that may be 17806
provided through a trust authorized by section 5815.28 of the 17807
Revised Code; 17808

(10) Adopt rules in accordance with Chapter 119. of the 17809
Revised Code establishing standards for the maintenance and 17810
distribution to a beneficiary of assets of a trust authorized by 17811
section 5815.28 of the Revised Code. 17812

(C) The director may contract with hospitals licensed by 17813
the department under section 5119.33 of the Revised Code for the 17814
care and treatment of ~~mentally ill patients~~ with mental
illnesses, or with persons, organizations, or agencies for the 17815
custody, evaluation, supervision, care, or treatment of ~~mentally~~
~~ill persons~~ with mental illnesses receiving services elsewhere 17816
than within the enclosure of a hospital operated under section 17817
5119.14 of the Revised Code. 17818
17819
17820

Sec. 5119.14. (A) The department of mental health and 17821
addiction services shall maintain, operate, manage, and govern 17822
state institutions and other services for the care and treatment 17823
of ~~mentally ill persons~~ with mental illnesses. 17824

(B) (1) The department of mental health and addiction 17825
services may, with the approval of the governor, designate the 17826
name and purpose of any institutions under its jurisdiction and 17827
may change, with the approval of the governor, the designation 17828
and name when necessary. 17829

(2) The department shall divide the state into districts 17830
for the purpose of designating the institution in which ~~mentally~~
~~ill persons~~ with mental illnesses are hospitalized and may 17831
17832

change the districts. 17833

(3) Subject to section 5139.08 and pursuant to Chapter 17834
5122. of the Revised Code and on the agreement of the 17835
departments of mental health and addiction services and youth 17836
services, the department of mental health and addiction services 17837
may receive from the department of youth services for 17838
psychiatric observation, diagnosis, or treatment any person 17839
eighteen years of age or older in the custody of the department 17840
of youth services. The departments may enter into a written 17841
agreement specifying the procedures necessary to implement this 17842
division. 17843

(C) The department of mental health and addiction services 17844
shall designate hospitals, facilities, and community mental 17845
health services providers for the custody, care, and special 17846
treatment of, and authorize payment for such custody, care, and 17847
special treatment provided to, persons who are charged with a 17848
crime and who are found incompetent to stand trial or not guilty 17849
by reason of insanity. 17850

(D) The department of mental health and addiction services 17851
may do any of the following: 17852

(1) Require reports from the managing officer of any 17853
institution under the department's jurisdiction, relating to the 17854
admission, examination, comprehensive evaluation, diagnosis, 17855
release, or discharge of any patient; 17856

(2) Visit each institution regularly to review its 17857
operations and to investigate complaints made by any patient or 17858
by any person on behalf of a patient, provided these duties may 17859
be performed by a person designated by the director. 17860

(E) The department of mental health and addiction services 17861

may provide or contract to provide addiction services for 17862
offenders incarcerated in the state prison system. 17863

(F) In addition to the powers expressly conferred, the 17864
department of mental health and addiction services shall have 17865
all powers and authority necessary for the full and efficient 17866
exercise of the executive, administrative, and fiscal 17867
supervision over the state institutions described in this 17868
section. 17869

Sec. 5119.21. (A) The department of mental health and 17870
addiction services shall: 17871

(1) To the extent the department has available resources 17872
and in consultation with boards of alcohol, drug addiction, and 17873
mental health services, support the community-based continuum of 17874
care that the boards are required by section 340.032 of the 17875
Revised Code to establish. The department shall provide the 17876
support on a district or multi-district basis. The department 17877
shall assist in identifying resources, and may prioritize 17878
support, for one or more of the elements of the community-based 17879
continuum of care. For the purpose of division (A)(10) of 17880
section 340.032 of the Revised Code and to the extent the 17881
department determines is necessary, the department shall define 17882
additional elements to be included in the community-based 17883
continuum of care. 17884

(2) Provide training, consultation, and technical 17885
assistance regarding addiction services, mental health services, 17886
recovery supports, and appropriate prevention, recovery, and 17887
mental health promotion activities, including those that are 17888
culturally competent, to employees of the department, community 17889
addiction services providers, community mental health services 17890
providers, and boards of alcohol, drug addiction, and mental 17891

health services; 17892

(3) To the extent the department has available resources, 17893
promote and support a full range of addiction services, mental 17894
health services, and recovery supports that are available and 17895
accessible to all residents of this state, especially for 17896
severely emotionally disturbed children and adolescents, 17897
~~severely mentally disabled adults~~ with severe mental 17898
disabilities, pregnant women, parents, guardians or custodians 17899
of children at risk of abuse or neglect, and other special 17900
target populations, including racial and ethnic minorities, as 17901
determined by the department; 17902

(4) Develop standards and measures for both of the 17903
following: 17904

(a) Evaluating the effectiveness of addiction services, 17905
including opioid treatment programs, of mental health services, 17906
and of recovery supports; 17907

(b) Increasing the accountability of community addiction 17908
services providers and community mental health services 17909
providers. 17910

(5) Design and set criteria for the determination of 17911
priority populations; 17912

(6) Promote, direct, conduct, and coordinate scientific 17913
research, taking ethnic and racial differences into 17914
consideration, concerning all of the following: 17915

(a) The causes and prevention of mental illness and 17916
addiction; 17917

(b) Methods of providing effective addiction services, 17918
mental health services, and recovery supports; 17919

(c) Means of enhancing the mental health of and recovery from addiction of all residents of this state.	17920 17921
(7) Foster the establishment and availability of vocational rehabilitation services and the creation of employment opportunities for individuals with addiction and mental health needs, including members of racial and ethnic minorities;	17922 17923 17924 17925 17926
(8) Establish a program to protect and promote the rights of persons receiving addiction services, mental health services, and recovery supports, including the issuance of guidelines on informed consent and other rights;	17927 17928 17929 17930
(9) Promote the involvement of persons who are receiving or have received addiction services, mental health services, and recovery supports including families and other persons having a close relationship to a person receiving those services and supports, in the planning, evaluation, delivery, and operation of addiction services, mental health services, and recovery supports;	17931 17932 17933 17934 17935 17936 17937
(10) Notify and consult with the relevant constituencies that may be affected by rules, standards, and guidelines issued by the department of mental health and addiction services. These constituencies shall include consumers of addiction services, mental health services, and recovery supports and the families of such consumers. These constituencies may include public and private providers, employee organizations, and others when appropriate. Whenever the department proposes the adoption, amendment, or rescission of rules under Chapter 119. of the Revised Code, the notification and consultation required by this division shall occur prior to the commencement of proceedings under Chapter 119. The department shall adopt rules under	17938 17939 17940 17941 17942 17943 17944 17945 17946 17947 17948 17949

Chapter 119. of the Revised Code that establish procedures for 17950
the notification and consultation required by this division. 17951

(11) Provide consultation to the department of 17952
rehabilitation and correction concerning the delivery of 17953
addiction services and mental health services in state 17954
correctional institutions; 17955

(12) Promote and coordinate efforts in the provision of 17956
addiction services by other state agencies, as defined in 17957
section 1.60 of the Revised Code; courts; hospitals; clinics; 17958
physicians in private practice; public health authorities; 17959
boards of alcohol, drug addiction, and mental health services; 17960
community addiction services providers; law enforcement 17961
agencies; and related groups; 17962

(13) Provide to each court of record, and biennially 17963
update, a list of the treatment and education programs within 17964
that court's jurisdiction that the court may require an 17965
offender, sentenced pursuant to section 4511.19 of the Revised 17966
Code, to attend; 17967

(14) Make the warning sign described in sections 3313.752, 17968
3345.41, and 3707.50 of the Revised Code available on the 17969
department's internet web site; 17970

(15) Provide a program of gambling addiction services on 17971
behalf of the state lottery commission, pursuant to an agreement 17972
entered into with the director of the commission under division 17973
(K) of section 3770.02 of the Revised Code, and provide a 17974
program of gambling addiction services on behalf of the Ohio 17975
casino control commission, under an agreement entered into with 17976
the executive director of the commission under section 3772.062 17977
of the Revised Code. Under Section 6(C) (3) of Article XV, Ohio 17978

Constitution, the department may enter into agreements with 17979
boards of alcohol, drug addiction, and mental health services, 17980
including boards with districts in which a casino facility is 17981
not located, and nonprofit organizations to provide addiction 17982
services, and with state institutions of higher education or 17983
private nonprofit institutions that possess a certificate of 17984
authorization issued under Chapter 1713. of the Revised Code to 17985
perform related research. 17986

(B) The department may accept and administer grants from 17987
public or private sources for carrying out any of the duties 17988
enumerated in this section. 17989

(C) The department may adopt rules in accordance with 17990
Chapter 119. of the Revised Code as necessary to implement the 17991
requirements of this chapter. 17992

Sec. 5119.311. The department of mental health and 17993
addiction services may examine into, with or without expert 17994
assistance, the question of the mental and physical condition of 17995
any person committed to or involuntarily confined in any 17996
hospital for ~~the mentally ill~~persons with mental illnesses, or 17997
restrained of liberty at any place within this state by reason 17998
of alleged mental illness and may order and compel the discharge 17999
of any such person who is not a ~~mentally ill person~~with a 18000
mental illness subject to court order as defined in division (B) 18001
of section 5122.01 of the Revised Code and direct what 18002
disposition shall be made of the person. The order of discharge 18003
shall be signed by the director of mental health and addiction 18004
services. Upon receipt of such order by the superintendent or 18005
other person in charge of the building in which the person named 18006
in such order is confined, such person shall forthwith be 18007
discharged or otherwise disposed of according to the terms of 18008

said order, and any further or other detention of such person is 18009
unlawful. No such order shall be made in favor of any person 18010
committed and held for trial on a criminal charge, in 18011
confinement by an order of a judge or court made in a criminal 18012
proceeding, or in any case unless notice is given to the 18013
superintendent or other person having charge of the building in 18014
which the alleged ~~mentally ill person~~ with a mental illness is 18015
detained, and a reasonable opportunity is allowed the person in 18016
charge to justify further detention of the person confined. 18017

Sec. 5119.33. (A) (1) The department of mental health and 18018
addiction services shall inspect and license all hospitals that 18019
receive ~~mentally ill persons~~ with mental illnesses, except those 18020
hospitals managed by the department. No hospital may receive for 18021
care or treatment, either at public or private expense, any 18022
person who is or appears to ~~be mentally ill~~ have a mental 18023
illness, whether or not so adjudicated, unless the hospital has 18024
received a license from the department authorizing it to receive 18025
for care or treatment persons ~~who are mentally ill~~ with mental 18026
illnesses or the hospital is managed by the department. 18027

(2) No such license shall be granted to a hospital for the 18028
treatment of ~~mentally ill persons~~ with mental illnesses unless 18029
the department is satisfied, after investigation, that the 18030
hospital is managed and operated by qualified persons and has on 18031
its staff one or more qualified physicians responsible for the 18032
medical care of the patients confined there. At least one such 18033
physician shall be a psychiatrist. 18034

(B) The department shall adopt rules under Chapter 119. of 18035
the Revised Code prescribing minimum standards for the operation 18036
of hospitals for the care and treatment of ~~mentally ill persons~~ 18037
with mental illnesses and establishing standards and procedures 18038

for the issuance, renewal, or revocation of full, probationary, 18039
and interim licenses. No license shall be granted to any 18040
hospital established or used for the care of ~~mentally ill~~ 18041
persons with mental illnesses unless such hospital is operating 18042
in accordance with this section and rules adopted pursuant to 18043
this section. A full license shall expire one year after the 18044
date of issuance, a probationary license shall expire at the 18045
time prescribed by rule adopted pursuant to Chapter 119. of the 18046
Revised Code by the director of mental health and addiction 18047
services, and an interim license shall expire ninety days after 18048
the date of issuance. A full, probationary, or interim license 18049
may be renewed, except that an interim license may be renewed 18050
only twice. The department may fix reasonable fees for licenses 18051
and for license renewals. Such hospitals are subject to 18052
inspection and on-site review by the department. 18053

(C) Except as otherwise provided in Chapter 5122. of the 18054
Revised Code, neither the director of mental health and 18055
addiction services; an employee of the department; a board of 18056
alcohol, drug addiction, and mental health services or employee 18057
of a community mental health services provider; nor any other 18058
public official shall hospitalize any ~~mentally ill~~ person with a 18059
mental illness for care or treatment in any hospital that is not 18060
licensed in accordance with this section. 18061

(D) The department may issue an order suspending the 18062
admission of patients ~~who are mentally ill~~ with mental illnesses 18063
to a hospital for care or treatment if it finds either of the 18064
following: 18065

(1) The hospital is not in compliance with rules adopted 18066
by the director pursuant to this section. 18067

(2) The hospital has been cited for more than one 18068

violation of statutes or rules during any previous period of 18069
time during which the hospital is licensed pursuant to this 18070
section. 18071

(E) Any license issued by the department under this 18072
section may be revoked or not renewed by the department for any 18073
of the following reasons: 18074

(1) The hospital is no longer a suitable place for the 18075
care or treatment of ~~mentally ill persons~~ with mental illnesses. 18076

(2) The hospital refuses to be subject to inspection or 18077
on-site review by the department. 18078

(3) The hospital has failed to furnish humane, kind, and 18079
adequate treatment and care. 18080

(4) The hospital fails to comply with the licensure rules 18081
of the department. 18082

(F) The department may inspect, conduct an on-site review, 18083
and review the records of any hospital that the department has 18084
reason to believe is operating without a license. 18085

Sec. 5119.331. If the department of mental health and 18086
addiction services determines that a hospital not licensed by 18087
the department is receiving for care or treatment any person who 18088
is or appears to ~~be mentally ill~~ have a mental illness, the 18089
department may request in writing that the attorney general 18090
petition the court of common pleas in the county where the 18091
hospital is located to enjoin the hospital from continued 18092
operation in violation of section 5119.33 of the Revised Code. 18093

Sec. 5119.333. No person shall keep or maintain a hospital 18094
for the care or treatment of ~~mentally ill persons~~ with mental 18095
illnesses unless it is licensed by the department of mental 18096

health and addiction services, as provided by section 5119.33 of the Revised Code. 18097
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Sec. 5119.34. (A) As used in this section and sections 5119.341 and 5119.342 of the Revised Code: 18099
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(1) "Accommodations" means housing, daily meal preparation, laundry, housekeeping, arranging for transportation, social and recreational activities, maintenance, security, and other services that do not constitute personal care services or skilled nursing care. 18101
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(2) "ADAMHS board" means a board of alcohol, drug addiction, and mental health services. 18106
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(3) "Adult" means a person who is eighteen years of age or older, other than a person described in division (A)(4) of this section who is between eighteen and twenty-one years of age. 18108
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(4) "Child" means a person who is under eighteen years of age or a person with a mental disability who is under twenty-one years of age. 18111
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(5) "Community mental health services provider" means a community mental health services provider as defined in section 5119.01 of the Revised Code. 18114
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(6) "Community mental health services" means any mental health services certified by the department pursuant to section 5119.36 of the Revised Code. 18117
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18119

(7) "Operator" means the person or persons, firm, partnership, agency, governing body, association, corporation, or other entity that is responsible for the administration and management of a residential facility and that is the applicant for a residential facility license. 18120
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- (8) "Personal care services" means services including, but not limited to, the following: 18125
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- (a) Assisting residents with activities of daily living; 18127
 - (b) Assisting residents with self-administration of medication in accordance with rules adopted under this section; 18128
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 - (c) Preparing special diets, other than complex therapeutic diets, for residents pursuant to the instructions of a physician or a licensed dietitian, in accordance with rules adopted under this section. 18130
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- "Personal care services" does not include "skilled nursing care" as defined in section 3721.01 of the Revised Code. A facility need not provide more than one of the services listed in division (A) (8) of this section to be considered to be providing personal care services. 18134
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- (9) "Room and board" means the provision of sleeping and living space, meals or meal preparation, laundry services, housekeeping services, or any combination thereof. 18139
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- (10) "Residential state supplement program" means the program established under section 5119.41 of the Revised Code. 18142
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- (11) "Supervision" means any of the following: 18144
- (a) Observing a resident to ensure the resident's health, safety, and welfare while the resident engages in activities of daily living or other activities; 18145
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 - (b) Reminding a resident to perform or complete an activity, such as reminding a resident to engage in personal hygiene or other self-care activities; 18148
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 - (c) Assisting a resident in making or keeping an 18151

appointment. 18152

(12) "Unrelated" means that a resident is not related to 18153
the owner or operator of a residential facility or to the 18154
owner's or operator's spouse as a parent, grandparent, child, 18155
stepchild, grandchild, brother, sister, niece, nephew, aunt, or 18156
uncle, or as the child of an aunt or uncle. 18157

(B) (1) A "residential facility" is a publicly or privately 18158
operated home or facility that falls into one of the following 18159
categories: 18160

(a) Class one facilities provide accommodations, 18161
supervision, personal care services, and mental health services 18162
for one or more unrelated adults with mental illness or one or 18163
more unrelated children or adolescents with severe emotional 18164
disturbances; 18165

(b) Class two facilities provide accommodations, 18166
supervision, and personal care services to any of the following: 18167

(i) One or two unrelated persons with mental illness; 18168

(ii) One or two unrelated adults who are receiving 18169
payments under the residential state supplement program; 18170

(iii) Three to sixteen unrelated adults. 18171

(c) Class three facilities provide room and board for five 18172
or more unrelated adults with mental illness. 18173

(2) "Residential facility" does not include any of the 18174
following: 18175

(a) A hospital subject to licensure under section 5119.33 18176
of the Revised Code or an institution maintained, operated, 18177
managed, and governed by the department of mental health and 18178

addiction services for the hospitalization of ~~mentally ill~~ persons with mental illnesses pursuant to section 5119.14 of the Revised Code; 18179
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(b) A residential facility licensed under section 5123.19 of the Revised Code or otherwise regulated by the department of developmental disabilities; 18182
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(c) An institution or association subject to certification under section 5103.03 of the Revised Code; 18185
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(d) A facility operated by a hospice care program licensed under section 3712.04 of the Revised Code that is used exclusively for care of hospice patients; 18187
18188
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(e) A nursing home, residential care facility, or home for the aging as defined in section 3721.02 of the Revised Code; 18190
18191

(f) A facility licensed under section 5119.37 of the Revised Code to operate an opioid treatment program; 18192
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(g) Any facility that receives funding for operating costs from the development services agency under any program established to provide emergency shelter housing or transitional housing for the homeless; 18194
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(h) A terminal care facility for the homeless that has entered into an agreement with a hospice care program under section 3712.07 of the Revised Code; 18198
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(i) A facility approved by the veterans administration under section 104(a) of the "Veterans Health Care Amendments of 1983," 97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for the placement and care of veterans; 18201
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(j) The residence of a relative or guardian of a person with mental illness. 18205
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(C) Nothing in division (B) of this section shall be construed to permit personal care services to be imposed on a resident who is capable of performing the activity in question without assistance.

(D) Except in the case of a residential facility described in division (B) (1) (a) of this section, members of the staff of a residential facility shall not administer medication to the facility's residents, but may do any of the following:

(1) Remind a resident when to take medication and watch to ensure that the resident follows the directions on the container;

(2) Assist a resident in the self-administration of medication by taking the medication from the locked area where it is stored, in accordance with rules adopted pursuant to this section, and handing it to the resident. If the resident is physically unable to open the container, a staff member may open the container for the resident.

(3) Assist a resident who is physically impaired but mentally alert ~~resident~~, such as a resident with arthritis, cerebral palsy, or Parkinson's disease, in removing oral or topical medication from containers and in consuming or applying the medication, upon request by or with the consent of the resident. If a resident is physically unable to place a dose of medicine to the resident's mouth without spilling it, a staff member may place the dose in a container and place the container to the mouth of the resident.

(E) (1) Except as provided in division (E) (2) of this section, a person operating or seeking to operate a residential facility shall apply for licensure of the facility to the

department of mental health and addiction services. The 18236
application shall be submitted by the operator. When applying 18237
for the license, the applicant shall pay to the department the 18238
application fee specified in rules adopted under division (L) of 18239
this section. The fee is nonrefundable. 18240

The department shall send a copy of an application to the 18241
ADAMHS board serving the county in which the person operates or 18242
seeks to operate the facility. The ADAMHS board shall review the 18243
application and provide to the department any information about 18244
the applicant or the facility that the board would like the 18245
department to consider in reviewing the application. 18246

(2) A person may not apply for a license to operate a 18247
residential facility if the person is or has been the owner, 18248
operator, or manager of a residential facility for which a 18249
license to operate was revoked or for which renewal of a license 18250
was refused for any reason other than nonpayment of the license 18251
renewal fee, unless both of the following conditions are met: 18252

(a) A period of not less than two years has elapsed since 18253
the date the director of mental health and addiction services 18254
issued the order revoking or refusing to renew the facility's 18255
license. 18256

(b) The director's revocation or refusal to renew the 18257
license was not based on an act or omission at the facility that 18258
violated a resident's right to be free from abuse, neglect, or 18259
exploitation. 18260

(F) (1) The department of mental health and addiction 18261
services shall inspect and license the operation of residential 18262
facilities. The department shall consider the past record of the 18263
facility and the applicant or licensee in arriving at its 18264

licensure decision. 18265

The department may issue full, probationary, and interim 18266
licenses. A full license shall expire up to three years after 18267
the date of issuance, a probationary license shall expire in a 18268
shorter period of time as specified in rules adopted by the 18269
director of mental health and addiction services under division 18270
(L) of this section, and an interim license shall expire ninety 18271
days after the date of issuance. A license may be renewed in 18272
accordance with rules adopted by the director under division (L) 18273
of this section. The renewal application shall be submitted by 18274
the operator. When applying for renewal of a license, the 18275
applicant shall pay to the department the renewal fee specified 18276
in rules adopted under division (L) of this section. The fee is 18277
nonrefundable. 18278

(2) The department may issue an order suspending the 18279
admission of residents to the facility or refuse to issue or 18280
renew and may revoke a license if it finds any of the following: 18281

(a) The facility is not in compliance with rules adopted 18282
by the director pursuant to division (L) of this section; 18283

(b) Any facility operated by the applicant or licensee has 18284
been cited for a pattern of serious noncompliance or repeated 18285
violations of statutes or rules during the period of current or 18286
previous licenses; 18287

(c) The applicant or licensee submits false or misleading 18288
information as part of a license application, renewal, or 18289
investigation. 18290

Proceedings initiated to deny applications for full or 18291
probationary licenses or to revoke such licenses are governed by 18292
Chapter 119. of the Revised Code. An order issued pursuant to 18293

this division remains in effect during the pendency of those proceedings. 18294
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(G) The department may issue an interim license to operate a residential facility if both of the following conditions are met: 18296
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(1) The department determines that the closing of or the need to remove residents from another residential facility has created an emergency situation requiring immediate removal of residents and an insufficient number of licensed beds are available. 18299
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(2) The residential facility applying for an interim license meets standards established for interim licenses in rules adopted by the director under division (L) of this section. 18304
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An interim license shall be valid for ninety days and may be renewed by the director no more than twice. Proceedings initiated to deny applications for or to revoke interim licenses under this division are not subject to Chapter 119. of the Revised Code. 18308
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(H) (1) The department of mental health and addiction services may conduct an inspection of a residential facility as follows: 18313
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(a) Prior to issuance of a license for the facility; 18316

(b) Prior to renewal of the license; 18317

(c) To determine whether the facility has completed a plan of correction required pursuant to division (H) (2) of this section and corrected deficiencies to the satisfaction of the department and in compliance with this section and rules adopted 18318
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pursuant to it; 18322

(d) Upon complaint by any individual or agency; 18323

(e) At any time the director considers an inspection to be 18324
necessary in order to determine whether the facility is in 18325
compliance with this section and rules adopted pursuant to this 18326
section. 18327

(2) In conducting inspections the department may conduct 18328
an on-site examination and evaluation of the residential 18329
facility and its personnel, activities, and services. The 18330
department shall have access to examine and copy all records, 18331
accounts, and any other documents relating to the operation of 18332
the residential facility, including records pertaining to 18333
residents, and shall have access to the facility in order to 18334
conduct interviews with the operator, staff, and residents. 18335
Following each inspection and review, the department shall 18336
complete a report listing any deficiencies, and including, when 18337
appropriate, a time table within which the operator shall 18338
correct the deficiencies. The department may require the 18339
operator to submit a plan of correction describing how the 18340
deficiencies will be corrected. 18341

(I) No person shall do any of the following: 18342

(1) Operate a residential facility unless the facility 18343
holds a valid license; 18344

(2) Violate any of the conditions of licensure after 18345
having been granted a license; 18346

(3) Interfere with a state or local official's inspection 18347
or investigation of a residential facility; 18348

(4) Violate any of the provisions of this section or any 18349

rules adopted pursuant to this section. 18350

(J) The following may enter a residential facility at any 18351
time: 18352

(1) Employees designated by the director of mental health 18353
and addiction services; 18354

(2) Employees of an ADAMHS board under either of the 18355
following circumstances: 18356

(a) When a resident of the facility is receiving services 18357
from a community mental health services provider under contract 18358
with that ADAMHS board or another ADAMHS board; 18359

(b) When authorized by section 340.05 of the Revised Code. 18360

(3) Employees of a community mental health services 18361
provider under either of the following circumstances: 18362

(a) When the provider has a person receiving services 18363
residing in the facility; 18364

(b) When the provider is acting as an agent of an ADAMHS 18365
board other than the board with which it is under contract. 18366

(4) Representatives of the state long-term care ombudsman 18367
program when the facility provides accommodations, supervision, 18368
and personal care services for three to sixteen unrelated adults 18369
or to one or two unrelated adults who are receiving payments 18370
under the residential state supplement program. 18371

The persons specified in division (J) of this section 18372
shall be afforded access to examine and copy all records, 18373
accounts, and any other documents relating to the operation of 18374
the residential facility, including records pertaining to 18375
residents. 18376

(K) Employees of the department of mental health and addiction services may enter, for the purpose of investigation, any institution, residence, facility, or other structure which has been reported to the department as, or that the department has reasonable cause to believe is, operating as a residential facility without a valid license.

(L) The director shall adopt and may amend and rescind rules pursuant to Chapter 119. of the Revised Code governing the licensing and operation of residential facilities. The rules shall establish all of the following:

(1) Minimum standards for the health, safety, adequacy, and cultural competency of treatment of and services for persons in residential facilities;

(2) Procedures for the issuance, renewal, or revocation of the licenses of residential facilities;

(3) Procedures for conducting background investigations for prospective or current operators, employees, volunteers, and other non-resident occupants who may have direct access to facility residents;

(4) The fee to be paid when applying for a new residential facility license or renewing the license;

(5) Procedures for the operator of a residential facility to follow when notifying the ADAMHS board serving the county in which the facility is located when the facility is serving residents with mental illness or severe mental disability, including the circumstances under which the operator is required to make such a notification;

(6) Procedures for the issuance and termination of orders of suspension of admission of residents to a residential

facility;	18406
(7) Measures to be taken by residential facilities relative to residents' medication;	18407 18408
(8) Requirements relating to preparation of special diets;	18409
(9) The maximum number of residents who may be served in a residential facility;	18410 18411
(10) The rights of residents of residential facilities and procedures to protect such rights;	18412 18413
(11) Standards and procedures under which the director may waive the requirements of any of the rules adopted.	18414 18415
(M) (1) The department may withhold the source of any complaint reported as a violation of this section when the department determines that disclosure could be detrimental to the department's purposes or could jeopardize the investigation. The department may disclose the source of any complaint if the complainant agrees in writing to such disclosure and shall disclose the source upon order by a court of competent jurisdiction.	18416 18417 18418 18419 18420 18421 18422 18423
(2) Any person who makes a complaint under division (M) (1) of this section, or any person who participates in an administrative or judicial proceeding resulting from such a complaint, is immune from civil liability and is not subject to criminal prosecution, other than for perjury, unless the person has acted in bad faith or with malicious purpose.	18424 18425 18426 18427 18428 18429
(N) (1) The director of mental health and addiction services may petition the court of common pleas of the county in which a residential facility is located for an order enjoining any person from operating a residential facility without a	18430 18431 18432 18433

license or from operating a licensed facility when, in the 18434
director's judgment, there is a present danger to the health or 18435
safety of any of the occupants of the facility. The court shall 18436
have jurisdiction to grant such injunctive relief upon a showing 18437
that the respondent named in the petition is operating a 18438
facility without a license or there is a present danger to the 18439
health or safety of any residents of the facility. 18440

(2) When the court grants injunctive relief in the case of 18441
a facility operating without a license, the court shall issue, 18442
at a minimum, an order enjoining the facility from admitting new 18443
residents to the facility and an order requiring the facility to 18444
assist with the safe and orderly relocation of the facility's 18445
residents. 18446

(3) If injunctive relief is granted against a facility for 18447
operating without a license and the facility continues to 18448
operate without a license, the director shall refer the case to 18449
the attorney general for further action. 18450

(O) The director may fine a person for violating division 18451
(I) of this section. The fine shall be five hundred dollars for 18452
a first offense; for each subsequent offense, the fine shall be 18453
one thousand dollars. The director's actions in imposing a fine 18454
shall be taken in accordance with Chapter 119. of the Revised 18455
Code. 18456

Sec. 5119.40. (A) As used in this section, "~~mentally ill~~ 18457
individual with a mental illness" and "specialized services" 18458
have the same meanings as in section 5165.03 of the Revised 18459
Code. 18460

(B) (1) Except as provided in division (B) (2) of this 18461
section and rules adopted under division (E) (3) of this section, 18462

for purposes of section 5165.03 of the Revised Code, the 18463
department of mental health and addiction services shall 18464
determine in accordance with the "Social Security Act," section 18465
1919(e) (7), 42 U.S.C. 1396r(e) (7), and regulations adopted under 18466
section 1919(f) (8) (A) of that act, 42 U.S.C. 1396r(f) (8) (A), 18467
whether, because of the individual's physical and mental 18468
condition, ~~a mentally ill~~ an individual with a mental illness 18469
seeking admission to a nursing facility requires the level of 18470
services provided by a nursing facility and, if the individual 18471
requires that level of services, whether the individual requires 18472
specialized services for mental illness. The determination 18473
required by this division shall be based on an independent 18474
physical and mental evaluation performed by a person or entity 18475
other than the department. 18476

(2) Except as provided in division (B) (3) of this section, 18477
a determination under division (B) (1) of this section is not 18478
required for any of the following: 18479

(a) An individual seeking readmission to a nursing 18480
facility after having been transferred from a nursing facility 18481
to a hospital for care; 18482

(b) An individual who meets all of the following 18483
conditions: 18484

(i) The individual is admitted to the nursing facility 18485
directly from a hospital after receiving inpatient care at the 18486
hospital; 18487

(ii) The individual requires nursing facility services for 18488
the condition for which care in the hospital was received; 18489

(iii) The individual's attending physician has certified, 18490
before admission to the nursing facility, that the individual is 18491

likely to require less than thirty days of nursing facility services. 18492
18493

(c) An individual transferred from one nursing facility to another nursing facility, with or without an intervening hospital stay. 18494
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(3) A determination under division (B) (1) of this section is required for an individual described in division (B) (2) (a) or (b) of this section if the hospital from which the individual is transferred or directly admitted to a nursing facility is either of the following: 18497
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(a) A hospital that the department maintains, operates, manages, and governs under section 5119.14 of the Revised Code for the care and treatment of ~~mentally ill~~ persons with mental illnesses; 18502
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(b) A free-standing hospital, or unit of a hospital, licensed by the department under section 5119.33 of the Revised Code. 18506
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(C) Except as provided in rules adopted under division (E) (3) of this section, the department of mental health and addiction services shall review and determine for each resident of a nursing facility who ~~is mentally ill~~ has a mental illness, whether the resident, because of the resident's physical and mental condition, requires the level of services provided by a nursing facility and whether the resident requires specialized services for mental illness. The review and determination shall be conducted in accordance with section 1919(e) (7) of the "Social Security Act" and the regulations adopted under section 1919(f) (8) (A) of the act and based on an independent physical and mental evaluation performed by a person or entity other than 18509
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the department. The review and determination shall be completed 18521
promptly after a nursing facility has notified the department 18522
that there has been a significant change in the resident's 18523
mental or physical condition. 18524

(D) (1) In the case of a nursing facility resident who has 18525
continuously resided in a nursing facility for at least thirty 18526
months before the date of a review and determination under 18527
division (C) of this section, if the resident is determined not 18528
to require the level of services provided by a nursing facility, 18529
but is determined to require specialized services for mental 18530
illness, the department, in consultation with the resident's 18531
family or legal representative and care givers, shall do all of 18532
the following: 18533

(a) Inform the resident of the institutional and 18534
noninstitutional alternatives covered under the state plan for 18535
medical assistance; 18536

(b) Offer the resident the choice of remaining in the 18537
nursing facility or receiving covered services in an alternative 18538
institutional or noninstitutional setting; 18539

(c) Clarify the effect on eligibility for services under 18540
the state plan for medical assistance if the resident chooses to 18541
leave the facility, including its effect on readmission to the 18542
facility; 18543

(d) Provide for or arrange for the provision of 18544
specialized services for the resident's mental illness in the 18545
setting chosen by the resident. 18546

(2) In the case of a nursing facility resident who has 18547
continuously resided in a nursing facility for less than thirty 18548
months before the date of the review and determination under 18549

division (C) of this section, if the resident is determined not 18550
to require the level of services provided by a nursing facility, 18551
but is determined to require specialized services for mental 18552
illness, or if the resident is determined to require neither the 18553
level of services provided by a nursing facility nor specialized 18554
services for mental illness, the department shall act in 18555
accordance with its alternative disposition plan approved by the 18556
United States department of health and human services under 18557
section 1919(e) (7) (E) of the "Social Security Act." 18558

(3) In the case of an individual who is determined under 18559
division (B) or (C) of this section to require both the level of 18560
services provided by a nursing facility and specialized services 18561
for mental illness, the department of mental health and 18562
addiction services shall provide or arrange for the provision of 18563
the specialized services needed by the individual or resident 18564
while residing in a nursing facility. 18565

(E) The department of mental health and addiction services 18566
shall adopt rules in accordance with Chapter 119. of the Revised 18567
Code that do all of the following: 18568

(1) Establish criteria to be used in making the 18569
determinations required by divisions (B) and (C) of this 18570
section. The criteria shall not exceed the criteria established 18571
by regulations adopted by the United States department of health 18572
and human services under section 1919(f) (8) (A) of the "Social 18573
Security Act." 18574

(2) Specify information to be provided by the individual 18575
or nursing facility resident being assessed; 18576

(3) Specify any circumstances, in addition to 18577
circumstances listed in division (B) of this section, under 18578

which determinations under divisions (B) and (C) of this section 18579
are not required to be made. 18580

Sec. 5119.42. (A) As used in this section, "private, 18581
nonprofit organization" means a private association, 18582
organization, corporation, or other entity that is tax exempt 18583
under section 501(a) and described in section 501(c) of the 18584
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 501. 18585

(B) To the extent funds are available and on application 18586
by boards of alcohol, drug addiction, and mental health 18587
services, the director of mental health and addiction services 18588
may approve state reimbursement of, or state grants for, 18589
community construction programs including residential housing 18590
for ~~severely mentally disabled persons~~ with severe mental 18591
disabilities and persons with substance use disorders. The 18592
director may also approve an application for reimbursement or a 18593
grant for such programs submitted by other governmental entities 18594
or by private, nonprofit organizations, after the application 18595
has been reviewed and recommended for approval or disapproval by 18596
the board of alcohol, drug addiction, and mental health services 18597
for the district from which the application came, and the 18598
application is consistent with the board's approved community 18599
addiction and mental health plan submitted under division (A) of 18600
section 340.03 of the Revised Code and the board's approved 18601
budget and list of addiction services, mental health services, 18602
and recovery supports submitted under divisions (A) and (B) of 18603
section 340.08 of the Revised Code. 18604

(C) (1) The director of mental health and addiction 18605
services shall adopt rules in accordance with Chapter 119. of 18606
the Revised Code that specify procedures for applying for state 18607
reimbursement of and state grants for community construction 18608

programs, including residential housing for ~~severely mentally disabled persons~~ with severe mental disabilities and persons with substance use disorders and procedures and criteria for approval of such reimbursement and grants. 18609
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(2) The director of mental health and addiction services shall not approve state reimbursement or a state grant unless all of the following conditions are met: 18613
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(a) The applicant includes with the application a plan specifying the services, in addition to housing, that will be provided to persons who will reside in the residential housing. Services specified may include any of the services described in section 340.09 of the Revised Code. 18616
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(b) The director is satisfied that the residential housing for ~~severely mentally disabled persons~~ with severe mental disabilities will be developed to promote the maximum practical integration of ~~severely mentally disabled persons~~ with severe mental disabilities with persons at the same site who ~~are~~ do not ~~severely mentally disabled~~ have severe mental disabilities. 18621
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(c) The use of any funds distributed pursuant to the reimbursement or grant will not subject any obligation from which the funds are derived to federal income taxation. 18627
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(3) The director may enter into an agreement establishing terms for any reimbursement or grant approved under this division with the organization, board, or other government entity that is the recipient of the reimbursement or grant. Any such agreement is subject to any covenant or agreement pertaining to any obligation issued to provide funds for the reimbursement or grant. 18630
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Sec. 5119.50. The director of mental health and addiction 18637

services may accept, hold, and administer in trust on behalf of 18638
the state, if it is for the public interest, any grant, gift, 18639
devise, or bequest of money or property made to the state for 18640
the use or benefit of any institution described in section 18641
5119.14 of the Revised Code or for the use and benefit of 18642
~~mentally ill persons~~ with mental illnesses under its control. If 18643
the trust so provides, the money or property may be used for any 18644
work which the department of mental health and addiction 18645
services is authorized to undertake. 18646

The department shall keep such gift, grant, devise, or 18647
bequest as a distinct property or fund and, if it is in money, 18648
shall invest it in the manner provided by law. The department 18649
may deposit in a proper trust company or savings bank any money 18650
left in trust during a specified life or lives and shall adopt 18651
rules governing the deposit, transfer, withdrawal, or investment 18652
of such money and the income thereof. 18653

The department shall, in the manner prescribed by the 18654
director of budget and management pursuant to section 126.21 of 18655
the Revised Code, account for all money or property received or 18656
expended under this section. The records, together with a 18657
statement certified by the depository showing the funds 18658
deposited there to the credit of the trust, shall be open to 18659
public inspection. The director of budget and management may 18660
require the department to file a report with the director on any 18661
particular portion, or the whole, of any trust property received 18662
or expended by it. 18663

The department shall, upon the expiration of any trust 18664
according to its terms, dispose of the funds or property held 18665
thereunder in the manner provided in the instrument creating the 18666
trust. If the instrument creating the trust failed to make any 18667

terms of disposition, or if no trust was in evidence, then the 18668
decedent patient's money, saving or commercial deposits, 18669
dividends or distributions, bonds, or any other interest-bearing 18670
debt certificate or stamp issued by the United States government 18671
shall escheat to the state. All such unclaimed intangible 18672
personal property of a former patient shall be retained by the 18673
managing officer in such institution for the period of one year, 18674
during which time every possible effort shall be made to find 18675
such former patient or the former patient's legal 18676
representative. 18677

If, after a period of one year from the time the patient 18678
has left the institution or has died, the managing officer has 18679
been unable to locate such person or the person's legal 18680
representative, then upon proper notice of such fact the 18681
director shall at that time formulate in writing a method of 18682
disposition on the minutes of the department authorizing the 18683
managing officer to convert such intangible personal property to 18684
cash to be paid into the state treasury to the credit of the 18685
general revenue fund. 18686

The department shall include in its annual report a 18687
statement of all money and property and the terms and conditions 18688
relating thereto. 18689

Sec. 5119.60. The department of mental health and 18690
addiction services shall submit an annual report to the governor 18691
that shall describe the services the department offers and how 18692
appropriated funds have been spent. The report shall include all 18693
of the following: 18694

(A) The utilization of state hospitals by each alcohol, 18695
drug addiction, and mental health service district; 18696

(B) The number of persons served by community addiction services providers that receive funds distributed by the department, with a breakdown into categories including age, sex, race, the type of drug to which the person is addicted, and any other categories the director of mental health and addiction services considers significant;

(C) The number of ~~severely mentally disabled persons~~ with severe mental disabilities served in each district;

(D) The number and types of addiction services, mental health services, and recovery supports provided to ~~severely mentally disabled persons~~ with severe mental disabilities through state-operated services, community addiction services providers, and community mental health services providers;

(E) A report measuring the success of community addiction services providers, based on the measures for accountability developed by the department, including the percentage of persons served by such community addiction services providers who have not relapsed;

(F) Any other information that the director considers significant or is requested by the governor.

Sec. 5119.61. (A) The department of mental health and addiction services shall collect and compile statistics and other information on the care and treatment of ~~mentally disabled persons~~ with mental disabilities, and the care, treatment, and rehabilitation of ~~alcoholics~~ persons with alcoholism, ~~drug-dependent persons~~ with drug dependencies, persons in danger of drug dependence, and persons with or in danger of developing a gambling addiction in this state. The information shall include, without limitation, information on the number of such persons,

the type of drug involved, if any, the type of care, treatment, 18726
or rehabilitation prescribed or undertaken, and the success or 18727
failure of the care, treatment, or rehabilitation. The 18728
department shall collect information about addiction services, 18729
mental health services, and recovery supports delivered and 18730
persons served as required for reporting and evaluation relating 18731
to state and federal funds expended for such purposes. 18732

(B) No community addiction services provider or community 18733
mental health services provider shall fail to supply statistics 18734
and other information within its knowledge and with respect to 18735
its addiction services, mental health services, and recovery 18736
supports upon request of the department. 18737

(C) Communications by a person seeking aid in good faith 18738
for alcoholism or drug dependence are confidential, and this 18739
section does not require the collection or permit the disclosure 18740
of information which reveals or comprises the identity of any 18741
person seeking aid. 18742

(D) Based on the information collected and compiled under 18743
division (A) of this section, the department shall develop a 18744
project to assess the outcomes of persons served by community 18745
addiction services providers and community mental health 18746
services providers that receive funds distributed by the 18747
department. 18748

Sec. 5119.70. The "interstate compact on mental health" is 18749
hereby ratified, enacted into law, and entered into by the state 18750
of Ohio as a party thereto with any other state which has 18751
legally joined in the compact as follows: 18752

INTERSTATE COMPACT ON MENTAL HEALTH 18753

The contracting states solemnly agree that: 18754

Article I

18755

The party states find that the proper and expeditious 18756
treatment of the mentally ill and ~~mentally retarded~~ 18757
intellectually disabled can be facilitated by cooperative 18758
action, to the benefit of the patients, their families, and 18759
society as a whole. Further, the party states find that the 18760
necessity of and desirability for furnishing such care and 18761
treatment bears no primary relation to the residence or 18762
citizenship of the patient but that, on the contrary, the 18763
controlling factors of community safety and humanitarianism 18764
require that facilities and services be made available for all 18765
who are in need of them. Consequently, it is the purpose of this 18766
compact and of the party states to provide the necessary legal 18767
basis for the institutionalization or other appropriate care and 18768
treatment of the mentally ill and ~~mentally retarded~~ 18769
intellectually disabled under a system that recognizes the 18770
paramount importance of patient welfare and to establish the 18771
responsibilities of the party states in terms of such welfare. 18772

Article II

18773

As used in this compact: 18774

(a) "Sending state" shall mean a party state from which a 18775
patient is transported pursuant to the provisions of the compact 18776
or from which it is contemplated that a patient may be so sent. 18777

(b) "Receiving state" shall mean a party state to which a 18778
patient is transported pursuant to the provisions of the compact 18779
or to which it is contemplated that a patient may be so sent. 18780

(c) "Institution" shall mean any hospital or other 18781
facility maintained by a party state or political subdivision 18782
thereof for the care and treatment of mental illness or ~~mental~~ 18783

~~retardation~~intellectual disability. 18784

(d) "Patient" shall mean any person subject to or eligible 18785
as determined by the laws of the sending state, for 18786
institutionalization or other care, treatment, or supervision 18787
pursuant to the provisions of this compact. 18788

(e) "After-care" shall mean care, treatment and services 18789
provided a patient, as defined herein, or convalescent status or 18790
conditional release. 18791

(f) "Mental illness" shall mean mental disease to such 18792
extent that a person so afflicted requires care and treatment 18793
for his own welfare, or the welfare of others, or of the 18794
community. 18795

(g) ~~"Mental retardation"~~"Intellectual disability" shall 18796
mean ~~mental retardation~~intellectual disability as defined by 18797
appropriate clinical authorities to such extent that a person so 18798
afflicted is incapable of managing himself and his affairs, but 18799
shall not include mental illness as defined herein. 18800

(h) "State" shall mean any state, territory or possession 18801
of the United States, the District of Columbia, and the 18802
Commonwealth of Puerto Rico. 18803

Article III 18804

(a) Whenever a person physically present in any party 18805
state shall be in need of institutionalization by reason of 18806
mental illness or ~~mental retardation~~intellectual disability, he 18807
shall be eligible for care and treatment in an institution in 18808
that state irrespective of his residence, settlement or 18809
citizenship qualifications. 18810

(b) The provisions of paragraph (a) of this article to the 18811

contrary notwithstanding, any patient may be transferred to an 18812
institution in another state whenever there are factors based 18813
upon clinical determinations indicating that the care and 18814
treatment of said patient would be facilitated or improved 18815
thereby. Any such institutionalization may be for the entire 18816
period of care and treatment or for any portion or portions 18817
thereof. The factors referred to in this paragraph shall include 18818
the patient's full record with due regard for the location of 18819
the patient's family, character of the illness and probable 18820
duration thereof, and such other factors as shall be considered 18821
appropriate. 18822

(c) No state shall be obliged to receive any patient 18823
pursuant to the provisions of paragraph (b) of this article 18824
unless the sending state has given advance notice of its 18825
intention to send the patient; furnished all available medical 18826
and other pertinent records concerning the patient; given the 18827
qualified medical or other appropriate clinical authorities of 18828
the receiving state an opportunity to examine the patient if 18829
said authorities so wish; and unless the receiving state shall 18830
agree to accept the patient. 18831

(d) In the event that the laws of the receiving state 18832
establish a system of priorities for the admission of patients, 18833
an interstate patient under this compact shall receive the same 18834
priority as a local patient and shall be taken in the same order 18835
and at the same time that he would be taken if he were a local 18836
patient. 18837

(e) Pursuant to this compact, the determination as to the 18838
suitable place of institutionalization for a patient may be 18839
reviewed at any time and such further transfer of the patient 18840
may be made as seems likely to be in the best interest of the 18841

patient. 18842

Article IV 18843

(a) Whenever, pursuant to the laws of the state in which a 18844
patient is physically present, it shall be determined that the 18845
patient should receive after-care or supervision, such care or 18846
supervision may be provided in a receiving state. If the medical 18847
or other appropriate clinical authorities having responsibility 18848
for the care and treatment of the patient in the sending state 18849
shall have reason to believe that after-care in another state 18850
would be in the best interest of the patient and would not 18851
jeopardize the public safety, they shall request the appropriate 18852
authorities in the receiving state to investigate the 18853
desirability of affording the patient such after-care in said 18854
receiving state, and such investigation shall be made with all 18855
reasonable speed. The request for investigation shall be 18856
accompanied by complete information concerning the patient's 18857
intended place of residence and the identity of the person in 18858
whose charge it is proposed to place the patient, the complete 18859
medical history of the patient, and such other documents as may 18860
be pertinent. 18861

(b) If the medical or other appropriate clinical 18862
authorities having responsibility for the care and treatment of 18863
the patient in the sending state and the appropriate authorities 18864
in the receiving state find that the best interest of the 18865
patient would be served thereby, and if the public safety would 18866
not be jeopardized thereby, the patient may receive after-care 18867
or supervision in the receiving state. 18868

(c) In supervising, treating, or caring for a patient on 18869
after-care pursuant to the terms of this article, a receiving 18870
state shall employ the same standards of visitation, 18871

examination, care, and treatment that it employs for similar 18872
local patients. 18873

Article V 18874

Whenever a dangerous or potentially dangerous patient 18875
escapes from an institution in any party state, that state shall 18876
promptly notify all appropriate authorities within and without 18877
the jurisdiction of the escape in a manner reasonably calculated 18878
to facilitate the speedy apprehension of the escapee. 18879
Immediately upon the apprehension and identification of any such 18880
dangerous or potentially dangerous patient, he shall be detained 18881
in the state where found pending disposition in accordance with 18882
law. 18883

Article VI 18884

The duly accredited officers of any state party to this 18885
compact, upon the establishment of their authority and the 18886
identity of the patient, shall be permitted to transport any 18887
patient being moved pursuant to this compact through any and all 18888
states party to this compact, without interference. 18889

Article VII 18890

(a) No person shall be deemed a patient of more than one 18891
institution at any given time. Completion of transfer of any 18892
patient to an institution in a receiving state shall have the 18893
effect of making the person a patient of the institution in the 18894
receiving state. 18895

(b) The sending state shall pay all costs of and 18896
incidental to the transportation of any patient pursuant to this 18897
compact, but any two or more party states may, by making a 18898
specific agreement for that purpose, arrange for a different 18899
allocation of costs as among themselves. 18900

(c) No provision of this compact shall be construed to alter or affect any internal relationships among the departments, agencies and officers of and in the government of a party state, or between a party state and its subdivisions, as to the payment of costs, or responsibilities therefor.

(d) Nothing in this compact shall be construed to prevent any party state or subdivision thereof from asserting any right against any person, agency or other entity in regard to costs for which such party state or subdivision thereof may be responsible pursuant to any provision of this compact.

(e) Nothing in this compact shall be construed to invalidate any reciprocal agreement between a party state and a nonparty state relating to institutionalization, care or treatment of the mentally ill or ~~mentally retarded~~ intellectually disabled, or any statutory authority pursuant to which such agreements may be made.

Article VIII

(a) Nothing in this compact shall be construed to abridge, diminish, or in any way impair the rights, duties, and responsibilities of any patient's guardian on his own behalf or in respect of any patient for whom he may serve, except that where the transfer of any patient to another jurisdiction makes advisable the appointment of a supplemental or substitute guardian, any court of competent jurisdiction in the receiving state may make such supplemental or substitute appointment and the court which appointed the previous guardian shall upon being duly advised of the new appointment, and upon the satisfactory completion of such accounting and other acts as such court may by law require, relieve the previous guardian of power and responsibility to whatever extent shall be appropriate in the

circumstances; provided, however, that in the case of any 18931
patient having settlement in the sending state, the court of 18932
competent jurisdiction in the sending state shall have the sole 18933
discretion to relieve a guardian appointed by it or continue his 18934
power and responsibility, whichever it shall deem advisable. The 18935
court in the receiving state may, in its discretion, confirm or 18936
reappoint the person or persons previously serving as guardian 18937
in the sending state in lieu of making a supplemental or 18938
substitute appointment. 18939

(b) The term "guardian" as used in paragraph (a) of this 18940
article shall include any guardian, trustee, legal committee, 18941
conservator, or other person or agency however denominated who 18942
is charged by law with power to act for or responsibility for 18943
the person or property of a patient. 18944

Article IX 18945

(a) No provision of this compact except Article V shall 18946
apply to any person institutionalized while under sentence in a 18947
penal or correctional institution or while subject to trial on a 18948
criminal charge, or whose institutionalization is due to the 18949
commission of an offense for which, in the absence of mental 18950
illness or ~~mental retardation~~intellectual disability, said 18951
person would be subject to incarceration in a penal or 18952
correctional institution. 18953

(b) To every extent possible, it shall be the policy of 18954
states party to this compact that no patient shall be placed or 18955
detained in any prison, jail or lockup, but such patient shall, 18956
with all expedition, be taken to a suitable institutional 18957
facility for mental ~~illness~~illness or ~~mental~~
~~retardation~~intellectual disability. 18958
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Article X 18960

(a) Each party state shall appoint a "compact administrator" who, on behalf of his state, shall act as general coordinator of activities under the compact in his state and who shall receive copies of all reports, correspondence, and other documents relating to any patient processed under the compact by his state either in the capacity of sending or receiving state. The compact administrator or his duly designated representative shall be the official with whom other party states shall deal in any matter relating to the compact or any patient processed thereunder. 18961
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(b) The compact administrators of the respective party states shall have power to promulgate reasonable rules and regulations to carry out more effectively the terms and provisions of this compact. 18971
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Article XI 18975

The duly constituted administrative authorities of any two or more party states may enter into supplementary agreements for the provision of any service or facility or for the maintenance of any institution on a joint or cooperative basis whenever the states concerned shall find that such agreements will improve services, facilities, or institutional care and treatment in the fields of mental illness or ~~mental retardation~~ intellectual disability. No such supplementary agreement shall be construed so as to relieve any party state of any obligation which it otherwise would have under other provisions of this compact. 18976
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Article XII 18986

This compact shall enter into full force and effect as to any state when enacted by it into law and such states shall 18987
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thereafter be a party thereto with any and all states legally 18989
joining therein. 18990

Article XIII 18991

(a) A state party to this compact may withdraw therefrom 18992
by enacting a statute repealing the same. Such withdrawal shall 18993
take effect one year after notice thereof has been communicated 18994
officially and in writing to the governors and compact 18995
administrators of all other party states. However, the 18996
withdrawal of any state shall not change the status of any 18997
patient who has been sent to said state or sent out of said 18998
state pursuant to the provisions of the compact. 18999

(b) Withdrawal from any agreement permitted by Article VII 19000
(b) as to costs or from any supplementary agreement made 19001
pursuant to Article XI shall be in accordance with the terms of 19002
such agreement. 19003

Article XIV 19004

This compact shall be liberally construed so as to 19005
effectuate the purposes thereof. The provisions of this compact 19006
shall be severable and if any phrase, clause, sentence or 19007
provision of this compact is declared to be contrary to the 19008
constitution of any party state or of the United States or the 19009
applicability thereof to any government, agency, person or 19010
circumstance is held invalid, the validity of the remainder of 19011
this compact and the applicability thereof to any government, 19012
agency, person or circumstance shall not be affected thereby. If 19013
this compact shall be held contrary to the constitution of any 19014
state party thereto, the compact shall remain in full force and 19015
effect as to the remaining states and in full force and effect 19016
as to the state affected as to all severable matters. 19017

Sec. 5119.90. As used in sections 5119.90 to 5119.98 of 19018
the Revised Code: 19019

(A) "Alcohol and other drug abuse" means alcoholism or 19020
drug addiction. 19021

(B) "Another drug" means a controlled substance as defined 19022
in section 3719.01 of the Revised Code or a harmful intoxicant 19023
as defined in section 2925.01 of the Revised Code. 19024

(C) "Board of alcohol, drug addiction, and mental health 19025
services" means a board of alcohol, drug addiction, and mental 19026
health services established under section 340.02 or 340.021 of 19027
the Revised Code. 19028

(D) "Danger" or "threat of danger to self, family, or 19029
others" means substantial physical harm or threat of substantial 19030
physical harm upon self, family, or others. 19031

(E) "Hospital" has the same meaning as in section 3701.01 19032
or 3727.01 of the Revised Code but does not include either a 19033
hospital operated by the department of mental health and 19034
addiction services or an inpatient unit licensed by the 19035
department. 19036

(F) "Intoxicated" means being under the influence of 19037
alcohol, another drug, or both alcohol and another drug and, as 19038
a result, having a significantly impaired ability to function. 19039

(G) "Petitioner" means a person who institutes a 19040
proceeding under sections 5119.91 to 5119.98 of the Revised 19041
Code. 19042

(H) "Probate court" means the probate division of the 19043
court of common pleas. 19044

(I) "Qualified health professional" means a person that is 19045

properly credentialed or licensed to conduct a drug and alcohol assessment and diagnosis under Ohio law. 19046
19047

(J) "Residence" means the legal residence of a person as 19048
determined by applicable principles governing conflicts of law. 19049

(K) "Respondent" means a person alleged in a petition 19050
filed or hearing under sections 5119.91 to 5119.98 of the 19051
Revised Code to be a person who is ~~suffering from~~ experiencing 19052
alcohol and other drug abuse and who may be ordered under those 19053
sections to undergo treatment. 19054

(L) "Treatment" means services and programs for the care 19055
and rehabilitation of intoxicated persons and persons ~~suffering~~ 19056
~~from~~ experiencing alcohol and other drug abuse. "Treatment" 19057
includes residential treatment, a halfway house setting, and an 19058
intensive outpatient or outpatient level of care. 19059

Sec. 5119.91. A probate court may order involuntary 19060
treatment for a person ~~suffering from~~ experiencing alcohol and 19061
other drug abuse pursuant to the procedures set forth in 19062
sections 5119.90 to 5119.98 of the Revised Code. 19063

Sec. 5119.92. No person shall be ordered to undergo 19064
treatment under sections 5119.90 to 5119.98 of the Revised Code 19065
unless all of the following apply to that person: 19066

(A) The person ~~suffers from~~ experiences alcohol and other 19067
drug abuse. 19068

(B) The person presents an imminent danger or imminent 19069
threat of danger to self, family, or others as a result of 19070
alcohol and other drug abuse, or there exists a substantial 19071
likelihood of such a threat in the near future. 19072

(C) The person can reasonably benefit from treatment. 19073

Sec. 5119.93. (A) A person may initiate proceedings for 19074
treatment for an individual ~~suffering from~~experiencing alcohol 19075
and other drug abuse by filing a verified petition in the 19076
probate court. The petition and all subsequent court documents 19077
shall be entitled: "In the interest of (name of respondent)." A 19078
spouse, relative, or guardian of the individual concerning whom 19079
the petition is filed shall file the petition. A petition filed 19080
under this division shall be kept confidential and shall not be 19081
disclosed by any person, except as needed for purposes of this 19082
section or when disclosure is ordered by a court. 19083

(B) A petition filed under division (A) of this section 19084
shall set forth all of the following: 19085

(1) The petitioner's relationship to the respondent; 19086

(2) The respondent's name, residence address, and current 19087
location, if known; 19088

(3) The name and residence of the respondent's parents, if 19089
living and if known, or of the respondent's legal guardian, if 19090
any and if known; 19091

(4) The name and residence of the respondent's spouse, if 19092
any and if known; 19093

(5) The name and residence of the person having custody of 19094
the respondent, if any, or if no such person is known, the name 19095
and residence of a near relative or a statement that the person 19096
is unknown; 19097

(6) The petitioner's belief, including the factual basis 19098
for the belief, that the respondent is ~~suffering from~~ 19099
experiencing alcohol and other drug abuse and presents an 19100
imminent danger or imminent threat of danger to self, family, or 19101
others if not treated for alcohol or other drug abuse; 19102

(7) If the petitioner's belief specified in division (B) 19103
(6) of this section is that the respondent is ~~suffering from~~ 19104
experiencing opioid or opiate abuse, the information provided in 19105
the petition under that division also shall include any evidence 19106
that the respondent has overdosed and been revived one or more 19107
times by an opioid antagonist, overdosed in a vehicle, or 19108
overdosed in the presence of a minor. 19109

(C) (1) Any petition filed pursuant to divisions (A) and 19110
(B) of this section shall be accompanied by a certificate of a 19111
physician who has examined the respondent within two days prior 19112
to the day that the petition is filed in the probate court. The 19113
physician shall be authorized to practice medicine and surgery 19114
or osteopathic medicine and surgery under Chapter 4731. of the 19115
Revised Code. A physician who is responsible for admitting 19116
persons into treatment, if that physician examines the 19117
respondent, may be the physician who completes the certificate. 19118
The physician's certificate shall set forth the physician's 19119
findings in support of the need to treat the respondent for 19120
alcohol or other drug abuse. The certificate shall indicate if 19121
the respondent presents an imminent danger or imminent threat of 19122
danger to self, family, or others if not treated. Further, the 19123
certificate shall indicate the type and length of treatment 19124
required and if the respondent can reasonably benefit from 19125
treatment. If the physician's certificate indicates that 19126
inpatient treatment is required, the certificate shall identify 19127
any inpatient facilities known to the physician that are able 19128
and willing to provide the recommended inpatient treatment. 19129

If the respondent refuses to undergo an examination with a 19130
physician concerning the respondent's possible need for 19131
treatment for alcohol or other drug abuse, the petition shall 19132
state that the respondent has refused all requests made by the 19133

petitioner to undergo a physician's examination. In that case, 19134
the petitioner shall not be required to provide a physician's 19135
certificate with the petition. 19136

(2) Any petition filed pursuant to divisions (A) and (B) 19137
of this section shall contain a statement that the petitioner 19138
has arranged for treatment of the respondent. Further, the 19139
petition shall be accompanied by a statement from the person or 19140
facility who has agreed to provide the treatment that verifies 19141
that the person or facility has agreed to provide the treatment 19142
and the estimated cost of the treatment. 19143

(D) Any petition filed pursuant to divisions (A) and (B) 19144
of this section shall be accompanied by both of the following: 19145

(1) One of the following: 19146

(a) A security deposit to be deposited with the clerk of 19147
the probate court that will cover half of the estimated cost of 19148
treatment of the respondent; 19149

(b) Documentation establishing that insurance coverage of 19150
the petitioner or respondent will cover at least half of the 19151
estimated cost of treatment of the respondent; 19152

(c) Other evidence to the satisfaction of the court 19153
establishing that the petitioner or respondent will be able to 19154
cover some of the estimated cost of treatment of the respondent. 19155

(2) One of the following: 19156

(a) A guarantee, signed by the petitioner or another 19157
person authorized to file the petition, obligating the guarantor 19158
to pay the costs of the examinations of the respondent conducted 19159
by the physician and qualified health professional under 19160
division (B) (5) of section 5119.94 of the Revised Code, the 19161

costs of the respondent that are associated with a hearing 19162
conducted in accordance with section 5119.94 of the Revised Code 19163
and that the court determines to be appropriate, and the costs 19164
of any treatment ordered by the court; 19165

(b) Documentation establishing that insurance coverage of 19166
the petitioner or respondent will cover the costs described in 19167
division (D) (2) (a) of this section; 19168

(c) Documentation establishing that, consistent with the 19169
evidence described in division (D) (1) (c) of this section, the 19170
petitioner or respondent will cover some of the costs described 19171
in division (D) (2) (a) of this section. 19172

Sec. 5120.051. The department of rehabilitation and 19173
correction shall provide for the needs of ~~mentally ill~~ persons 19174
with mental illnesses and persons with intellectual disabilities 19175
who are incarcerated in state correctional institutions. The 19176
department may designate an institution or a unit within an 19177
institution for the custody, care, special training, treatment, 19178
and rehabilitation of ~~mentally ill persons~~ with mental illnesses 19179
or persons with intellectual disabilities. 19180

Sec. 5120.17. (A) As used in this section: 19181

(1) "Mental illness" means a substantial disorder of 19182
thought, mood, perception, orientation, or memory that grossly 19183
impairs judgment, behavior, capacity to recognize reality, or 19184
ability to meet the ordinary demands of life. 19185

(2) "~~Mentally ill person~~ Person with a mental illness 19186
subject to hospitalization" means a ~~mentally ill person~~ with a 19187
mental illness to whom any of the following applies because of 19188
the person's mental illness: 19189

(a) The person represents a substantial risk of physical 19190

harm to the person as manifested by evidence of threats of, or 19191
attempts at, suicide or serious self-inflicted bodily harm. 19192

(b) The person represents a substantial risk of physical 19193
harm to others as manifested by evidence of recent homicidal or 19194
other violent behavior, evidence of recent threats that place 19195
another in reasonable fear of violent behavior and serious 19196
physical harm, or other evidence of present dangerousness. 19197

(c) The person represents a substantial and immediate risk 19198
of serious physical impairment or injury to the person as 19199
manifested by evidence that the person is unable to provide for 19200
and is not providing for the person's basic physical needs 19201
because of the person's mental illness and that appropriate 19202
provision for those needs cannot be made immediately available 19203
in the correctional institution in which the inmate is currently 19204
housed. 19205

(d) The person would benefit from treatment in a hospital 19206
for the person's mental illness and is in need of treatment in a 19207
hospital as manifested by evidence of behavior that creates a 19208
grave and imminent risk to substantial rights of others or the 19209
person. 19210

(3) "Psychiatric hospital" means all or part of a facility 19211
that is operated and managed by the department of mental health 19212
and addiction services to provide psychiatric hospitalization 19213
services in accordance with the requirements of this section 19214
pursuant to an agreement between the directors of rehabilitation 19215
and correction and mental health and addiction services or, is 19216
licensed by the department of mental health and addiction 19217
services pursuant to section 5119.33 of the Revised Code as a 19218
psychiatric hospital and is accredited by a health care 19219
accrediting organization approved by the department of mental 19220

health and addiction services and the psychiatric hospital is 19221
any of the following: 19222

(a) Operated and managed by the department of 19223
rehabilitation and correction within a facility that is operated 19224
by the department of rehabilitation and correction; 19225

(b) Operated and managed by a contractor for the 19226
department of rehabilitation and correction within a facility 19227
that is operated by the department of rehabilitation and 19228
correction; 19229

(c) Operated and managed in the community by an entity 19230
that has contracted with the department of rehabilitation and 19231
correction to provide psychiatric hospitalization services in 19232
accordance with the requirements of this section. 19233

(4) "Inmate patient" means an inmate who is admitted to a 19234
psychiatric hospital. 19235

(5) "Admitted" to a psychiatric hospital means being 19236
accepted for and staying at least one night at the psychiatric 19237
hospital. 19238

(6) "Treatment plan" means a written statement of 19239
reasonable objectives and goals for an inmate patient that is 19240
based on the needs of the inmate patient and that is established 19241
by the treatment team, with the active participation of the 19242
inmate patient and with documentation of that participation. 19243
"Treatment plan" includes all of the following: 19244

(a) The specific criteria to be used in evaluating 19245
progress toward achieving the objectives and goals; 19246

(b) The services to be provided to the inmate patient 19247
during the inmate patient's hospitalization; 19248

(c) The services to be provided to the inmate patient 19249
after discharge from the hospital, including, but not limited 19250
to, housing and mental health services provided at the state 19251
correctional institution to which the inmate patient returns 19252
after discharge or community mental health services. 19253

(7) "Emergency transfer" means the transfer of ~~a mentally~~ 19254
~~ill~~ an inmate with a mental illness to a psychiatric hospital 19255
when the inmate presents an immediate danger to self or others 19256
and requires hospital-level care. 19257

(8) "Uncontested transfer" means the transfer of ~~a~~ 19258
~~mentally ill~~ an inmate with a mental illness to a psychiatric 19259
hospital when the inmate has the mental capacity to, and has 19260
waived, the hearing required by division (B) of this section. 19261

(9) (a) "Independent decision-maker" means a person who is 19262
employed or retained by the department of rehabilitation and 19263
correction and is appointed by the chief or chief clinical 19264
officer of mental health services as a hospitalization hearing 19265
officer to conduct due process hearings. 19266

(b) An independent decision-maker who presides over any 19267
hearing or issues any order pursuant to this section shall be a 19268
psychiatrist, psychologist, or attorney, shall not be 19269
specifically associated with the institution in which the inmate 19270
who is the subject of the hearing or order resides at the time 19271
of the hearing or order, and previously shall not have had any 19272
treatment relationship with nor have represented in any legal 19273
proceeding the inmate who is the subject of the order. 19274

(B) (1) Except as provided in division (C) of this section, 19275
if the warden of a state correctional institution or the 19276
warden's designee believes that an inmate should be transferred 19277

from the institution to a psychiatric hospital, the department 19278
shall hold a hearing to determine whether the inmate is a 19279
~~mentally ill~~ person with a mental illness subject to 19280
hospitalization. The department shall conduct the hearing at the 19281
state correctional institution in which the inmate is confined, 19282
and the department shall provide qualified independent 19283
assistance to the inmate for the hearing. An independent 19284
decision-maker provided by the department shall preside at the 19285
hearing and determine whether the inmate is a ~~mentally ill~~ 19286
person with a mental illness subject to hospitalization. 19287

(2) Except as provided in division (C) of this section, 19288
prior to the hearing held pursuant to division (B) (1) of this 19289
section, the warden or the warden's designee shall give written 19290
notice to the inmate that the department is considering 19291
transferring the inmate to a psychiatric hospital, that it will 19292
hold a hearing on the proposed transfer at which the inmate may 19293
be present, that at the hearing the inmate has the rights 19294
described in division (B) (3) of this section, and that the 19295
department will provide qualified independent assistance to the 19296
inmate with respect to the hearing. The department shall not 19297
hold the hearing until the inmate has received written notice of 19298
the proposed transfer and has had sufficient time to consult 19299
with the person appointed by the department to provide 19300
assistance to the inmate and to prepare for a presentation at 19301
the hearing. 19302

(3) At the hearing held pursuant to division (B) (1) of 19303
this section, the department shall disclose to the inmate the 19304
evidence that it relies upon for the transfer and shall give the 19305
inmate an opportunity to be heard. Unless the independent 19306
decision-maker finds good cause for not permitting it, the 19307
inmate may present documentary evidence and the testimony of 19308

witnesses at the hearing and may confront and cross-examine 19309
witnesses called by the department. 19310

(4) If the independent decision-maker does not find clear 19311
and convincing evidence that the inmate is a ~~mentally ill~~ person 19312
with a mental illness subject to hospitalization, the department 19313
shall not transfer the inmate to a psychiatric hospital but 19314
shall continue to confine the inmate in the same state 19315
correctional institution or in another state correctional 19316
institution that the department considers appropriate. If the 19317
independent decision-maker finds clear and convincing evidence 19318
that the inmate is a ~~mentally ill~~ person with a mental illness 19319
subject to hospitalization, the decision-maker shall order that 19320
the inmate be transported to a psychiatric hospital for 19321
observation and treatment for a period of not longer than thirty 19322
days. After the hearing, the independent decision-maker shall 19323
submit to the department a written decision that states one of 19324
the findings described in division (B) (4) of this section, the 19325
evidence that the decision-maker relied on in reaching that 19326
conclusion, and, if the decision is that the inmate should be 19327
transferred, the reasons for the transfer. 19328

(C) (1) The department may transfer an inmate to a 19329
psychiatric hospital under an emergency transfer order if the 19330
chief clinical officer of mental health services of the 19331
department or that officer's designee and either a psychiatrist 19332
employed or retained by the department or, in the absence of a 19333
psychiatrist, a psychologist employed or retained by the 19334
department determines that the inmate ~~is mentally ill~~ has a 19335
mental illness, presents an immediate danger to self or others, 19336
and requires hospital-level care. 19337

(2) The department may transfer an inmate to a psychiatric 19338

hospital under an uncontested transfer order if both of the 19339
following apply: 19340

(a) A psychiatrist employed or retained by the department 19341
determines all of the following apply: 19342

(i) The inmate has a mental illness or is a ~~mentally ill~~ 19343
person with a mental illness subject to hospitalization. 19344

(ii) The inmate requires hospital care to address the 19345
mental illness. 19346

(iii) The inmate has the mental capacity to make a 19347
reasoned choice regarding the inmate's transfer to a hospital. 19348

(b) The inmate agrees to a transfer to a hospital. 19349

(3) The written notice and the hearing required under 19350
divisions (B) (1) and (2) of this section are not required for an 19351
emergency transfer or uncontested transfer under division (C) (1) 19352
or (2) of this section. 19353

(4) After an emergency transfer under division (C) (1) of 19354
this section, the department shall hold a hearing for continued 19355
hospitalization within five working days after admission of the 19356
transferred inmate to the psychiatric hospital. The department 19357
shall hold subsequent hearings pursuant to division (F) of this 19358
section at the same intervals as required for inmate patients 19359
who are transported to a psychiatric hospital under division (B) 19360
(4) of this section. 19361

(5) After an uncontested transfer under division (C) (2) of 19362
this section, the inmate may withdraw consent to the transfer in 19363
writing at any time. Upon the inmate's withdrawal of consent, 19364
the hospital shall discharge the inmate, or, within five working 19365
days, the department shall hold a hearing for continued 19366

hospitalization. The department shall hold subsequent hearings 19367
pursuant to division (F) of this section at the same time 19368
intervals as required for inmate patients who are transported to 19369
a psychiatric hospital under division (B) (4) of this section. 19370

(D) (1) If an independent decision-maker, pursuant to 19371
division (B) (4) of this section, orders an inmate transported to 19372
a psychiatric hospital or if an inmate is transferred pursuant 19373
to division (C) (1) or (2) of this section, the staff of the 19374
psychiatric hospital shall examine the inmate patient when 19375
admitted to the psychiatric hospital as soon as practicable 19376
after the inmate patient arrives at the hospital and no later 19377
than twenty-four hours after the time of arrival. The attending 19378
physician responsible for the inmate patient's care shall give 19379
the inmate patient all information necessary to enable the 19380
patient to give a fully informed, intelligent, and knowing 19381
consent to the treatment the inmate patient will receive in the 19382
hospital. The attending physician shall tell the inmate patient 19383
the expected physical and medical consequences of any proposed 19384
treatment and shall give the inmate patient the opportunity to 19385
consult with another psychiatrist at the hospital and with the 19386
inmate advisor. 19387

(2) No inmate patient who is transported or transferred 19388
pursuant to division (B) (4) or (C) (1) or (2) of this section to 19389
a psychiatric hospital within a facility that is operated by the 19390
department of rehabilitation and correction shall be subjected 19391
to any of the following procedures: 19392

(a) Convulsive therapy; 19393

(b) Major aversive interventions; 19394

(c) Any unusually hazardous treatment procedures; 19395

(d) Psychosurgery.	19396
(E) The department of rehabilitation and correction shall ensure that an inmate patient hospitalized pursuant to this section receives or has all of the following:	19397 19398 19399
(1) Receives sufficient professional care within twenty days of admission to ensure that an evaluation of the inmate patient's current status, differential diagnosis, probable prognosis, and description of the current treatment plan have been formulated and are stated on the inmate patient's official chart;	19400 19401 19402 19403 19404 19405
(2) Has a written treatment plan consistent with the evaluation, diagnosis, prognosis, and goals of treatment;	19406 19407
(3) Receives treatment consistent with the treatment plan;	19408
(4) Receives periodic reevaluations of the treatment plan by the professional staff at intervals not to exceed thirty days;	19409 19410 19411
(5) Is provided with adequate medical treatment for physical disease or injury;	19412 19413
(6) Receives humane care and treatment, including, without being limited to, the following:	19414 19415
(a) Access to the facilities and personnel required by the treatment plan;	19416 19417
(b) A humane psychological and physical environment;	19418
(c) The right to obtain current information concerning the treatment program, the expected outcomes of treatment, and the expectations for the inmate patient's participation in the treatment program in terms that the inmate patient reasonably	19419 19420 19421 19422

can understand; 19423

(d) Opportunity for participation in programs designed to 19424
help the inmate patient acquire the skills needed to work toward 19425
discharge from the psychiatric hospital; 19426

(e) The right to be free from unnecessary or excessive 19427
medication and from unnecessary restraints or isolation; 19428

(f) All other rights afforded inmates in the custody of 19429
the department consistent with rules, policy, and procedure of 19430
the department. 19431

(F) The department shall hold a hearing for the continued 19432
hospitalization of an inmate patient who is transported or 19433
transferred to a psychiatric hospital pursuant to division (B) 19434
(4) or (C) (1) of this section prior to the expiration of the 19435
initial thirty-day period of hospitalization. The department 19436
shall hold any subsequent hearings, if necessary, not later than 19437
ninety days after the first thirty-day hearing and then not 19438
later than each one hundred and eighty days after the 19439
immediately prior hearing. An independent decision-maker shall 19440
conduct the hearings at the psychiatric hospital in which the 19441
inmate patient is confined. The inmate patient shall be afforded 19442
all of the rights set forth in this section for the hearing 19443
prior to transfer to the psychiatric hospital. The department 19444
may not waive a hearing for continued commitment. A hearing for 19445
continued commitment is mandatory for an inmate patient 19446
transported or transferred to a psychiatric hospital pursuant to 19447
division (B) (4) or (C) (1) of this section unless the inmate 19448
patient has the capacity to make a reasoned choice to execute a 19449
waiver and waives the hearing in writing. An inmate patient who 19450
is transferred to a psychiatric hospital pursuant to an 19451
uncontested transfer under division (C) (2) of this section and 19452

who has scheduled hearings after withdrawal of consent for 19453
hospitalization may waive any of the scheduled hearings if the 19454
inmate has the capacity to make a reasoned choice and executes a 19455
written waiver of the hearing. 19456

If upon completion of the hearing the independent 19457
decision-maker does not find by clear and convincing evidence 19458
that the inmate patient is a ~~mentally ill~~ person with a mental 19459
illness subject to hospitalization, the independent decision- 19460
maker shall order the inmate patient's discharge from the 19461
psychiatric hospital. If the independent decision-maker finds by 19462
clear and convincing evidence that the inmate patient is a 19463
~~mentally ill~~ person with a mental illness subject to 19464
hospitalization, the independent decision-maker shall order that 19465
the inmate patient remain at the psychiatric hospital for 19466
continued hospitalization until the next required hearing. 19467

If at any time prior to the next required hearing for 19468
continued hospitalization, the medical director of the hospital 19469
or the attending physician determines that the treatment needs 19470
of the inmate patient could be met equally well in an available 19471
and appropriate less restrictive state correctional institution 19472
or unit, the medical director or attending physician may 19473
discharge the inmate to that facility. 19474

(G) An inmate patient is entitled to the credits toward 19475
the reduction of the inmate patient's stated prison term 19476
pursuant to Chapters 2967. and 5120. of the Revised Code under 19477
the same terms and conditions as if the inmate patient were in 19478
any other institution of the department of rehabilitation and 19479
correction. 19480

(H) The adult parole authority may place an inmate patient 19481
on parole or under post-release control directly from a 19482

psychiatric hospital. 19483

(I) If an inmate patient who is a ~~mentally ill person~~ with 19484
a mental illness subject to hospitalization is to be released 19485
from a psychiatric hospital because of the expiration of the 19486
inmate patient's stated prison term, the director of 19487
rehabilitation and correction or the director's designee, at 19488
least fourteen days before the expiration date, may file an 19489
affidavit under section 5122.11 or 5123.71 of the Revised Code 19490
with the probate court in the county where the psychiatric 19491
hospital is located or the probate court in the county where the 19492
inmate will reside, alleging that the inmate patient is a 19493
~~mentally ill person~~ with a mental illness subject to court 19494
order, as defined in section 5122.01 of the Revised Code, or a 19495
person with an intellectual disability subject to 19496
institutionalization by court order, as defined in section 19497
5123.01 of the Revised Code, whichever is applicable. The 19498
proceedings in the probate court shall be conducted pursuant to 19499
Chapter 5122. or 5123. of the Revised Code except as modified by 19500
this division. 19501

Upon the request of the inmate patient, the probate court 19502
shall grant the inmate patient an initial hearing under section 19503
5122.141 of the Revised Code or a probable cause hearing under 19504
section 5123.75 of the Revised Code before the expiration of the 19505
stated prison term. After holding a full hearing, the probate 19506
court shall make a disposition authorized by section 5122.15 or 19507
5123.76 of the Revised Code before the date of the expiration of 19508
the stated prison term. No inmate patient shall be held in the 19509
custody of the department of rehabilitation and correction past 19510
the date of the expiration of the inmate patient's stated prison 19511
term. 19512

(J) The department of rehabilitation and correction shall 19513
set standards for treatment provided to inmate patients. 19514

(K) A certificate, application, record, or report that is 19515
made in compliance with this section and that directly or 19516
indirectly identifies an inmate or former inmate whose 19517
hospitalization has been sought under this section is 19518
confidential. No person shall disclose the contents of any 19519
certificate, application, record, or report of that nature or 19520
any other psychiatric or medical record or report regarding a 19521
~~mentally ill~~ an inmate with a mental illness unless one of the 19522
following applies: 19523

(1) The person identified, or the person's legal guardian, 19524
if any, consents to disclosure, and the chief clinical officer 19525
or designee of mental health services of the department of 19526
rehabilitation and correction determines that disclosure is in 19527
the best interests of the person. 19528

(2) Disclosure is required by a court order signed by a 19529
judge. 19530

(3) An inmate patient seeks access to the inmate patient's 19531
own psychiatric and medical records, unless access is 19532
specifically restricted in the treatment plan for clear 19533
treatment reasons. 19534

(4) Hospitals and other institutions and facilities within 19535
the department of rehabilitation and correction may exchange 19536
psychiatric records and other pertinent information with other 19537
hospitals, institutions, and facilities of the department, but 19538
the information that may be released about an inmate patient is 19539
limited to medication history, physical health status and 19540
history, summary of course of treatment in the hospital, summary 19541

of treatment needs, and a discharge summary, if any. 19542

(5) An inmate patient's family member who is involved in 19543
planning, providing, and monitoring services to the inmate 19544
patient may receive medication information, a summary of the 19545
inmate patient's diagnosis and prognosis, and a list of the 19546
services and personnel available to assist the inmate patient 19547
and family if the attending physician determines that disclosure 19548
would be in the best interest of the inmate patient. No 19549
disclosure shall be made under this division unless the inmate 19550
patient is notified of the possible disclosure, receives the 19551
information to be disclosed, and does not object to the 19552
disclosure. 19553

(6) The department of rehabilitation and correction may 19554
exchange psychiatric hospitalization records, other mental 19555
health treatment records, and other pertinent information with 19556
county sheriffs' offices, hospitals, institutions, and 19557
facilities of the department of mental health and addiction 19558
services and with community mental health services providers and 19559
boards of alcohol, drug addiction, and mental health services 19560
with which the department of mental health and addiction 19561
services has a current agreement for patient care or services to 19562
ensure continuity of care. ~~Disclosure~~ With respect to an inmate 19563
with a mental illness, disclosure under this division is limited 19564
to records regarding ~~a mentally ill~~ the inmate's medication 19565
history, physical health status and history, summary of course 19566
of treatment, summary of treatment needs, and a discharge 19567
summary, if any. No office, department, agency, provider, or 19568
board shall disclose the records and other information unless 19569
one of the following applies: 19570

(a) The ~~mentally ill~~ inmate with a mental illness is 19571

notified of the possible disclosure and consents to the disclosure. 19572
19573

(b) The ~~mentally ill~~ inmate with a mental illness is notified of the possible disclosure, an attempt to gain the consent of the inmate is made, and the office, department, agency, or board documents the attempt to gain consent, the inmate's objections, if any, and the reasons for disclosure in spite of the inmate's objections. 19574
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(7) Information may be disclosed to staff members designated by the director of rehabilitation and correction for the purpose of evaluating the quality, effectiveness, and efficiency of services and determining if the services meet minimum standards. 19580
19581
19582
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The name of an inmate patient shall not be retained with the information obtained during the evaluations. 19585
19586

(L) The director of rehabilitation and correction may adopt rules setting forth guidelines for the procedures required under divisions (B), (C) (1), and (C) (2) of this section. 19587
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19589

Sec. 5120.44. Chapter 5120. of the Revised Code attempts: 19590

(A) To provide humane and scientific treatment and care and the highest attainable degree of individual development for the dependent wards of the state; 19591
19592
19593

(B) To provide for the delinquent, conditions of modern education and training that will restore the largest possible portion of them to useful citizenship; 19594
19595
19596

(C) To promote the study of the causes of dependency and delinquency, and of mental, moral, and physical ~~defects~~ impairments, with a view to cure and ultimate prevention; 19597
19598
19599

(D) To secure by uniform and systematic management the highest attainable degree of economy in the administration of the state institutions.

Such sections shall be liberally construed to attain such purposes.

Sec. 5121.56. The support and maintenance of patients confined in state hospitals for ~~the mentally ill~~ persons with mental illnesses, including persons transferred to them from state correctional institutions, and also including persons under indictment or conviction for crime, shall be collected and paid in accordance with sections 5121.30 to 5121.55 of the Revised Code.

Sec. 5122.01. As used in this chapter and Chapter 5119. of the Revised Code:

(A) "Mental illness" means a substantial disorder of thought, mood, perception, orientation, or memory that grossly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life.

(B) "~~Mentally ill person~~ Person with a mental illness subject to court order" means a ~~mentally ill person~~ with a mental illness who, because of the person's illness:

(1) Represents a substantial risk of physical harm to self as manifested by evidence of threats of, or attempts at, suicide or serious self-inflicted bodily harm;

(2) Represents a substantial risk of physical harm to others as manifested by evidence of recent homicidal or other violent behavior, evidence of recent threats that place another in reasonable fear of violent behavior and serious physical harm, or other evidence of present dangerousness;

(3) Represents a substantial and immediate risk of serious physical impairment or injury to self as manifested by evidence that the person is unable to provide for and is not providing for the person's basic physical needs because of the person's mental illness and that appropriate provision for those needs cannot be made immediately available in the community;

(4) Would benefit from treatment for the person's mental illness and is in need of such treatment as manifested by evidence of behavior that creates a grave and imminent risk to substantial rights of others or the person;

(5) (a) Would benefit from treatment as manifested by evidence of behavior that indicates all of the following:

(i) The person is unlikely to survive safely in the community without supervision, based on a clinical determination.

(ii) The person has a history of lack of compliance with treatment for mental illness and one of the following applies:

(I) At least twice within the thirty-six months prior to the filing of an affidavit seeking court-ordered treatment of the person under section 5122.111 of the Revised Code, the lack of compliance has been a significant factor in necessitating hospitalization in a hospital or receipt of services in a forensic or other mental health unit of a correctional facility, provided that the thirty-six-month period shall be extended by the length of any hospitalization or incarceration of the person that occurred within the thirty-six-month period.

(II) Within the forty-eight months prior to the filing of an affidavit seeking court-ordered treatment of the person under section 5122.111 of the Revised Code, the lack of compliance

resulted in one or more acts of serious violent behavior toward 19658
self or others or threats of, or attempts at, serious physical 19659
harm to self or others, provided that the forty-eight-month 19660
period shall be extended by the length of any hospitalization or 19661
incarceration of the person that occurred within the forty- 19662
eight-month period. 19663

(iii) The person, as a result of the person's mental 19664
illness, is unlikely to voluntarily participate in necessary 19665
treatment. 19666

(iv) In view of the person's treatment history and current 19667
behavior, the person is in need of treatment in order to prevent 19668
a relapse or deterioration that would be likely to result in 19669
substantial risk of serious harm to the person or others. 19670

(b) An individual who meets only the criteria described in 19671
division (B) (5) (a) of this section is not subject to 19672
hospitalization. 19673

(C) (1) "Patient" means, subject to division (C) (2) of this 19674
section, a person who is admitted either voluntarily or 19675
involuntarily to a hospital or other place under section 19676
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code 19677
subsequent to a finding of not guilty by reason of insanity or 19678
incompetence to stand trial or under this chapter, who is under 19679
observation or receiving treatment in such place. 19680

(2) "Patient" does not include a person admitted to a 19681
hospital or other place under section 2945.39, 2945.40, 19682
2945.401, or 2945.402 of the Revised Code to the extent that the 19683
reference in this chapter to patient, or the context in which 19684
the reference occurs, is in conflict with any provision of 19685
sections 2945.37 to 2945.402 of the Revised Code. 19686

(D) "Licensed physician" means a person licensed under the laws of this state to practice medicine or a medical officer of the government of the United States while in this state in the performance of the person's official duties.

(E) "Psychiatrist" means a licensed physician who has satisfactorily completed a residency training program in psychiatry, as approved by the residency review committee of the American medical association, the committee on post-graduate education of the American osteopathic association, or the American osteopathic board of neurology and psychiatry, or who on July 1, 1989, has been recognized as a psychiatrist by the Ohio state medical association or the Ohio osteopathic association on the basis of formal training and five or more years of medical practice limited to psychiatry.

(F) "Hospital" means a hospital or inpatient unit licensed by the department of mental health and addiction services under section 5119.33 of the Revised Code, and any institution, hospital, or other place established, controlled, or supervised by the department under Chapter 5119. of the Revised Code.

(G) "Public hospital" means a facility that is tax-supported and under the jurisdiction of the department of mental health and addiction services.

(H) "Community mental health services provider" means an agency, association, corporation, individual, or program that provides community mental health services that are certified by the director of mental health and addiction services under section 5119.36 of the Revised Code.

(I) "Licensed clinical psychologist" means a person who holds a current, valid psychologist license issued under section

4732.12 of the Revised Code, and in addition, meets the 19716
educational requirements set forth in division (B) of section 19717
4732.10 of the Revised Code and has a minimum of two years' 19718
full-time professional experience, or the equivalent as 19719
determined by rule of the state board of psychology, at least 19720
one year of which shall be a predoctoral internship, in clinical 19721
psychological work in a public or private hospital or clinic or 19722
in private practice, diagnosing and treating problems of mental 19723
illness or intellectual disability under the supervision of a 19724
psychologist who is licensed or who holds a diploma issued by 19725
the American board of professional psychology, or whose 19726
qualifications are substantially similar to those required for 19727
licensure by the state board of psychology when the supervision 19728
has occurred prior to enactment of laws governing the practice 19729
of psychology. 19730

(J) "Health officer" means any public health physician; 19731
public health nurse; or other person authorized or designated by 19732
a city or general health district or a board of alcohol, drug 19733
addiction, and mental health services to perform the duties of a 19734
health officer under this chapter. 19735

(K) "Chief clinical officer" means the medical director of 19736
a hospital, community mental health services provider, or board 19737
of alcohol, drug addiction, and mental health services, or, if 19738
there is no medical director, the licensed physician responsible 19739
for the treatment provided by a hospital or community mental 19740
health services provider. The chief clinical officer may 19741
delegate to the attending physician responsible for a patient's 19742
care the duties imposed on the chief clinical officer by this 19743
chapter. In the case of a community mental health services 19744
provider, the chief clinical officer shall be designated by the 19745
governing body of the services provider and shall be a licensed 19746

physician or licensed clinical psychologist who supervises 19747
diagnostic and treatment services. A licensed physician or 19748
licensed clinical psychologist designated by the chief clinical 19749
officer may perform the duties and accept the responsibilities 19750
of the chief clinical officer in the chief clinical officer's 19751
absence. 19752

(L) "Working day" or "court day" means Monday, Tuesday, 19753
Wednesday, Thursday, and Friday, except when such day is a 19754
holiday. 19755

(M) "Indigent" means unable without deprivation of 19756
satisfaction of basic needs to provide for the payment of an 19757
attorney and other necessary expenses of legal representation, 19758
including expert testimony. 19759

(N) "Respondent" means the person whose detention, 19760
commitment, hospitalization, continued hospitalization or 19761
commitment, or discharge is being sought in any proceeding under 19762
this chapter. 19763

(O) "Ohio protection and advocacy system" has the same 19764
meaning as in section 5123.60 of the Revised Code. 19765

(P) "Independent expert evaluation" means an evaluation 19766
conducted by a licensed clinical psychologist, psychiatrist, or 19767
licensed physician who has been selected by the respondent or 19768
the respondent's counsel and who consents to conducting the 19769
evaluation. 19770

(Q) "Court" means the probate division of the court of 19771
common pleas. 19772

(R) "Expunge" means: 19773

(1) The removal and destruction of court files and 19774

records, originals and copies, and the deletion of all index 19775
references; 19776

(2) The reporting to the person of the nature and extent 19777
of any information about the person transmitted to any other 19778
person by the court; 19779

(3) Otherwise insuring that any examination of court files 19780
and records in question shall show no record whatever with 19781
respect to the person; 19782

(4) That all rights and privileges are restored, and that 19783
the person, the court, and any other person may properly reply 19784
that no such record exists, as to any matter expunged. 19785

(S) "Residence" means a person's physical presence in a 19786
county with intent to remain there, except that: 19787

(1) If a person is receiving a mental health service at a 19788
facility that includes nighttime sleeping accommodations, 19789
residence means that county in which the person maintained the 19790
person's primary place of residence at the time the person 19791
entered the facility; 19792

(2) If a person is committed pursuant to section 2945.38, 19793
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, 19794
residence means the county where the criminal charges were 19795
filed. 19796

When the residence of a person is disputed, the matter of 19797
residence shall be referred to the department of mental health 19798
and addiction services for investigation and determination. 19799
Residence shall not be a basis for a board of alcohol, drug 19800
addiction, and mental health services to deny services to any 19801
person present in the board's service district, and the board 19802
shall provide services for a person whose residence is in 19803

dispute while residence is being determined and for a person in 19804
an emergency situation. 19805

(T) "Admission" to a hospital or other place means that a 19806
patient is accepted for and stays at least one night at the 19807
hospital or other place. 19808

(U) "Prosecutor" means the prosecuting attorney, village 19809
solicitor, city director of law, or similar chief legal officer 19810
who prosecuted a criminal case in which a person was found not 19811
guilty by reason of insanity, who would have had the authority 19812
to prosecute a criminal case against a person if the person had 19813
not been found incompetent to stand trial, or who prosecuted a 19814
case in which a person was found guilty. 19815

(V) (1) "Treatment plan" means a written statement of 19816
reasonable objectives and goals for an individual established by 19817
the treatment team, with specific criteria to evaluate progress 19818
towards achieving those objectives. 19819

(2) The active participation of the patient in 19820
establishing the objectives and goals shall be documented. The 19821
treatment plan shall be based on patient needs and include 19822
services to be provided to the patient while the patient is 19823
hospitalized, after the patient is discharged, or in an 19824
outpatient setting. The treatment plan shall address services to 19825
be provided. In the establishment of the treatment plan, 19826
consideration should be given to the availability of services, 19827
which may include but are not limited to all of the following: 19828

(a) Community psychiatric supportive treatment; 19829

(b) Assertive community treatment; 19830

(c) Medications; 19831

(d) Individual or group therapy;	19832
(e) Peer support services;	19833
(f) Financial services;	19834
(g) Housing or supervised living services;	19835
(h) Alcohol or substance abuse treatment;	19836
(i) Any other services prescribed to treat the patient's mental illness and to either assist the patient in living and functioning in the community or to help prevent a relapse or a deterioration of the patient's current condition.	19837 19838 19839 19840
(3) If the person subject to the treatment plan has executed an advance directive for mental health treatment, the treatment team shall consider any directions included in such advance directive in developing the treatment plan.	19841 19842 19843 19844
(W) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	19845 19846
(X) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code.	19847 19848
(Y) "Local correctional facility" has the same meaning as in section 2903.13 of the Revised Code.	19849 19850
(Z) "Clinical nurse specialist" and "certified nurse practitioner" have the same meanings as in section 4723.01 of the Revised Code.	19851 19852 19853
Sec. 5122.03. A patient admitted under section 5122.02 of the Revised Code who requests release in writing, or whose release is requested in writing by the patient's counsel, legal guardian, parent, spouse, or adult next of kin shall be released forthwith, except that when:	19854 19855 19856 19857 19858

(A) The patient was admitted on the patient's own 19859
application and the request for release is made by a person 19860
other than the patient, release may be conditional upon the 19861
agreement of the patient; or 19862

(B) The chief clinical officer of the hospital, within 19863
three court days from the receipt of the request for release, 19864
files or causes to be filed with the court of the county where 19865
the patient is hospitalized or of the county where the patient 19866
is a resident, an affidavit under section 5122.11 of the Revised 19867
Code. Release may be postponed until the hearing held under 19868
section 5122.141 of the Revised Code. A telephone communication 19869
within three court days from the receipt of the request for 19870
release from the chief clinical officer to the court, indicating 19871
that the required affidavit has been mailed, is sufficient 19872
compliance with the time limit for filing such affidavit. 19873

Unless the patient is released within three days from the 19874
receipt of the request by the chief clinical officer, the 19875
request shall serve as a request for an initial hearing under 19876
section 5122.141 of the Revised Code. If the court finds that 19877
the patient is a ~~mentally ill person~~ with a mental illness 19878
subject to court order, all provisions of this chapter with 19879
respect to involuntary hospitalization apply to such person. 19880

Judicial proceedings for hospitalization shall not be 19881
commenced with respect to a voluntary patient except pursuant to 19882
this section. 19883

Sections 5121.30 to 5121.56 of the Revised Code apply to 19884
persons received in a hospital operated by the department of 19885
mental health and addiction services on a voluntary application. 19886

The chief clinical officer of the hospital shall provide 19887

reasonable means and arrangements for informing patients of 19888
their rights to release as provided in this section and for 19889
assisting them in making and presenting requests for release or 19890
for a hearing under section 5122.141 of the Revised Code. 19891

Before a patient is released from a public hospital, the 19892
chief clinical officer shall, when possible, notify the board of 19893
the patient's county of residence of the patient's pending 19894
release after the chief clinical officer has informed the 19895
patient that the board will be so notified. 19896

Sec. 5122.05. (A) The chief clinical officer of a hospital 19897
may, and the chief clinical officer of a public hospital in all 19898
cases of psychiatric medical emergencies, shall receive for 19899
observation, diagnosis, care, and treatment any person whose 19900
admission is applied for under any of the following procedures: 19901

(1) Emergency procedure, as provided in section 5122.10 of 19902
the Revised Code; 19903

(2) Judicial procedure as provided in sections 2945.38, 19904
2945.39, 2945.40, 2945.401, 2945.402, and 5122.11 to 5122.15 of 19905
the Revised Code. 19906

Upon application for such admission, the chief clinical 19907
officer of a hospital immediately shall notify the board of the 19908
patient's county of residence. To assist the hospital in 19909
determining whether the patient is subject to involuntary 19910
hospitalization and whether alternative services are available, 19911
the board or an agency the board designates promptly shall 19912
assess the patient unless the board or agency already has 19913
performed such assessment, or unless the commitment is pursuant 19914
to section 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of 19915
the Revised Code. 19916

(B) No person who is being treated by spiritual means through prayer alone, in accordance with a recognized religious method of healing, may be involuntarily committed unless the court has determined that the person represents a substantial risk of impairment or injury to self or others;

(C) Any person who is involuntarily detained in a hospital or otherwise is in custody under this chapter, immediately upon being taken into custody, shall be informed and provided with a written statement that the person may do any of the following:

(1) Immediately make a reasonable number of telephone calls or use other reasonable means to contact an attorney, a licensed physician, or a licensed clinical psychologist, to contact any other person or persons to secure representation by counsel, or to obtain medical or psychological assistance, and be provided assistance in making calls if the assistance is needed and requested;

(2) Retain counsel and have independent expert evaluation of the person's mental condition and, if the person is unable to obtain an attorney or independent expert evaluation, be represented by court-appointed counsel or have independent expert evaluation of the person's mental condition, or both, at public expense if the person is indigent;

(3) Have a hearing to determine whether or not the person is a ~~mentally ill person with a mental illness~~ subject to court order.

Sec. 5122.10. (A) (1) Any of the following who has reason to believe that a person is a ~~mentally ill person with a mental illness~~ subject to court order and represents a substantial risk of physical harm to self or others if allowed to remain at

liberty pending examination may take the person into custody and 19946
may immediately transport the person to a hospital or, 19947
notwithstanding section 5119.33 of the Revised Code, to a 19948
general hospital not licensed by the department of mental health 19949
and addiction services where the person may be held for the 19950
period prescribed in this section: 19951

(a) A psychiatrist; 19952

(b) A licensed physician; 19953

(c) A licensed clinical psychologist; 19954

(d) A clinical nurse specialist who is certified as a 19955
psychiatric-mental health CNS by the American nurses 19956
credentialing center; 19957

(e) A certified nurse practitioner who is certified as a 19958
psychiatric-mental health NP by the American nurses 19959
credentialing center; 19960

(f) A health officer; 19961

(g) A parole officer; 19962

(h) A police officer; 19963

(i) A sheriff. 19964

(2) If the chief of the adult parole authority or a parole 19965
or probation officer with the approval of the chief of the 19966
authority has reason to believe that a parolee, an offender 19967
under a community control sanction or post-release control 19968
sanction, or an offender under transitional control is a 19969
~~mentally ill person with a mental illness~~ subject to court order 19970
and represents a substantial risk of physical harm to self or 19971
others if allowed to remain at liberty pending examination, the 19972

chief or officer may take the parolee or offender into custody 19973
and may immediately transport the parolee or offender to a 19974
hospital or, notwithstanding section 5119.33 of the Revised 19975
Code, to a general hospital not licensed by the department of 19976
mental health and addiction services where the parolee or 19977
offender may be held for the period prescribed in this section. 19978

(B) A written statement shall be given to the hospital by 19979
the individual authorized under division (A) (1) or (2) of this 19980
section to transport the person. The statement shall specify the 19981
circumstances under which such person was taken into custody and 19982
the reasons for the belief that the person is a ~~mentally ill~~ 19983
person with a mental illness subject to court order and 19984
represents a substantial risk of physical harm to self or others 19985
if allowed to remain at liberty pending examination. This 19986
statement shall be made available to the respondent or the 19987
respondent's attorney upon request of either. 19988

(C) Every reasonable and appropriate effort shall be made 19989
to take persons into custody in the least conspicuous manner 19990
possible. A person taking the respondent into custody pursuant 19991
to this section shall explain to the respondent: the name and 19992
professional designation and affiliation of the person taking 19993
the respondent into custody; that the custody-taking is not a 19994
criminal arrest; and that the person is being taken for 19995
examination by mental health professionals at a specified mental 19996
health facility identified by name. 19997

(D) If a person taken into custody under this section is 19998
transported to a general hospital, the general hospital may 19999
admit the person, or provide care and treatment for the person, 20000
or both, notwithstanding section 5119.33 of the Revised Code, 20001
but by the end of twenty-four hours after arrival at the general 20002

hospital, the person shall be transferred to a hospital as 20003
defined in section 5122.01 of the Revised Code. 20004

(E) A person transported or transferred to a hospital or 20005
community mental health services provider under this section 20006
shall be examined by the staff of the hospital or services 20007
provider within twenty-four hours after arrival at the hospital 20008
or services provider. If to conduct the examination requires 20009
that the person remain overnight, the hospital or services 20010
provider shall admit the person in an unclassified status until 20011
making a disposition under this section. After the examination, 20012
if the chief clinical officer of the hospital or services 20013
provider believes that the person is not a ~~mentally ill~~ person 20014
with a mental illness subject to court order, the chief clinical 20015
officer shall release or discharge the person immediately unless 20016
a court has issued a temporary order of detention applicable to 20017
the person under section 5122.11 of the Revised Code. After the 20018
examination, if the chief clinical officer believes that the 20019
person is a ~~mentally ill~~ person with a mental illness subject to 20020
court order, the chief clinical officer may detain the person 20021
for not more than three court days following the day of the 20022
examination and during such period admit the person as a 20023
voluntary patient under section 5122.02 of the Revised Code or 20024
file an affidavit under section 5122.11 of the Revised Code. If 20025
neither action is taken and a court has not otherwise issued a 20026
temporary order of detention applicable to the person under 20027
section 5122.11 of the Revised Code, the chief clinical officer 20028
shall discharge the person at the end of the three-day period 20029
unless the person has been sentenced to the department of 20030
rehabilitation and correction and has not been released from the 20031
person's sentence, in which case the person shall be returned to 20032
that department. 20033

Sec. 5122.11. Proceedings for a ~~mentally ill~~ person with a mental illness subject to court order pursuant to sections 5122.11 to 5122.15 of the Revised Code shall be commenced by the filing of an affidavit in the manner prescribed by the department of mental health and addiction services and in a form prescribed in section 5122.111 of the Revised Code, by any person or persons with the probate court, either on reliable information or actual knowledge, whichever is determined to be proper by the court. This section does not apply to the hospitalization of a person pursuant to section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code.

The affidavit shall contain an allegation setting forth the specific category or categories under division (B) of section 5122.01 of the Revised Code upon which the jurisdiction of the court is based and a statement of alleged facts sufficient to indicate probable cause to believe that the person is a ~~mentally ill~~ person with a mental illness subject to court order. The affidavit may be accompanied, or the court may require that the affidavit be accompanied, by a certificate of a psychiatrist, or a certificate signed by a licensed clinical psychologist and a certificate signed by a licensed physician stating that the person who issued the certificate has examined the person and is of the opinion that the person is a ~~mentally ill~~ person with a mental illness subject to court order, or shall be accompanied by a written statement by the applicant, under oath, that the person has refused to submit to an examination by a psychiatrist, or by a licensed clinical psychologist and licensed physician.

Upon receipt of the affidavit, if a judge of the court or a referee who is an attorney at law appointed by the court has probable cause to believe that the person named in the affidavit

is a ~~mentally ill~~ person with a mental illness subject to court 20065
order, the judge or referee may issue a temporary order of 20066
detention ordering any health or police officer or sheriff to 20067
take into custody and transport the person to a hospital or 20068
other place designated in section 5122.17 of the Revised Code, 20069
or may set the matter for further hearing. If a temporary order 20070
of detention is issued and the person is transported to a 20071
hospital or other designated place, the court that issued the 20072
order shall retain jurisdiction over the case as it relates to 20073
the person's outpatient treatment, notwithstanding that the 20074
hospital or other designated place to which the person is 20075
transported is outside the territorial jurisdiction of the 20076
court. 20077

The person may be observed and treated until the hearing 20078
provided for in section 5122.141 of the Revised Code. If no such 20079
hearing is held, the person may be observed and treated until 20080
the hearing provided for in section 5122.15 of the Revised Code. 20081

Sec. 5122.111. To initiate proceedings for court-ordered 20082
treatment of a person under section 5122.11 of the Revised Code, 20083
a person or persons shall file an affidavit with the probate 20084
court that is identical in form and content to the following: 20085

AFFIDAVIT OF MENTAL ILLNESS 20086

The State of Ohio 20087

_____ County, ss. 20088

_____ Court 20089

_____ 20090

the undersigned, residing at 20091

_____ 20092

says, that he/she has information to believe or has actual	20093
knowledge that	20094
<hr/>	
(Please specify specific category(ies) below with an X.)	20095
	20096
[] Represents a substantial risk of physical harm to self as	20097
manifested by evidence of threats of, or attempts at, suicide or	20098
serious self-inflicted bodily harm;	20099
[] Represents a substantial risk of physical harm to others as	20100
manifested by evidence of recent homicidal or other violent	20101
behavior or evidence of recent threats that place another in	20102
reasonable fear of violent behavior and serious physical harm or	20103
other evidence of present dangerousness;	20104
[] Represents a substantial and immediate risk of serious	20105
physical impairment or injury to self as manifested by evidence	20106
of being unable to provide for and of not providing for basic	20107
physical needs because of mental illness and that appropriate	20108
provision for such needs cannot be made immediately available in	20109
the community;	20110
[] Would benefit from treatment for mental illness and is in	20111
need of such treatment as manifested by evidence of behavior	20112
that creates a grave and imminent risk to substantial rights of	20113
others or the person; or	20114
[] Would benefit from treatment as manifested by evidence of	20115
behavior that indicates all of the following:	20116
(a) The person is unlikely to survive safely in the community	20117
without supervision, based on a clinical determination.	20118
(b) The person has a history of lack of compliance with	20119
treatment for mental illness and one of the following applies:	20120

(i) At least twice within the thirty-six months prior to the 20121
filing of an affidavit seeking court-ordered treatment of the 20122
person under section 5122.111 of the Revised Code, the lack of 20123
compliance has been a significant factor in necessitating 20124
hospitalization in a hospital or receipt of services in a 20125
forensic or other mental health unit of a correctional facility, 20126
provided that the thirty-six-month period shall be extended by 20127
the length of any hospitalization or incarceration of the person 20128
that occurred within the thirty-six-month period. 20129

(ii) Within the forty-eight months prior to the filing of an 20130
affidavit seeking court-ordered treatment of the person under 20131
section 5122.111 of the Revised Code, the lack of compliance 20132
resulted in one or more acts of serious violent behavior toward 20133
self or others or threats of, or attempts at, serious physical 20134
harm to self or others, provided that the forty-eight-month 20135
period shall be extended by the length of any hospitalization or 20136
incarceration of the person that occurred within the forty- 20137
eight-month period. 20138

(c) The person, as a result of mental illness, is unlikely to 20139
voluntarily participate in necessary treatment. 20140

(d) In view of the person's treatment history and current 20141
behavior, the person is in need of treatment in order to prevent 20142
a relapse or deterioration that would be likely to result in 20143
substantial risk of serious harm to the person or others. 20144

20145

(Name of the party filing the affidavit) further says that the 20146
facts supporting this belief are as follows: 20147

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These facts being sufficient to indicate probable cause that the
above said person is a ~~mentally ill person~~ with a mental illness
subject to court order.

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Name of Patient's Last Physician or Licensed Clinical
Psychologist

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20158

Address of Patient's Last Physician or Licensed Clinical
Psychologist

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The name and address of respondent's legal guardian, spouse, and
adult next of kin are:

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20165

Name	Kinship	Address	
_____	Legal Guardian	_____	20166 20167
_____	Spouse	_____	20168 20169
_____	Adult Next of Kin	_____	20170 20171
_____	Adult Next of Kin	_____	20172 20173
_____		_____	20174

The following constitutes additional information that may be
necessary for the purpose of determining residence:

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20177

Dated this _____ day of _____, 20__

20183

Signature of the party filing
the affidavit

Sworn to before me and signed in my presence on the day and year
above dated.

20188

Signature of Probate Judge,
Deputy Clerk, or Notary
Public

WAIVER

I, the undersigned party filing the affidavit hereby waive the
issuing and service of notice of the hearing on said affidavit,
and voluntarily enter my appearance herein.

Dated this _____ day of _____, 20__

20197

Signature of the party filing
the affidavit

Sec. 5122.13. Within two business days after receipt of
the affidavit required by section 5122.11 of the Revised Code,
the probate court shall refer the affidavit to the board of
alcohol, drug addiction, and mental health services or community
mental health services provider the board designates to assist

the court in determining whether the respondent is subject to 20205
court-ordered treatment and whether alternatives to 20206
hospitalization are available, unless the services provider or 20207
board has already performed such screening. The board or 20208
services provider shall review the allegations of the affidavit 20209
and other information relating to whether or not the person 20210
named in the affidavit or statement is a ~~mentally ill~~ person 20211
with a mental illness subject to court order, and the 20212
availability of appropriate treatment alternatives. 20213

The person who conducts the investigation shall promptly 20214
make a report to the court, in writing, in open court or in 20215
chambers, as directed by the court and a full record of the 20216
report shall be made by the court. The report is not admissible 20217
as evidence for the purpose of establishing whether or not the 20218
respondent is a ~~mentally ill~~ person with a mental illness 20219
subject to court order, but shall be considered by the court in 20220
its determination of an appropriate placement for any person 20221
after that person is found to be a ~~mentally ill~~ person with a 20222
mental illness subject to court order. 20223

The court, prior to the hearing under section 5122.141 of 20224
the Revised Code, shall release a copy of the investigative 20225
report to the respondent's counsel. 20226

Nothing in this section precludes a judge or referee from 20227
issuing a temporary order of detention pursuant to section 20228
5122.11 of the Revised Code. 20229

Sec. 5122.141. (A) A respondent who is involuntarily 20230
placed in a hospital or other place as designated in section 20231
5122.10 or 5122.17 of the Revised Code, or with respect to whom 20232
proceedings have been instituted under section 5122.11 of the 20233
Revised Code, shall be afforded a hearing to determine whether 20234

or not the respondent is a ~~mentally ill~~ person with a mental illness subject to court order. The hearing shall be conducted pursuant to section 5122.15 of the Revised Code, and the respondent shall have the right to counsel as provided in that section.

(B) The hearing shall be conducted within five court days from the day on which the respondent is detained or an affidavit is filed, whichever occurs first, in a physical setting not likely to have a harmful effect on the respondent, and may be conducted in a hospital in or out of the county. On the motion of the respondent, the respondent's counsel, the chief clinical officer, or on its own motion, and for good cause shown, the court may order a continuance of the hearing. The continuance may be for no more than ten days from the day on which the respondent is detained or on which an affidavit is filed, whichever occurs first. Failure to conduct the hearing within this time shall effect an immediate discharge of the respondent. If the proceedings are not reinstated within thirty days, all records of the proceedings shall be expunged.

(C) If the court does not find that the respondent is a ~~mentally ill~~ person with a mental illness subject to court order, it shall order the respondent's immediate discharge, and shall expunge all record of the proceedings during this period.

(D) If the court finds that the respondent is a ~~mentally ill~~ person with a mental illness subject to court order, the court may issue an interim order of detention ordering any health or police officer or sheriff to take into custody and transport such person to a hospital or other place designated in section 5122.17 of the Revised Code, where the respondent may be observed and treated.

(E) A respondent or a respondent's counsel, after 20265
obtaining the consent of the respondent, may waive the hearing 20266
provided for in this section. In such case, unless the person 20267
has been discharged, a mandatory full hearing shall be held by 20268
the thirtieth day after the original involuntary detention of 20269
the respondent. Failure to conduct the mandatory full hearing 20270
within this time limit shall result in the immediate discharge 20271
of the respondent. 20272

(F) Where possible, the initial hearing shall be held 20273
before the respondent is taken into custody. 20274

Sec. 5122.15. (A) Full hearings shall be conducted in a 20275
manner consistent with this chapter and with due process of law. 20276
The hearings shall be conducted by a judge of the probate court 20277
or a referee designated by a judge of the probate court and may 20278
be conducted in or out of the county in which the respondent is 20279
held. Any referee designated under this division shall be an 20280
attorney. 20281

(1) With the consent of the respondent, the following 20282
shall be made available to counsel for the respondent: 20283

(a) All relevant documents, information, and evidence in 20284
the custody or control of the state or prosecutor; 20285

(b) All relevant documents, information, and evidence in 20286
the custody or control of the hospital in which the respondent 20287
currently is held, or in which the respondent has been held 20288
pursuant to this chapter; 20289

(c) All relevant documents, information, and evidence in 20290
the custody or control of any hospital, facility, or person not 20291
included in division (A) (1) (a) or (b) of this section. 20292

(2) The respondent has the right to attend the hearing and 20293

to be represented by counsel of the respondent's choice. The 20294
right to attend the hearing may be waived only by the respondent 20295
or counsel for the respondent after consultation with the 20296
respondent. 20297

(3) If the respondent is not represented by counsel, is 20298
absent from the hearing, and has not validly waived the right to 20299
counsel, the court shall appoint counsel immediately to 20300
represent the respondent at the hearing, reserving the right to 20301
tax costs of appointed counsel to the respondent, unless it is 20302
shown that the respondent is indigent. If the court appoints 20303
counsel, or if the court determines that the evidence relevant 20304
to the respondent's absence does not justify the absence, the 20305
court shall continue the case. 20306

(4) The respondent shall be informed that the respondent 20307
may retain counsel and have independent expert evaluation. If 20308
the respondent is unable to obtain an attorney, the respondent 20309
shall be represented by court-appointed counsel. If the 20310
respondent is indigent, court-appointed counsel and independent 20311
expert evaluation shall be provided as an expense under section 20312
5122.43 of the Revised Code. 20313

(5) The hearing shall be closed to the public, unless 20314
counsel for the respondent, with the permission of the 20315
respondent, requests that the hearing be open to the public. 20316

(6) If the hearing is closed to the public, the court, for 20317
good cause shown, may admit persons who have a legitimate 20318
interest in the proceedings. If the respondent, the respondent's 20319
counsel, or the designee of the director or of the chief 20320
clinical officer objects to the admission of any person, the 20321
court shall hear the objection and any opposing argument and 20322
shall rule upon the admission of the person to the hearing. 20323

(7) The affiant under section 5122.11 of the Revised Code shall be subject to subpoena by either party. 20324
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(8) The court shall examine the sufficiency of all documents filed and shall inform the respondent, if present, and the respondent's counsel of the nature and content of the documents and the reason for which the respondent is being detained, or for which the respondent's placement is being sought. 20326
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(9) The court shall receive only reliable, competent, and material evidence. 20332
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(10) Unless proceedings are initiated pursuant to section 5120.17 or 5139.08 of the Revised Code, an attorney that the board designates shall present the case demonstrating that the respondent is a ~~mentally ill~~ person with a mental illness subject to court order. The attorney shall offer evidence of the diagnosis, prognosis, record of treatment, if any, and less restrictive treatment plans, if any. In proceedings pursuant to section 5120.17 or 5139.08 of the Revised Code, the attorney general shall designate an attorney who shall present the case demonstrating that the respondent is a ~~mentally ill~~ person with a mental illness subject to court order. The attorney shall offer evidence of the diagnosis, prognosis, record of treatment, if any, and less restrictive treatment plans, if any. 20334
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(11) The respondent or the respondent's counsel has the right to subpoena witnesses and documents and to examine and cross-examine witnesses. 20347
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(12) The respondent has the right, but shall not be compelled, to testify, and shall be so advised by the court. 20350
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(13) On motion of the respondent or the respondent's 20352

counsel for good cause shown, or on the court's own motion, the 20353
court may order a continuance of the hearing. 20354

(14) If the respondent is represented by counsel and the 20355
respondent's counsel requests a transcript and record, or if the 20356
respondent is not represented by counsel, the court shall make 20357
and maintain a full transcript and record of the proceeding. If 20358
the respondent is indigent and the transcript and record is 20359
made, a copy shall be provided to the respondent upon request 20360
and be treated as an expense under section 5122.43 of the 20361
Revised Code. 20362

(15) To the extent not inconsistent with this chapter, the 20363
Rules of Civil Procedure are applicable. 20364

(B) Unless, upon completion of the hearing the court finds 20365
by clear and convincing evidence that the respondent is a 20366
~~mentally ill~~ person with a mental illness subject to court 20367
order, it shall order the respondent's discharge immediately. 20368

(C) If, upon completion of the hearing, the court finds by 20369
clear and convincing evidence that the respondent is a ~~mentally~~ 20370
~~ill~~ person with a mental illness subject to court order, the 20371
court shall order the respondent for a period not to exceed 20372
ninety days to any of the following: 20373

(1) A hospital operated by the department of mental health 20374
and addiction services if the respondent is committed pursuant 20375
to section 5139.08 of the Revised Code; 20376

(2) A nonpublic hospital; 20377

(3) The veterans' administration or other agency of the 20378
United States government; 20379

(4) A board of alcohol, drug addiction, and mental health 20380

services or services provider the board designates; 20381

(5) Receive private psychiatric or psychological care and 20382
treatment; 20383

(6) Any other suitable facility or person consistent with 20384
the diagnosis, prognosis, and treatment needs of the respondent. 20385
A jail or other local correctional facility is not a suitable 20386
facility. 20387

(D) Any order made pursuant to division (C) (2), (3), (5), 20388
or (6) of this section shall be conditioned upon the receipt by 20389
the court of consent by the hospital, facility, agency, or 20390
person to accept the respondent and may include a requirement 20391
that a person or entity described in division (C) (2), (3), (5), 20392
or (6) of this section inform the board of alcohol, drug 20393
addiction, and mental health services or community mental health 20394
services provider the board designates about the progress of the 20395
respondent with the treatment plan. 20396

(E) In determining the entity or person to which the 20397
respondent is to be committed under division (C) of this 20398
section, the court shall consider the diagnosis, prognosis, 20399
preferences of the respondent and the projected treatment plan 20400
for the respondent and shall order the implementation of the 20401
least restrictive alternative available and consistent with 20402
treatment goals. If the court determines that the least 20403
restrictive alternative available that is consistent with 20404
treatment goals is inpatient hospitalization, the court's order 20405
shall so state. 20406

(F) During the ninety-day period the entity or person 20407
shall examine and treat the respondent. If the respondent is 20408
receiving treatment in an outpatient setting, or receives 20409

treatment in an outpatient setting during a subsequent period of 20410
continued commitment under division (H) of this section, the 20411
entity or person to whom the respondent is committed shall 20412
determine the appropriate outpatient treatment for the 20413
respondent. If, at any time prior to the expiration of the 20414
ninety-day period, it is determined by the entity or person that 20415
the respondent's treatment needs could be equally well met in an 20416
available and appropriate less restrictive setting, both of the 20417
following apply: 20418

(1) The respondent shall be released from the care of the 20419
entity or person immediately and shall be referred to the court 20420
together with a report of the findings and recommendations of 20421
the entity or person; 20422

(2) The entity or person shall notify the respondent's 20423
counsel or the attorney designated by a board of alcohol, drug 20424
addiction, and mental health services or, if the respondent was 20425
committed to a board or a services provider designated by the 20426
board, it shall place the respondent in the least restrictive 20427
setting available consistent with treatment goals and notify the 20428
court and the respondent's counsel of the placement. 20429

The court shall dismiss the case or order placement in the 20430
least restrictive setting. 20431

(G) (1) Except as provided in division (G) (2) of this 20432
section, any person for whom proceedings for treatment have been 20433
commenced pursuant to section 5122.11 of the Revised Code, may 20434
apply at any time for voluntary admission or treatment to the 20435
entity or person to which the person was committed. Upon 20436
admission as a voluntary patient the chief clinical officer of 20437
the entity or the person immediately shall notify the court, the 20438
patient's counsel, and the attorney designated by the board, if 20439

the attorney has entered the proceedings, in writing of that 20440
fact, and, upon receipt of the notice, the court shall dismiss 20441
the case. 20442

(2) A person who is found incompetent to stand trial or 20443
not guilty by reason of insanity and who is committed pursuant 20444
to section 2945.39, 2945.40, 2945.401, or 2945.402 of the 20445
Revised Code shall not voluntarily commit the person pursuant to 20446
this section until after the final termination of the 20447
commitment, as described in division (J) of section 2945.401 of 20448
the Revised Code. 20449

(H) If, at the end of the first ninety-day period or any 20450
subsequent period of continued commitment, there has been no 20451
disposition of the case, either by discharge or voluntary 20452
admission or treatment, the entity or person shall discharge the 20453
patient immediately, unless at least ten days before the 20454
expiration of the period the attorney the board designates or 20455
the prosecutor files with the court an application for continued 20456
commitment. The application of the attorney or the prosecutor 20457
shall include a written report containing the diagnosis, 20458
prognosis, past treatment, a list of alternative treatment 20459
settings and plans, and identification of the treatment setting 20460
that is the least restrictive consistent with treatment needs. 20461
The attorney the board designates or the prosecutor shall file 20462
the written report at least three days prior to the full 20463
hearing. A copy of the application and written report shall be 20464
provided to the respondent's counsel immediately. 20465

The court shall hold a full hearing on applications for 20466
continued commitment at the expiration of the first ninety-day 20467
period and at least every two years after the expiration of the 20468
first ninety-day period. 20469

Hearings following any application for continued 20470
commitment are mandatory and may not be waived. 20471

For a respondent who is ordered to receive treatment in an 20472
outpatient setting, if at any time after the first ninety-day 20473
period the entity or person to whom the respondent was ordered 20474
determines that the respondent has demonstrated voluntary 20475
consent for treatment, that entity or person shall immediately 20476
notify the respondent, the respondent's counsel, the attorney 20477
designated by the board, and the court. The entity or person 20478
shall submit to the court a report of the findings and 20479
recommendations. The court may dismiss the case upon review of 20480
the facts. 20481

Upon request of a person who is involuntarily committed 20482
under this section, or the person's counsel, that is made more 20483
than one hundred eighty days after the person's last full 20484
hearing, mandatory or requested, the court shall hold a full 20485
hearing on the person's continued commitment. Upon the 20486
application of a person involuntarily committed under this 20487
section, supported by an affidavit of a psychiatrist or licensed 20488
clinical psychologist, alleging that the person no longer is a 20489
~~mentally ill person with a mental illness~~ subject to court 20490
order, the court for good cause shown may hold a full hearing on 20491
the person's continued commitment prior to the expiration of one 20492
hundred eighty days after the person's last full hearing. 20493
Section 5122.12 of the Revised Code applies to all hearings on 20494
continued commitment. 20495

If the court, after a hearing for continued commitment 20496
finds by clear and convincing evidence that the respondent is a 20497
~~mentally ill person with a mental illness~~ subject to court 20498
order, the court may order continued commitment at places or to 20499

persons specified in division (C) of this section. 20500

(I) Unless the admission is pursuant to section 5120.17 or 20501
5139.08 of the Revised Code, the chief clinical officer of the 20502
entity admitting a respondent pursuant to a judicial proceeding, 20503
within ten working days of the admission, shall make a report of 20504
the admission to the board of alcohol, drug addiction, and 20505
mental health services serving the respondent's county of 20506
residence. 20507

(J) A referee appointed by the court may make all orders 20508
that a judge may make under this section and sections 5122.11 20509
and 5122.141 of the Revised Code, except an order of contempt of 20510
court. The orders of a referee take effect immediately. Within 20511
fourteen days of the making of an order by a referee, a party 20512
may file written objections to the order with the court. The 20513
filed objections shall be considered a motion, shall be 20514
specific, and shall state their grounds with particularity. 20515
Within ten days of the filing of the objections, a judge of the 20516
court shall hold a hearing on the objections and may hear and 20517
consider any testimony or other evidence relating to the 20518
respondent's mental condition. At the conclusion of the hearing, 20519
the judge may ratify, rescind, or modify the referee's order. 20520

(K) An order of the court under division (C), (H), or (J) 20521
of this section is a final order. 20522

(L) Before a board, or a services provider the board 20523
designates, may place an unconsenting respondent in an inpatient 20524
setting from a less restrictive placement, the board or services 20525
provider shall do all of the following: 20526

(1) Determine that the respondent is in immediate need of 20527
treatment in an inpatient setting because the respondent 20528

represents a substantial risk of physical harm to the respondent 20529
or others if allowed to remain in a less restrictive setting; 20530

(2) On the day of placement in the inpatient setting or on 20531
the next court day, file with the court a motion for transfer to 20532
an inpatient setting or communicate to the court by telephone 20533
that the required motion has been mailed; 20534

(3) Ensure that every reasonable and appropriate effort is 20535
made to take the respondent to the inpatient setting in the 20536
least conspicuous manner possible; 20537

(4) Immediately notify the board's designated attorney and 20538
the respondent's attorney. 20539

At the respondent's request, the court shall hold a 20540
hearing on the motion and make a determination pursuant to 20541
division (E) of this section within five days of the placement. 20542

(M) Before a board, or a services provider the board 20543
designates, may move a respondent from one residential placement 20544
to another, the board or services provider shall consult with 20545
the respondent about the placement. If the respondent objects to 20546
the placement, the proposed placement and the need for it shall 20547
be reviewed by a qualified mental health professional who 20548
otherwise is not involved in the treatment of the respondent. 20549

(N) The entity or person to whom the respondent was 20550
ordered for treatment in an outpatient setting may submit a 20551
report to the court indicating that the respondent has either 20552
failed to comply with the treatment plan or begun to demonstrate 20553
signs of decompensation that may be grounds for hospitalization. 20554
On receipt of the report, the court shall promptly schedule a 20555
hearing to review the case. The court shall conduct the hearing 20556
in a manner consistent with this chapter and due process of law. 20557

The board shall receive notice of the hearing and the board and 20558
entity or person treating the respondent shall submit a report 20559
to the court with a plan for appropriate alternative treatment, 20560
if any, or recommend that the court discontinue the court- 20561
ordered treatment. The court shall consider available and 20562
appropriate alternative placements but shall not impose criminal 20563
sanctions that result in confinement in a jail or other local 20564
correctional facility based on the respondent's failure to 20565
comply with the treatment plan. The court may not order the 20566
respondent to a more restrictive placement unless the criteria 20567
specified in division (L) of this section are met and may not 20568
order the respondent to an inpatient setting unless the court 20569
determines by clear and convincing evidence presented by the 20570
board that the respondent meets the criteria specified in 20571
divisions (A) and (B) (1), (2), (3), or (4) of section 5122.01 of 20572
the Revised Code. 20573

Sec. 5122.19. Every person transported to a hospital or 20574
community mental health services provider pursuant to sections 20575
5122.11 to 5122.16 of the Revised Code, shall be examined by the 20576
staff of the hospital or services provider as soon as 20577
practicable after arrival at the hospital or services provider. 20578
Such an examination shall be held within twenty-four hours after 20579
the time of arrival, and if the chief clinical officer fails 20580
after such an examination to certify that in the chief clinical 20581
officer's opinion the person is a ~~mentally ill~~ person with a 20582
mental illness subject to court order, the person shall be 20583
immediately released. 20584

Sec. 5122.21. (A) The chief clinical officer shall as 20585
frequently as practicable, and at least once every thirty days, 20586
examine or cause to be examined every patient, and, whenever the 20587
chief clinical officer determines that the conditions justifying 20588

involuntary hospitalization or commitment no longer obtain, 20589
shall discharge the patient not under indictment or conviction 20590
for crime and immediately make a report of the discharge to the 20591
department of mental health and addiction services. The chief 20592
clinical officer may discharge a patient who is under an 20593
indictment, a sentence of imprisonment, a community control 20594
sanction, or a post-release control sanction or on parole ten 20595
days after written notice of intent to discharge the patient has 20596
been given by personal service or certified mail, return receipt 20597
requested, to the court having criminal jurisdiction over the 20598
patient. Except when the patient was found not guilty by reason 20599
of insanity and the defendant's commitment is pursuant to 20600
section 2945.40 of the Revised Code, the chief clinical officer 20601
has final authority to discharge a patient who is under an 20602
indictment, a sentence of imprisonment, a community control 20603
sanction, or a post-release control sanction or on parole. 20604

(B) After a finding pursuant to section 5122.15 of the 20605
Revised Code that a person is a ~~mentally ill~~ person with a 20606
mental illness subject to court order, the chief clinical 20607
officer of the hospital or community mental health services 20608
provider to which the person is ordered or to which the person 20609
is transferred under section 5122.20 of the Revised Code, may 20610
grant a discharge without the consent or authorization of any 20611
court. 20612

Upon discharge, the chief clinical officer shall notify 20613
the court that caused the judicial hospitalization of the 20614
discharge from the hospital. 20615

Sec. 5122.27. The chief clinical officer of the hospital 20616
or the chief clinical officer's designee shall assure that all 20617
patients hospitalized or committed pursuant to this chapter 20618

shall: 20619

(A) Receive, within twenty days of their admission 20620
sufficient professional care to assure that an evaluation of 20621
current status, differential diagnosis, probable prognosis, and 20622
description of the current treatment plan is stated on the 20623
official chart; 20624

(B) Have a written treatment plan consistent with the 20625
evaluation, diagnosis, prognosis, and goals which shall be 20626
provided, upon request of the patient or patient's counsel, to 20627
the patient's counsel and to any private physician or licensed 20628
clinical psychologist designated by the patient or the patient's 20629
counsel or to the Ohio protection and advocacy system; 20630

(C) Receive treatment consistent with the treatment plan. 20631
The department of mental health and addiction services shall set 20632
standards for treatment provided to such patients, consistent 20633
wherever possible with standards set by the joint commission. 20634

(D) Receive periodic reevaluations of the treatment plan 20635
by the professional staff at intervals not to exceed ninety 20636
days; 20637

(E) Be provided with adequate medical treatment for 20638
physical disease or injury; 20639

(F) Receive humane care and treatment, including without 20640
limitation, the following: 20641

(1) The least restrictive environment consistent with the 20642
treatment plan; 20643

(2) The necessary facilities and personnel required by the 20644
treatment plan; 20645

(3) A humane psychological and physical environment; 20646

(4) The right to obtain current information concerning the 20647
patient's treatment program and expectations in terms that the 20648
patient can reasonably understand; 20649

(5) Participation in programs designed to afford the 20650
patient substantial opportunity to acquire skills to facilitate 20651
return to the community or to terminate an involuntary 20652
commitment; 20653

(6) The right to be free from unnecessary or excessive 20654
medication; 20655

(7) Freedom from restraints or isolation unless it is 20656
stated in a written order by the chief clinical officer or the 20657
chief clinical officer's designee, or the patient's individual 20658
physician or psychologist in a private or general hospital. 20659

If the chief clinical officer of the hospital is unable to 20660
provide the treatment required by divisions (C), (E), and (F) of 20661
this section for any patient hospitalized pursuant to Chapter 20662
5122. of the Revised Code, the chief clinical officer shall 20663
immediately notify the patient, the court, the Ohio protection 20664
and advocacy system, the director of mental health and addiction 20665
services, and the patient's counsel and legal guardian, if 20666
known. If within ten days after receipt of such notification by 20667
the director, the director is unable to effect a transfer of the 20668
patient, pursuant to section 5122.20 of the Revised Code, to a 20669
hospital, community mental health services provider, or other 20670
medical facility where treatment is available, or has not 20671
received an order of the court to the contrary, the involuntary 20672
commitment of any patient hospitalized pursuant to Chapter 5122. 20673
of the Revised Code and defined as a ~~mentally ill~~ person with a 20674
mental illness subject to court order under division (B)(4) of 20675
section 5122.01 of the Revised Code shall automatically be 20676

terminated. 20677

Sec. 5122.271. (A) Except as provided in divisions (C), 20678
(D), and (E) of this section, the chief clinical officer or, in 20679
a nonpublic hospital, the attending physician responsible for a 20680
patient's care shall provide all information, including expected 20681
physical and medical consequences, necessary to enable any 20682
patient of a hospital for ~~the mentally ill~~ persons with mental 20683
illnesses to give a fully informed, intelligent, and knowing 20684
consent, the opportunity to consult with independent specialists 20685
and counsel, and the right to refuse consent for any of the 20686
following: 20687

- (1) Surgery; 20688
- (2) Convulsive therapy; 20689
- (3) Major aversive interventions; 20690
- (4) Sterilizations; 20691
- (5) Any unusually hazardous treatment procedures; 20692
- (6) Psycho-surgery. 20693

(B) No patient shall be subjected to any of the procedures 20694
listed in divisions (A) (4) to (6) of this section until both the 20695
patient's informed, intelligent, and knowing consent and the 20696
approval of the court have been obtained, except that court 20697
approval is not required for a legally competent and voluntary 20698
patient in a nonpublic hospital. 20699

(C) If, after providing the information required under 20700
division (A) of this section to the patient, the chief clinical 20701
officer or attending physician concludes that a patient is 20702
physically or mentally unable to receive the information 20703
required for surgery under division (A) (1) of this section, or 20704

has been adjudicated incompetent, the information may be 20705
provided to the patient's natural or court-appointed guardian, 20706
who may give an informed, intelligent, and knowing written 20707
consent. 20708

If a patient is physically or mentally unable to receive 20709
the information required for surgery under division (A)(1) of 20710
this section and has no guardian, the information, the 20711
recommendation of the chief clinical officer, and the concurring 20712
judgment of a licensed physician who is not a full-time employee 20713
of the state may be provided to the court in the county in which 20714
the hospital is located, which may approve the surgery. Before 20715
approving the surgery, the court shall notify the Ohio 20716
protection and advocacy system created by section 5123.60 of the 20717
Revised Code, and shall notify the patient of the rights to 20718
consult with counsel, to have counsel appointed by the court if 20719
the patient is indigent, and to contest the recommendation of 20720
the chief clinical officer. 20721

(D) If, in a medical emergency, and after providing the 20722
information required under division (A) of this section to the 20723
patient, it is the judgment of one licensed physician that delay 20724
in obtaining surgery would create a grave danger to the health 20725
of the patient, it may be administered without the consent of 20726
the patient or the patient's guardian if the necessary 20727
information is provided to the patient's spouse or next of kin 20728
to enable that person to give informed, intelligent, and knowing 20729
written consent. If no spouse or next of kin can reasonably be 20730
contacted, or if the spouse or next of kin is contacted, but 20731
refuses to consent, the surgery may be performed upon the 20732
written authorization of the chief clinical officer or, in a 20733
nonpublic hospital, upon the written authorization of the 20734
attending physician responsible for the patient's care, and 20735

after the approval of the court has been obtained. However, if 20736
delay in obtaining court approval would create a grave danger to 20737
the life of the patient, the chief clinical officer or, in a 20738
nonpublic hospital, the attending physician responsible for the 20739
patient's care may authorize surgery, in writing, without court 20740
approval. If the surgery is authorized without court approval, 20741
the chief clinical officer or the attending physician who made 20742
the authorization and the physician who performed the surgery 20743
shall each execute an affidavit describing the circumstances 20744
constituting the emergency and warranting the surgery and the 20745
circumstances warranting their not obtaining prior court 20746
approval. The affidavit shall be filed with the court with which 20747
the request for prior approval would have been filed within five 20748
court days after the surgery, and a copy of the affidavit shall 20749
be placed in the patient's file and be given to the guardian, 20750
spouse, or next of kin of the patient, to the hospital at which 20751
the surgery was performed, and to the Ohio protection and 20752
advocacy system as defined in section 5123.60 of the Revised 20753
Code. 20754

(E) Major aversive interventions shall not be used unless 20755
a patient continues to engage in behavior destructive to self or 20756
others after other forms of therapy have been attempted. Major 20757
aversive interventions may be applied if approved by the 20758
director of mental health and addiction services. Major aversive 20759
interventions shall not be applied to a voluntary patient 20760
without the informed, intelligent, and knowing written consent 20761
of the patient or the patient's guardian. 20762

(F) Unless there is substantial risk of physical harm to 20763
self or others, or other than under division (D) of this 20764
section, this chapter does not authorize any form of compulsory 20765
medical, psychological, or psychiatric treatment of any patient 20766

who is being treated by spiritual means through prayer alone in 20767
accordance with a recognized religious method of healing without 20768
specific court authorization. 20769

(G) For purposes of this section, "convulsive therapy" 20770
does not include defibrillation. 20771

Sec. 5122.28. No patient of a hospital for ~~the mentally~~ 20772
~~ill~~ persons with mental illnesses shall be compelled to perform 20773
labor which involves the operation, support, or maintenance of 20774
the hospital or for which the hospital is under contract with an 20775
outside organization. Privileges or release from the hospital 20776
shall not be conditional upon the performance of such labor. 20777
Patients who volunteer to perform such labor shall be 20778
compensated at a rate derived from the value of work performed, 20779
having reference to the prevailing wage rate for comparable work 20780
or wage rates established under section 4111.06 of the Revised 20781
Code. 20782

A patient may be required to perform therapeutic tasks 20783
which do not involve the operation, support, or maintenance of 20784
the hospital if those tasks are an integrated part of the 20785
patient's treatment plan and supervised by a person qualified to 20786
oversee the therapeutic aspects of the activity. 20787

A patient may be required to perform tasks of a personal 20788
housekeeping nature. 20789

Sec. 5122.30. Any person detained pursuant to this chapter 20790
or section 2945.39, 2945.40, 2945.401, or 2945.402 of the 20791
Revised Code shall be entitled to the writ of habeas corpus upon 20792
proper petition by self or by a friend to any court generally 20793
empowered to issue the writ of habeas corpus in the county in 20794
which the person is detained. 20795

No person may bring a petition for a writ of habeas corpus 20796
that alleges that a person involuntarily detained pursuant to 20797
this chapter no longer is a ~~mentally ill~~ person with a mental 20798
illness subject to court order unless the person shows that the 20799
release procedures of division (H) of section 5122.15 of the 20800
Revised Code are inadequate or unavailable. 20801

Sec. 5122.311. (A) Notwithstanding any provision of the 20802
Revised Code to the contrary, if, on or after April 8, 2004, an 20803
individual is found by a court to be a ~~mentally ill~~ person with 20804
a mental illness subject to court order or becomes an 20805
involuntary patient other than one who is a patient only for 20806
purposes of observation, the probate judge who made the 20807
adjudication or the chief clinical officer of the hospital, 20808
community mental health services provider, or facility in which 20809
the person is an involuntary patient shall notify the office of 20810
the attorney general, on the form described in division (C) of 20811
this section, of the identity of the individual. The 20812
notification shall be transmitted by the judge or the chief 20813
clinical officer not later than seven days after the 20814
adjudication or commitment. 20815

(B) The office of the attorney general shall compile and 20816
maintain the notices it receives under division (A) of this 20817
section and the notices shall be used for the purpose of 20818
conducting incompetency records checks pursuant to section 20819
311.41 of the Revised Code. The notices and the information they 20820
contain are confidential, except as provided in this division, 20821
and are not public records. 20822

(C) The attorney general, by rule adopted under Chapter 20823
119. of the Revised Code, shall prescribe and make available to 20824
all probate judges and all chief clinical officers a form to be 20825

used by them for the purpose of making the notifications 20826
required by division (A) of this section. 20827

Sec. 5122.36. If the legal residence of a person ~~suffering~~ 20828
~~from~~with a mental illness is in another county of the state, 20829
the necessary expense of the person's return is a proper charge 20830
against the county of legal residence. If an adjudication and 20831
order of hospitalization by the probate court of the county of 20832
temporary residence are required, the regular probate court fees 20833
and expenses incident to the order of hospitalization under this 20834
chapter and any other expense incurred on the person's behalf 20835
shall be charged to and paid by the county of the person's legal 20836
residence upon the approval and certification of the probate 20837
judge of the county of the person's legal residence. The 20838
ordering court shall send to the probate court of the person's 20839
county of legal residence a certified copy of the commitment 20840
order from the ordering court. The receiving court shall enter 20841
and record the commitment order. The certified commitment order 20842
is prima facie evidence of the residence of the person. When the 20843
residence of the person cannot be established as represented by 20844
the ordering court, the matter of residence shall be referred to 20845
the department of mental health and addiction services for 20846
investigation and determination. 20847

Sec. 5122.39. (A) ~~Mentally ill minors~~Minors with mental 20848
illnesses shall remain under the natural guardianship of their 20849
parents, notwithstanding hospitalization pursuant to this 20850
chapter, unless parental rights have been terminated pursuant to 20851
a court finding that the minor is neglected or dependent. Where 20852
a ~~mentally ill~~ minor with a mental illness is found to be 20853
dependent or neglected, the public children's services agency in 20854
the county of residence has final guardianship authority and 20855
responsibility. 20856

(B) In no case shall the guardianship of a ~~mentally ill~~ person with a mental illness be assigned to the chief medical officer or any staff member of a hospital, board, or provider from which the person is receiving mental health services.

Sec. 5122.43. (A) Costs, fees, and expenses of all proceedings held under this chapter shall be paid as follows:

(1) To police and health officers, other than sheriffs or their deputies, the same fees allowed to constables, to be paid upon the approval of the probate judge;

(2) To sheriffs or their deputies, the same fees allowed for similar services in the court of common pleas;

(3) To physicians or licensed clinical psychologists acting as expert witnesses and to other expert witnesses designated by the court, an amount determined by the court;

(4) To other witnesses, the same fees and mileage as for attendance at the court of common pleas, to be paid upon the approval of the probate judge;

(5) To a person, other than the sheriff or the sheriff's deputies, for taking a ~~mentally ill~~ person with a mental illness to a hospital or removing a ~~mentally ill~~ person with a mental illness from a hospital, the actual necessary expenses incurred, specifically itemized, and approved by the probate judge;

(6) To assistants who convey ~~mentally ill~~ persons with a mental illness to the hospital when authorized by the probate judge, a fee set by the probate court, provided the assistants are not drawing a salary from the state or any political subdivision of the state, and their actual necessary expenses incurred, provided that the expenses are specifically itemized and approved by the probate judge;

(7) To an attorney appointed by the probate division for 20886
an indigent who allegedly is a ~~mentally ill~~ person with a mental 20887
illness pursuant to any section of this chapter or a person 20888
~~suffering from~~ experiencing alcohol and other drug abuse and who 20889
may be ordered under sections 5119.91 to 5119.98 of the Revised 20890
Code to undergo treatment, the fees that are determined by the 20891
probate division. When those indigent persons are before the 20892
court, all filing and recording fees shall be waived. 20893

(8) To a referee who is appointed to conduct proceedings 20894
under this chapter that involve a respondent whose domicile is 20895
or, before the respondent's hospitalization, was not the county 20896
in which the proceedings are held, compensation as fixed by the 20897
probate division, but not more than the compensation paid for 20898
similar proceedings for respondents whose domicile is in the 20899
county in which the proceedings are held; 20900

(9) To a court reporter appointed to make a transcript of 20901
proceedings under this chapter, the compensation and fees 20902
allowed in other cases under section 2101.08 of the Revised 20903
Code. 20904

(B) A county shall pay for the costs, fees, and expenses 20905
described in division (A) of this section with money 20906
appropriated pursuant to section 2101.11 of the Revised Code. A 20907
county may seek reimbursement from the department of mental 20908
health and addiction services by submitting a request and 20909
certification by the county auditor of the costs, fees, and 20910
expenses to the department within two months of the date the 20911
costs, fees, and expenses are incurred by the county. 20912

Each fiscal year, based on past allocations, historical 20913
utilization, and other factors the department considers 20914
appropriate, the department shall allocate for each county an 20915

amount for reimbursements under this section. A county's 20916
allocation may be zero. The department shall set aside an amount 20917
in addition to the allocations to cover court costs associated 20918
with proceedings held under this chapter for counties that 20919
received an allocation of zero but that incurred expenditures 20920
authorized by the department. The total of all the allocations 20921
plus the additional amount set aside shall equal the amount 20922
appropriated for the fiscal year to the department specifically 20923
for the purposes of this section. 20924

On receipt, the department shall review each request for 20925
reimbursement and prepare a voucher for the amount of the costs, 20926
fees, and expenses incurred by the county, provided that the 20927
total amount of money paid to all counties in each fiscal year 20928
shall not exceed the total amount of moneys specifically 20929
appropriated to the department for these purposes. 20930

The department's total reimbursement to each county shall 20931
be the lesser of the full amount requested or either the amount 20932
allocated for the county under this division, or, for counties 20933
that received an allocation of zero, the amount approved by the 20934
department. In addition, the department shall distribute any 20935
surplus remaining from the money appropriated for the fiscal 20936
year to the department for the purposes of this section as 20937
follows to counties whose full requests exceed their 20938
allocations: 20939

(1) If the surplus is sufficient to reimburse such 20940
counties the full amount of their requests, each such county 20941
shall receive the full amount of its request; 20942

(2) If the surplus is insufficient, each such county shall 20943
receive a percentage of the surplus determined by dividing the 20944
difference between the county's full request and its allocation 20945

by the difference between the total of the full requests of all 20946
such counties and the total of the amounts allocated for all 20947
such counties. 20948

The department may adopt rules in accordance with Chapter 20949
119. of the Revised Code to implement the payment of costs, 20950
fees, and expenses under this section. 20951

Sec. 5123.651. (A) As used in this section, "developmental 20952
disabilities personnel" and "prescribed medication" have the 20953
same meanings as in section 5123.41 of the Revised Code. 20954

(B) Developmental disabilities personnel who are not 20955
specifically authorized by other provisions of the Revised Code 20956
to provide assistance in the self-administration of prescribed 20957
medication may, under this section, provide that assistance as 20958
part of the services they provide to individuals with 20959
developmental disabilities. To provide assistance with self- 20960
administration of prescribed medication, developmental 20961
disabilities personnel are not required to be trained or 20962
certified in accordance with section 5123.42 of the Revised 20963
Code. 20964

(C) When assisting in the self-administration of 20965
prescribed medication, developmental disabilities personnel 20966
shall take only the following actions: 20967

(1) Remind an individual when to take the medication and 20968
observe the individual to ensure that the individual follows the 20969
directions on the container; 20970

(2) Assist an individual by taking the medication in its 20971
container from the area where it is stored, handing the 20972
container with the medication in it to the individual, and 20973
opening the container, if the individual is physically unable to 20974

open the container; 20975

(3) Assist, on request by or with the consent of, ~~a~~an 20976
individual who is physically impaired but mentally alert 20977
~~individual~~, with removal of oral or topical medication from the 20978
container and with the individual's taking or applying of the 20979
medication. If an individual is physically unable to place a 20980
dose of oral medication to the individual's mouth without 20981
spilling or dropping it, developmental disabilities personnel 20982
may place the dose in another container and place that container 20983
to the individual's mouth. 20984

Sec. 5126.38. (A) As used in this section, "eligible 20985
person" has the same meaning as in section 5126.032 of the 20986
Revised Code. 20987

(B) Except as provided in division (D) of this section, no 20988
person shall disclose the identity of an individual who requests 20989
programs or services under this chapter or release a record or 20990
report regarding an eligible person that is maintained by a 20991
county board of ~~mental retardation and~~ developmental 20992
disabilities or an entity under contract with a county board 20993
unless one of the following circumstances exists: 20994

(1) The individual, eligible person, or ~~his~~the 20995
individual's guardian, or, if ~~he~~the individual is a minor, ~~his~~the 20996
individual's parent or guardian, makes a written request to 20997
the county board or entity for or approves in writing disclosure 20998
of the individual's identity or release of the record or report 20999
regarding the eligible person. 21000

(2) Disclosure of the identity of an individual is needed 21001
for approval of a direct services contract under section 21002
5126.032 or 5126.033 of the Revised Code. The county board shall 21003

release only the individual's name and the general nature of the 21004
services to be provided. 21005

(3) Disclosure of the identity of the individual is needed 21006
to ascertain that the county board's waiting lists for programs 21007
or services are being maintained in accordance with section 21008
5126.052 of the Revised Code and the rules adopted under that 21009
section. The county board shall release only the individual's 21010
name, the general nature of the programs or services to be 21011
provided ~~him~~ the individual, the individual's rank on each 21012
waiting list that includes the individual, and any circumstances 21013
under which the individual was given priority when placed on a 21014
waiting list. 21015

(C) A board or entity that discloses an individual's 21016
identity or releases a record or report regarding an eligible 21017
person shall maintain a record of when and to whom the 21018
disclosure or release was made. 21019

(D) (1) At the request of an eligible person or ~~his~~ the 21020
person's guardian or, if ~~he~~ the eligible person is a minor, ~~his~~ 21021
the person's parent or guardian, a county board or entity under 21022
contract with a county board shall provide the person who made 21023
the request access to records and reports regarding the eligible 21024
person. On written request, the county board or entity shall 21025
provide copies of the records and reports to the eligible 21026
person, guardian, or parent. The county board or entity may 21027
charge a reasonable fee to cover the costs of copying. The 21028
county board or entity may waive the fee in cases of hardship. 21029

(2) A county board shall provide access to any waiting 21030
list or record or report regarding an eligible person maintained 21031
by the board to any state agency responsible for monitoring and 21032
reviewing programs and services provided or arranged by the 21033

county board, any state agency involved in the coordination of 21034
services for an eligible person, and any agency under contract 21035
with the department of ~~mental retardation and~~ developmental 21036
disabilities for the provision of protective service pursuant to 21037
section 5123.56 of the Revised Code. 21038

(E) A county board shall notify an eligible person, ~~his~~ 21039
the person's guardian, or, if ~~he~~ the eligible person is a minor, 21040
~~his~~ the person's parent or guardian, prior to destroying any 21041
record or report regarding the eligible person. 21042

Sec. 5139.54. (A) Notwithstanding any other provision for 21043
determining when a child shall be released or discharged from 21044
the legal custody of the department of youth services, including 21045
jurisdictional provisions in section 2152.22 of the Revised 21046
Code, the release authority, for medical reasons, may release a 21047
child upon supervised release or discharge the child from the 21048
custody of the department when any of the following applies: 21049

(1) The child is terminally ill or otherwise in imminent 21050
danger of death. 21051

(2) The child is incapacitated due to injury, disease, 21052
illness, or other medical condition and is no longer a threat to 21053
public safety. 21054

(3) The child appears to be a ~~mentally ill~~ person with a 21055
mental illness subject to court order, as defined in section 21056
5122.01 of the Revised Code, or a person with an intellectual 21057
disability subject to institutionalization by court order, as 21058
defined in section 5123.01 of the Revised Code. 21059

(B) When considering whether to release or discharge a 21060
child under this section for medical reasons, the release 21061
authority may request additional medical information about the 21062

child or may ask the department to conduct additional medical 21063
examinations. 21064

(C) The release authority shall determine the appropriate 21065
level of supervised release for a child released under this 21066
section. The terms and conditions of the release may require 21067
periodic medical reevaluations as appropriate. Upon granting a 21068
release or discharge under this section, the release authority 21069
shall give notice of the release and its terms and conditions or 21070
of the discharge to the court that committed the child to the 21071
custody of the department. 21072

(D) The release authority shall submit annually to the 21073
director of youth services a report that includes all of the 21074
following information for the previous calendar year: 21075

(1) The number of children the release authority 21076
considered for medical release or discharge; 21077

(2) The nature of the injury, disease, illness, or other 21078
medical condition of each child considered for medical release 21079
or discharge; 21080

(3) The decision made by the release authority for each 21081
child, including the reasons for denying medical release or 21082
discharge or for granting it; 21083

(4) The number of children on medical release who were 21084
returned to a secure facility or whose supervised release was 21085
revoked. 21086

Sec. 5149.30. As used in sections 5149.30 to 5149.37 of 21087
the Revised Code: 21088

(A) "Community corrections programs" include, but are not 21089
limited to, probation, parole, preventive or diversionary 21090

corrections programs, release-on-recognizance programs, 21091
prosecutorial diversion programs, specialized treatment programs 21092
for ~~alcoholic and narcotic-addicted offenders~~ with alcoholism 21093
and narcotic addictions, and community control sanctions as 21094
defined in section 2929.01 of the Revised Code. 21095

(B) "Local corrections planning board" means the board 21096
established in each county under section 5149.34 of the Revised 21097
Code. 21098

(C) "Joint county corrections planning board" means the 21099
board established by multiple counties under section 5149.35 of 21100
the Revised Code. 21101

Sec. 5153.01. (A) As used in the Revised Code, "public 21102
children services agency" means an entity specified in section 21103
5153.02 of the Revised Code that has assumed the powers and 21104
duties of the children services function prescribed by this 21105
chapter for a county. 21106

(B) As used in this chapter: 21107

(1) "Certified foster home" means a foster home, as 21108
defined in section 5103.02 of the Revised Code, certified under 21109
section 5103.03 of the Revised Code. 21110

(2) "Certified organization" means any organization 21111
holding a certificate issued pursuant to section 5103.03 of the 21112
Revised Code that is in full force and effect. 21113

(3) "Child" means any person under eighteen years of age 21114
or a ~~mentally or physically handicapped person~~ with a mental or 21115
physical disability, as defined by rule adopted by the director 21116
of job and family services, under twenty-one years of age. 21117

(4) "Executive director" means the person charged with the 21118

responsibility of administering the powers and duties of a 21119
public children services agency appointed pursuant to section 21120
5153.10 of the Revised Code. 21121

(5) "Organization" means any public, semipublic, or 21122
private institution, including maternity homes and day 21123
nurseries, and any private association, society, or agency, 21124
located or operating in this state, incorporated or 21125
unincorporated, having among its functions the furnishing of 21126
protective services or care for children or the placement of 21127
children in certified foster homes or elsewhere. 21128

(6) "PCSA caseworker" means an individual employed by a 21129
public children services agency as a caseworker. 21130

(7) "PCSA caseworker supervisor" means an individual 21131
employed by a public children services agency to supervise PCSA 21132
caseworkers. 21133

Sec. 5153.16. (A) Except as provided in section 2151.422 21134
of the Revised Code, in accordance with rules adopted under 21135
section 5153.166 of the Revised Code, and on behalf of children 21136
in the county whom the public children services agency considers 21137
to be in need of public care or protective services, the public 21138
children services agency shall do all of the following: 21139

(1) Make an investigation concerning any child alleged to 21140
be an abused, neglected, or dependent child; 21141

(2) Enter into agreements with the parent, guardian, or 21142
other person having legal custody of any child, or with the 21143
department of job and family services, department of mental 21144
health and addiction services, department of developmental 21145
disabilities, other department, any certified organization 21146
within or outside the county, or any agency or institution 21147

outside the state, having legal custody of any child, with 21148
respect to the custody, care, or placement of any child, or with 21149
respect to any matter, in the interests of the child, provided 21150
the permanent custody of a child shall not be transferred by a 21151
parent to the public children services agency without the 21152
consent of the juvenile court; 21153

(3) Accept custody of children committed to the public 21154
children services agency by a court exercising juvenile 21155
jurisdiction; 21156

(4) Provide such care as the public children services 21157
agency considers to be in the best interests of any child 21158
adjudicated to be an abused, neglected, or dependent child the 21159
agency finds to be in need of public care or service; 21160

(5) Provide social services to any unmarried girl 21161
adjudicated to be an abused, neglected, or dependent child who 21162
is pregnant with or has been delivered of a child; 21163

(6) Make available to the ~~bureau for~~ children with medical 21164
handicaps program of the department of health at its request any 21165
information concerning a ~~crippled~~ child with a disability found 21166
to be in need of treatment under sections 3701.021 to 3701.028 21167
of the Revised Code who is receiving services from the public 21168
children services agency; 21169

(7) Provide temporary emergency care for any child 21170
considered by the public children services agency to be in need 21171
of such care, without agreement or commitment; 21172

(8) Find certified foster homes, within or outside the 21173
county, for the care of children, including ~~handicapped~~ children 21174
with disabilities from other counties attending special schools 21175
in the county; 21176

(9) Subject to the approval of the board of county commissioners and the state department of job and family services, establish and operate a training school or enter into an agreement with any municipal corporation or other political subdivision of the county respecting the operation, acquisition, or maintenance of any children's home, training school, or other institution for the care of children maintained by such municipal corporation or political subdivision; 21177
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(10) Acquire and operate a county children's home, establish, maintain, and operate a receiving home for the temporary care of children, or procure certified foster homes for this purpose; 21185
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(11) Enter into an agreement with the trustees of any district children's home, respecting the operation of the district children's home in cooperation with the other county boards in the district; 21189
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(12) Cooperate with, make its services available to, and act as the agent of persons, courts, the department of job and family services, the department of health, and other organizations within and outside the state, in matters relating to the welfare of children, except that the public children services agency shall not be required to provide supervision of or other services related to the exercise of parenting time rights granted pursuant to section 3109.051 or 3109.12 of the Revised Code or companionship or visitation rights granted pursuant to section 3109.051, 3109.11, or 3109.12 of the Revised Code unless a juvenile court, pursuant to Chapter 2151. of the Revised Code, or a common pleas court, pursuant to division (E) (6) of section 3113.31 of the Revised Code, requires the provision of supervision or other services related to the 21193
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exercise of the parenting time rights or companionship or	21207
visitation rights;	21208
(13) Make investigations at the request of any	21209
superintendent of schools in the county or the principal of any	21210
school concerning the application of any child adjudicated to be	21211
an abused, neglected, or dependent child for release from	21212
school, where such service is not provided through a school	21213
attendance department;	21214
(14) Administer funds provided under Title IV-E of the	21215
"Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as	21216
amended, in accordance with rules adopted under section 5101.141	21217
of the Revised Code;	21218
(15) In addition to administering Title IV-E adoption	21219
assistance funds, enter into agreements to make adoption	21220
assistance payments under section 5153.163 of the Revised Code;	21221
(16) Implement a system of safety and risk assessment, in	21222
accordance with rules adopted by the director of job and family	21223
services, to assist the public children services agency in	21224
determining the risk of abuse or neglect to a child;	21225
(17) Enter into a plan of cooperation with the board of	21226
county commissioners under section 307.983 of the Revised Code	21227
and comply with each fiscal agreement the board enters into	21228
under section 307.98 of the Revised Code that include family	21229
services duties of public children services agencies and	21230
contracts the board enters into under sections 307.981 and	21231
307.982 of the Revised Code that affect the public children	21232
services agency;	21233
(18) Make reasonable efforts to prevent the removal of an	21234
alleged or adjudicated abused, neglected, or dependent child	21235

from the child's home, eliminate the continued removal of the 21236
child from the child's home, or make it possible for the child 21237
to return home safely, except that reasonable efforts of that 21238
nature are not required when a court has made a determination 21239
under division (A) (2) of section 2151.419 of the Revised Code; 21240

(19) Make reasonable efforts to place the child in a 21241
timely manner in accordance with the permanency plan approved 21242
under division (E) of section 2151.417 of the Revised Code and 21243
to complete whatever steps are necessary to finalize the 21244
permanent placement of the child; 21245

(20) Administer a Title IV-A program identified under 21246
division (A) (4) (c) or (g) of section 5101.80 of the Revised Code 21247
that the department of job and family services provides for the 21248
public children services agency to administer under the 21249
department's supervision pursuant to section 5101.801 of the 21250
Revised Code; 21251

(21) Administer the kinship permanency incentive program 21252
created under section 5101.802 of the Revised Code under the 21253
supervision of the director of job and family services; 21254

(22) Provide independent living services pursuant to 21255
sections 2151.81 to 2151.84 of the Revised Code; 21256

(23) File a missing child report with a local law 21257
enforcement agency upon becoming aware that a child in the 21258
custody of the public children services agency is or may be 21259
missing. 21260

(B) The public children services agency shall use the 21261
system implemented pursuant to division (A) (16) of this section 21262
in connection with an investigation undertaken pursuant to 21263
division (G) (1) of section 2151.421 of the Revised Code to 21264

assess both of the following:	21265
(1) The ongoing safety of the child;	21266
(2) The appropriateness of the intensity and duration of the services provided to meet child and family needs throughout the duration of a case.	21267 21268 21269
(C) Except as provided in section 2151.422 of the Revised Code, in accordance with rules of the director of job and family services, and on behalf of children in the county whom the public children services agency considers to be in need of public care or protective services, the public children services agency may do the following:	21270 21271 21272 21273 21274 21275
(1) Provide or find, with other child serving systems, specialized foster care for the care of children in a specialized foster home, as defined in section 5103.02 of the Revised Code, certified under section 5103.03 of the Revised Code;	21276 21277 21278 21279 21280
(2) (a) Except as limited by divisions (C) (2) (b) and (c) of this section, contract with the following for the purpose of assisting the agency with its duties:	21281 21282 21283
(i) County departments of job and family services;	21284
(ii) Boards of alcohol, drug addiction, and mental health services;	21285 21286
(iii) County boards of developmental disabilities;	21287
(iv) Regional councils of political subdivisions established under Chapter 167. of the Revised Code;	21288 21289
(v) Private and government providers of services;	21290
(vi) Managed care organizations and prepaid health plans.	21291

(b) A public children services agency contract under 21292
division (C) (2) (a) of this section regarding the agency's duties 21293
under section 2151.421 of the Revised Code may not provide for 21294
the entity under contract with the agency to perform any service 21295
not authorized by the department's rules. 21296

(c) Only a county children services board appointed under 21297
section 5153.03 of the Revised Code that is a public children 21298
services agency may contract under division (C) (2) (a) of this 21299
section. If an entity specified in division (B) or (C) of 21300
section 5153.02 of the Revised Code is the public children 21301
services agency for a county, the board of county commissioners 21302
may enter into contracts pursuant to section 307.982 of the 21303
Revised Code regarding the agency's duties. 21304

Sec. 5153.163. (A) As used in this section, "adoptive 21305
parent" means, as the context requires, a prospective adoptive 21306
parent or an adoptive parent. 21307

(B) (1) Before a child's adoption is finalized, a public 21308
children services agency may enter into an agreement with the 21309
child's adoptive parent under which the agency, to the extent 21310
state funds are available, may make state adoption maintenance 21311
subsidy payments as needed on behalf of the child when all of 21312
the following apply: 21313

(a) The child is a child with special needs. 21314

(b) The child was placed in the adoptive home by a public 21315
children services agency or a private child placing agency and 21316
may legally be adopted. 21317

(c) The adoptive parent has the capability of providing 21318
the permanent family relationships needed by the child. 21319

(d) The needs of the child are beyond the economic 21320

resources of the adoptive parent. 21321

(e) Acceptance of the child as a member of the adoptive 21322
parent's family would not be in the child's best interest 21323
without payments on the child's behalf under this section. 21324

(f) The gross income of the adoptive parent's family does 21325
not exceed one hundred twenty per cent of the median income of a 21326
family of the same size, including the child, as most recently 21327
determined for this state by the secretary of health and human 21328
services under Title XX of the "Social Security Act," 88 Stat. 21329
2337, 42 U.S.C.A. 1397, as amended. 21330

(g) The child is not eligible for adoption assistance 21331
payments under Title IV-E of the "Social Security Act," 94 Stat. 21332
501 (1980), 42 U.S.C.A. 671, as amended. 21333

(2) State adoption maintenance subsidy payment agreements 21334
must be made by either the public children services agency that 21335
has permanent custody of the child or the public children 21336
services agency of the county in which the private child placing 21337
agency that has permanent custody of the child is located. 21338

(3) State adoption maintenance subsidy payments shall be 21339
made in accordance with the agreement between the public 21340
children services agency and the adoptive parent and are subject 21341
to an annual redetermination of need. 21342

(4) Payments under this division may begin either before 21343
or after issuance of the final adoption decree, except that 21344
payments made before issuance of the final adoption decree may 21345
be made only while the child is living in the adoptive parent's 21346
home. Preadoption payments may be made for not more than twelve 21347
months, unless the final adoption decree is not issued within 21348
that time because of a delay in court proceedings. Payments that 21349

begin before issuance of the final adoption decree may continue 21350
after its issuance. 21351

(C) (1) If, after the child's adoption is finalized, a 21352
public children services agency considers a child residing in 21353
the county served by the agency to be in need of public care or 21354
protective services, the agency may, to the extent state funds 21355
are available for this purpose, enter into an agreement with the 21356
child's adoptive parent under which the agency may make post 21357
adoption special services subsidy payments on behalf of the 21358
child as needed when both of the following apply: 21359

(a) The child has a physical or developmental ~~handicap~~ 21360
disability or mental or emotional condition that either: 21361

(i) Existed before the adoption petition was filed; or 21362

(ii) Developed after the adoption petition was filed and 21363
can be directly attributed to factors in the child's preadoption 21364
background, medical history, or biological family's background 21365
or medical history. 21366

(b) The agency determines the expenses necessitated by the 21367
child's ~~handicap~~ disability or condition are beyond the adoptive 21368
parent's economic resources. 21369

(2) Services for which a public children services agency 21370
may make post adoption special services subsidy payments on 21371
behalf of a child under this division shall include medical, 21372
surgical, psychiatric, psychological, and counseling services, 21373
including residential treatment. 21374

(3) The department of job and family services shall 21375
establish clinical standards to evaluate a child's physical or 21376
developmental ~~handicap~~ disability or mental or emotional 21377
condition and assess the child's need for services. 21378

(4) The total dollar value of post adoption special services subsidy payments made on a child's behalf shall not exceed ten thousand dollars in any fiscal year, unless the department determines that extraordinary circumstances exist that necessitate further funding of services for the child. Under such extraordinary circumstances, the value of the payments made on the child's behalf shall not exceed fifteen thousand dollars in any fiscal year.

(5) The adoptive parent or parents of a child who receives post adoption special services subsidy payments shall pay at least five per cent of the total cost of all services provided to the child; except that a public children services agency may waive this requirement if the gross annual income of the child's adoptive family is not more than two hundred per cent of the federal poverty guideline.

(6) A public children services agency may use other sources of revenue to make post adoption special services subsidy payments, in addition to any state funds appropriated for that purpose.

(D) No payment shall be made under division (B) or (C) of this section on behalf of any person eighteen years of age or older beyond the end of the school year during which the person attains the age of eighteen or on behalf of a ~~mentally or physically handicapped~~ person with a mental or physical disability twenty-one years of age or older.

(E) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code that are needed to implement this section. The rules shall establish all of the following:

(1) The application process for all forms of assistance provided under this section;	21408 21409
(2) The method to determine the amount of assistance payable under division (B) of this section;	21410 21411
(3) The definition of "child with special needs" for this section;	21412 21413
(4) The process whereby a child's continuing need for services provided under division (B) of this section is annually redetermined;	21414 21415 21416
(5) The method of determining the amount, duration, and scope of services provided to a child under division (C) of this section;	21417 21418 21419
(6) Any other rule, requirement, or procedure the department considers appropriate for the implementation of this section.	21420 21421 21422
(F) The state adoption special services subsidy program ceases to exist on July 1, 2004, except that, subject to the findings of the annual redetermination process established under division (E) of this section and the child's individual need for services, a public children services agency may continue to provide state adoption special services subsidy payments on behalf of a child for whom payments were being made prior to July 1, 2004.	21423 21424 21425 21426 21427 21428 21429 21430
(G) No public children services agency shall, pursuant to either section 2151.353 or 5103.15 of the Revised Code, place or maintain a child with special needs who is in the permanent custody of an institution or association certified by the department of job and family services under section 5103.03 of the Revised Code in a setting other than with a person seeking	21431 21432 21433 21434 21435 21436

to adopt the child, unless the agency has determined and 21437
redetermined at intervals of not more than six months the 21438
impossibility of adoption by a person who wishes to adopt 21439
children, and is approved by an agency so empowered under 21440
Chapter 5103. of the Revised Code, or by a person who wishes to 21441
adopt a child with special needs as defined in rules adopted 21442
under this section, and who is approved by an agency so 21443
empowered under Chapter 5103. of the Revised Code, including the 21444
impossibility of entering into a payment agreement with such a 21445
person. The agency so maintaining such a child shall report its 21446
reasons for doing so to the department of job and family 21447
services. 21448

The department may take any action permitted under section 21449
5101.24 of the Revised Code for an agency's failure to 21450
determine, redetermine, and report on a child's status. 21451

Sec. 5164.15. (A) As used in this section: 21452

(1) "Community mental health services provider or 21453
facility" means a community mental health services provider or 21454
facility that has its community mental health services certified 21455
by the department of mental health and addiction services under 21456
section 5119.36 of the Revised Code or by the department of job 21457
and family services under section 5103.03 of the Revised Code. 21458

(2) "Mental health professional" means a person qualified 21459
to work with ~~mentally ill persons~~ with mental illnesses under 21460
the standards established by the director of mental health and 21461
addiction services pursuant to section 5119.36 of the Revised 21462
Code. 21463

(B) The medicaid program may cover the following mental 21464
health services when provided by community mental health 21465

services providers or facilities:	21466
(1) Outpatient mental health services, including, but not limited to, preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals in an individual or group setting by a mental health professional in accordance with a plan of treatment appropriately established, monitored, and reviewed;	21467 21468 21469 21470 21471 21472
(2) Partial-hospitalization mental health services rendered by persons directly supervised by a mental health professional;	21473 21474 21475
(3) Unscheduled, emergency mental health services of a kind ordinarily provided to persons in crisis when rendered by persons supervised by a mental health professional;	21476 21477 21478
(4) Assertive community treatment and intensive home-based mental health services.	21479 21480
(C) The department of medicaid shall enter into a separate contract with the department of mental health and addiction services under section 5162.35 of the Revised Code with regard to the mental health services the medicaid program covers pursuant to this section.	21481 21482 21483 21484 21485
Sec. 5165.03. (A) As used in this section:	21486
(1) "Dementia" includes Alzheimer's disease or a related disorder.	21487 21488
(2) "Serious mental illness" means "serious mental illness," as defined by the United States department of health and human services in regulations adopted under <u>section 1919(e)(7)(G)(i)</u> of the "Social Security Act," section 1919(e)(7)(G)(i) , 42 U.S.C. 1396r(e)(7)(G)(i).	21489 21490 21491 21492 21493

- (3) ~~"Mentally ill individual"~~ "Individual with a mental illness" means an individual who has a serious mental illness other than either of the following: 21494
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- (a) A primary diagnosis of dementia; 21497
- (b) A primary diagnosis that is not a primary diagnosis of dementia and a primary diagnosis of something other than a serious mental illness. 21498
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- (4) "Mentally retarded individual" means an individual who is mentally retarded or has a related condition, as described in the section 1905(d) of the "Social Security Act," ~~section 1905(d),~~ 42 U.S.C. 1396d(d). 21501
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- (5) "Specialized services" means the services specified by the United States department of health and human services in regulations adopted under section 1919(e) (7) (G) (iii) of the "Social Security Act," ~~section 1919(e) (7) (G) (iii),~~ 42 U.S.C. 1396r(e) (7) (G) (iii). 21505
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- (B) (1) Except as provided in division (D) of this section, no nursing facility shall admit as a resident any ~~mentally ill individual with a mental illness~~ unless the facility has received evidence that the department of mental health and addiction services has determined both of the following under section 5119.40 of the Revised Code: 21510
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- (a) That the individual requires the level of services provided by a nursing facility because of the individual's physical and mental condition; 21516
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- (b) Whether the individual requires specialized services for mental illness. 21519
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- (2) Except as provided in division (D) of this section, no 21521

nursing facility shall admit as a resident any mentally retarded 21522
individual unless the facility has received evidence that the 21523
department of developmental disabilities has determined both of 21524
the following under section 5123.021 of the Revised Code: 21525

(a) That the individual requires the level of services 21526
provided by a nursing facility because of the individual's 21527
physical and mental condition; 21528

(b) Whether the individual requires specialized services 21529
for mental retardation. 21530

(C) The department of medicaid shall not make medicaid 21531
payments to a nursing facility on behalf of any individual who 21532
is admitted to the facility in violation of division (B) of this 21533
section for the period beginning on the date of admission and 21534
ending on the date the requirements of division (B) of this 21535
section are met. 21536

(D) A determination under division (B) of this section is 21537
not required for any individual who is exempted from the 21538
requirement that a determination be made by division (B) (2) of 21539
section 5119.40 of the Revised Code or rules adopted by the 21540
department of mental health and addiction services under 21541
division (E) (3) of that section, or by division (B) (2) of 21542
section 5123.021 of the Revised Code or rules adopted by the 21543
department of developmental disabilities under division (E) (3) 21544
of that section. 21545

Sec. 5305.22. (A) Any real estate or interest in real 21546
estate coming to a person by purchase, inheritance, or 21547
otherwise, after the spouse of the person is adjudged a ~~mentally-~~ 21548
~~ill~~-person with a mental illness subject to court order and 21549
admitted to either a hospital for persons with mental illness in 21550

this or any other state of the United States or the psychiatric department of any hospital of the United States, may be conveyed by the person while the person's spouse who is a ~~mentally ill~~ person with a mental illness subject to court order remains a patient of that hospital, free and clear from any dower right or expectancy of the person's spouse who is a ~~mentally ill~~ person with a mental illness subject to court order. Dower shall not attach to any real estate so acquired and conveyed during the time described in this section in favor of such spouse who is a ~~mentally ill~~ person with a mental illness subject to court order. The indorsement upon the instrument of conveyance, by the superintendent of the hospital to which the spouse was admitted, that the spouse of the person conveying the real estate is a ~~mentally ill~~ person with a mental illness subject to court order who has been admitted to that hospital, stating when received in that hospital and signed officially by the superintendent, shall be sufficient evidence of the fact that the spouse of the person conveying the real estate is a ~~mentally ill~~ person with a mental illness subject to court order. This indorsement shall be a part of the instrument of conveyance.

(B) As used in this section, "~~mentally ill~~ person with a mental illness subject to court order" has the same meaning as in section 5122.01 of the Revised Code.

Sec. 5321.01. As used in this chapter:

(A) "Tenant" means a person entitled under a rental agreement to the use and occupancy of residential premises to the exclusion of others.

(B) "Landlord" means the owner, lessor, or sublessor of residential premises, the agent of the owner, lessor, or sublessor, or any person authorized by the owner, lessor, or

sublessor to manage the premises or to receive rent from a 21581
tenant under a rental agreement. 21582

(C) "Residential premises" means a dwelling unit for 21583
residential use and occupancy and the structure of which it is a 21584
part, the facilities and appurtenances in it, and the grounds, 21585
areas, and facilities for the use of tenants generally or the 21586
use of which is promised the tenant. "Residential premises" 21587
includes a dwelling unit that is owned or operated by a college 21588
or university. "Residential premises" does not include any of 21589
the following: 21590

(1) Prisons, jails, workhouses, and other places of 21591
incarceration or correction, including, but not limited to, 21592
halfway houses or residential arrangements that are used or 21593
occupied as a requirement of a community control sanction, a 21594
post-release control sanction, or parole; 21595

(2) Hospitals and similar institutions with the primary 21596
purpose of providing medical services, and homes licensed 21597
pursuant to Chapter 3721. of the Revised Code; 21598

(3) Tourist homes, hotels, motels, recreational vehicle 21599
parks, recreation camps, combined park-camps, temporary park- 21600
camps, and other similar facilities where circumstances indicate 21601
a transient occupancy; 21602

(4) Elementary and secondary boarding schools, where the 21603
cost of room and board is included as part of the cost of 21604
tuition; 21605

(5) Orphanages and similar institutions; 21606

(6) Farm residences furnished in connection with the 21607
rental of land of a minimum of two acres for production of 21608
agricultural products by one or more of the occupants; 21609

(7) Dwelling units subject to sections 3733.41 to 3733.49 of the Revised Code;	21610 21611
(8) Occupancy by an owner of a condominium unit;	21612
(9) Occupancy in a facility licensed as an SRO facility pursuant to Chapter 3731. of the Revised Code, if the facility is owned or operated by an organization that is exempt from taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as amended, or by an entity or group of entities in which such an organization has a controlling interest, and if either of the following applies:	21613 21614 21615 21616 21617 21618 21619
(a) The occupancy is for a period of less than sixty days.	21620
(b) The occupancy is for participation in a program operated by the facility, or by a public entity or private charitable organization pursuant to a contract with the facility, to provide either of the following:	21621 21622 21623 21624
(i) Services licensed, certified, registered, or approved by a governmental agency or private accrediting organization for the rehabilitation of mentally ill persons <u>with mental illnesses</u> , persons with developmental disabilities, adults or juveniles convicted of criminal offenses, or persons suffering from experiencing substance abuse;	21625 21626 21627 21628 21629 21630
(ii) Shelter for juvenile runaways, victims of domestic violence, or homeless persons.	21631 21632
(10) Emergency shelters operated by organizations exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as amended, for persons whose circumstances indicate a transient occupancy, including homeless people, victims of domestic violence, and juvenile runaways.	21633 21634 21635 21636 21637 21638

(D) "Rental agreement" means any agreement or lease, 21639
written or oral, which establishes or modifies the terms, 21640
conditions, rules, or any other provisions concerning the use 21641
and occupancy of residential premises by one of the parties. 21642

(E) "Security deposit" means any deposit of money or 21643
property to secure performance by the tenant under a rental 21644
agreement. 21645

(F) "Dwelling unit" means a structure or the part of a 21646
structure that is used as a home, residence, or sleeping place 21647
by one person who maintains a household or by two or more 21648
persons who maintain a common household. 21649

(G) "Controlled substance" has the same meaning as in 21650
section 3719.01 of the Revised Code. 21651

(H) "Student tenant" means a person who occupies a 21652
dwelling unit owned or operated by the college or university at 21653
which the person is a student, and who has a rental agreement 21654
that is contingent upon the person's status as a student. 21655

(I) "Recreational vehicle park," "recreation camp," 21656
"combined park-camp," and "temporary park-camp" have the same 21657
meanings as in section 3729.01 of the Revised Code. 21658

(J) "Community control sanction" has the same meaning as 21659
in section 2929.01 of the Revised Code. 21660

(K) "Post-release control sanction" has the same meaning 21661
as in section 2967.01 of the Revised Code. 21662

(L) "School premises" has the same meaning as in section 21663
2925.01 of the Revised Code. 21664

(M) "Sexually oriented offense" and "child-victim oriented 21665
offense" have the same meanings as in section 2950.01 of the 21666

Revised Code. 21667

(N) "Preschool or child day-care center premises" has the 21668
same meaning as in section 2950.034 of the Revised Code. 21669

Sec. 5501.05. Moneys appropriated to the department of 21670
transportation and derived from fees, excises, or license taxes 21671
relating to the registration, operation, or use of vehicles on 21672
public highways, or to fuels used for propelling such vehicle, 21673
shall not be expended for any purpose other than as provided in 21674
Section 5a of Article XII, Ohio Constitution, and such moneys 21675
may be expended only for expenses directly chargeable to the 21676
purposes set forth in such section. The director of 21677
transportation may make rules facilitating, to the extent 21678
practical under the circumstances, the use of public 21679
transportation systems and aviation systems by ~~the~~ 21680
handicapped persons with disabilities. 21681

Sec. 5501.07. In addition to those duties, powers, and 21682
functions the director of transportation assigns to it, the 21683
office of transit: 21684

(A) May issue grants from any public transportation grant 21685
appropriation to county transit boards, regional transit 21686
authorities, regional transit commissions, counties, municipal 21687
corporations, and private nonprofit organizations that operate 21688
or will operate a public transportation system. 21689

The director shall establish criteria for the distribution 21690
of such grants. These criteria may include and the director may 21691
consider each of the following: 21692

(1) The degree to which comprehensive regional 21693
transportation planning goals may be attained through a program 21694
for which a grant will be used; 21695

(2) The amount of local financial or other support of public transportation operations and facilities affected by the program; 21696
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(3) The levels of existing service and fare; 21699

(4) The degree to which the proposed plan demonstrates approaches of potential value to other local transit boards, authorities, commissions, counties, municipal corporations, and private nonprofit organizations operating public transportation systems; 21700
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(5) The degree to which the grant applicant will use state and local funds to match a federal grant; 21705
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(6) Such other factors as the director determines. 21707

Any criteria established by the director for the distribution of such grants shall be consistent with the requirements of the United States department of transportation, or any administration in the department, including, but not limited to, the federal transit administration. The director may designate in the criteria certain dates after which applications for specified portions of the appropriations made for this purpose will not be accepted. 21708
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(B) May issue grants from any elderly and ~~handicapped-~~ disabled transit fare assistance grant appropriation to county transit boards, regional transit authorities, regional transit commissions, counties, municipal corporations, and private nonprofit organizations that operate or will operate public transportation systems for the purpose of reducing the transit or paratransit fares of elderly or ~~handicapped-~~ disabled persons. The director shall establish criteria for the distribution of such grants. 21716
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(C) May administer provisions of federal public transportation acts or programs applicable within the state, pursuant to an agreement entered into by the director with an appropriate official of the federal agency responsible for implementation of the federal acts or programs. The federal acts or programs shall include, but are not limited to, programs authorized under the "Act of July 5, 1994," 108 Stat. 785, 49 U.S.C.A. 5301, as amended.

(D) Shall furnish, upon request and within the limits of appropriated funds, guidance in technical or policy matters to a county transit board, regional transit authority, regional transit commission, county, municipal corporation, or private nonprofit organization that operates or proposes to operate a public transportation system, and provide assistance and liaison in the preparation and submission of applications for federal and state funds;

(E) May apply for and accept grants or loans from any federal agency for the purpose of providing for the development or improvement of public transportation facilities or for the coordination of any activities related to the development or improvement of such facilities, and may provide any consideration from any public transportation grant appropriation and enter into any contracts that may be required in order to obtain such grants or loans from a federal agency.

Sec. 5515.08. (A) The department of transportation may contract to sell commercial advertising space within or on the outside surfaces of any building located within a roadside rest area under its jurisdiction in exchange for cash payment. Money the department receives under this section shall be deposited in the state treasury to the credit of the highway operating fund.

(B) Advertising placed under this section shall comply 21755
with all of the following: 21756

(1) It shall not be libelous or obscene and shall not 21757
promote any illegal product or service. 21758

(2) It shall not promote illegal discrimination on the 21759
basis of the race, religion, national origin, 21760
~~handicap~~disability, age, or ancestry of any person. 21761

(3) It shall not support or oppose any candidate for 21762
political office or any political cause, issue, or organization. 21763

(4) It shall comply with any controlling federal or state 21764
regulations or restrictions. 21765

(5) To the extent physically and technically practical, it 21766
shall state that the advertisement is a paid commercial 21767
advertisement and that the state does not endorse the product or 21768
service promoted by the advertisement or make any representation 21769
about the accuracy of the advertisement or the quality or 21770
performance of the product or service promoted by the 21771
advertisement. 21772

(6) It shall conform to all applicable rules adopted by 21773
the director of transportation under division (E) of this 21774
section. 21775

(C) Contracts entered into under this section shall be 21776
awarded only to the qualified bidder who submits the highest 21777
responsive bid or according to uniformly applied rate classes. 21778

(D) No person, except an advertiser alleging a breach of 21779
contract or the improper awarding of a contract, has a cause of 21780
action against the state with respect to any contract or 21781
advertising authorized by this section. Under no circumstances 21782

is the state liable for consequential or noneconomic damages 21783
with respect to any contract or advertising authorized under 21784
this section. 21785

(E) The director, in accordance with Chapter 119. of the 21786
Revised Code, shall adopt rules to implement this section. The 21787
rules shall be consistent with the policy of protecting the 21788
safety of the traveling public and consistent with the national 21789
policy governing the use and control of such roadside rest 21790
areas. The rules shall regulate the awarding of contracts and 21791
may regulate the content, display, and other aspects of the 21792
commercial advertising authorized by this section. 21793

Sec. 5531.12. (A) In order to remove present and 21794
anticipated ~~handicaps~~impediments and potential hazards on the 21795
highways in this state, to facilitate vehicular traffic 21796
throughout the state, to promote the agricultural, commercial, 21797
recreational, tourism, and industrial development of the state, 21798
and to provide for the general welfare of its citizens, the 21799
director of transportation may approve toll projects. Any 21800
revenue derived from toll projects shall be used only for 21801
purposes of the toll project, including a toll project or any 21802
aspect of a toll project pursuant to a public-private agreement 21803
authorized by sections 5501.70 to 5501.83 of the Revised Code, 21804
and shall not be expended for any purpose other than as provided 21805
in Section 5a of Article XII, Ohio Constitution. The toll 21806
projects authorized by sections 5531.11 to 5531.18 of the 21807
Revised Code are part of the state highway system. 21808

(B) Any toll project shall be developed and submitted for 21809
selection in accordance with the policies and procedures of the 21810
selection process of the transportation review advisory council, 21811
created under Chapter 5512. of the Revised Code. Each toll 21812

project may be separately designated, by name or number, and may
be constructed, improved, or reconstructed as the department of
transportation may from time to time determine pursuant to
sections 5531.11 to 5531.18 of the Revised Code. A toll project
shall be considered a state infrastructure project as defined in
section 5531.10 of the Revised Code for all purposes of that
section and section 5531.09 of the Revised Code and also is a
transportation facility as defined in section 5501.01 of the
Revised Code.

(C) (1) Nothing in this chapter shall be construed to
permit user fees to be charged on existing nontoll public roads.

(2) Division (C) (1) of this section does not apply to a
toll project as described in division (N) (4) of section 5531.11
of the Revised Code.

Sec. 5537.03. In order to remove present and anticipated
~~handicaps—impediments~~ and potential hazards on the congested
highways in this state, to facilitate vehicular traffic
throughout the state, to finance infrastructure projects that
improve and enhance mobility in Ohio, and also to promote the
agricultural, recreational, tourism, and commercial, industrial,
and economic development of the state, and to provide for the
general welfare by the construction, improvement, and
maintenance of modern express highways embodying safety devices,
including without limitation center divisions, ample shoulder
widths, long sight distances, multiple lanes in each direction,
and grade separations at intersections with other public roads
and railroads, the Ohio turnpike and infrastructure commission
may do the following:

(A) Subject to section 5537.26 of the Revised Code,
construct, maintain, repair, and operate a system of turnpike

projects at locations that are reviewed by the turnpike 21843
legislative review committee and approved by the governor, and 21844
in accordance with alignment and design standards that are 21845
approved by the director of transportation, and issue revenue 21846
bonds of this state, payable solely from pledged revenues, to 21847
pay the cost of those projects. The turnpikes and turnpike 21848
projects authorized by this chapter are hereby or shall be made 21849
part of the Ohio turnpike system. 21850

(B) Provide the infrastructure funds to pay the cost or a 21851
portion of the cost of infrastructure projects as recommended by 21852
the director of transportation pursuant to a determination made 21853
by the commission based on criteria set forth in rules adopted 21854
by the commission under section 5537.18 of the Revised Code. A 21855
determination by the commission to provide infrastructure funds 21856
for an infrastructure project shall be conclusive and 21857
incontestable. 21858

Sec. 5709.45. (A) As used in sections 5709.45 to 5709.47 21859
of the Revised Code: 21860

(1) "Downtown redevelopment district" or "district" means 21861
an area not more than ten acres enclosed by a continuous 21862
boundary in which at least one historic building is being, or 21863
will be, rehabilitated. 21864

(2) "Historic building" and "rehabilitation" have the same 21865
meanings as in section 149.311 of the Revised Code. 21866

(3) "Public infrastructure improvement" has the same 21867
meaning as in section 5709.40 of the Revised Code. 21868

(4) "Improvement" means the increase in the assessed value 21869
of real property that would first appear on the tax list after 21870
the effective date of an ordinance adopted under this section 21871

were it not for the exemption granted by the ordinance. 21872

(5) "Innovation district" means an area located entirely 21873
within a downtown redevelopment district, enclosed by a 21874
continuous boundary, and equipped with a high-speed broadband 21875
network capable of download speeds of at least one hundred 21876
gigabits per second. 21877

(6) "Qualified business" means a business primarily 21878
engaged, or primarily organized to engage, in a trade or 21879
business that involves research and development, technology 21880
transfer, bio-technology, information technology, or the 21881
application of new technology developed through research and 21882
development or acquired through technology transfer. 21883

(7) "Information technology" means the branch of 21884
technology devoted to the study and application of data and the 21885
processing thereof; the automatic acquisition, storage, 21886
manipulation or transformation, management, movement, control, 21887
display, switching, interchange, transmission or reception of 21888
data, and the development or use of hardware, software, 21889
firmware, and procedures associated with this processing. 21890
"Information technology" includes matters concerned with the 21891
furtherance of computer science and technology, design, 21892
development, installation, and implementation of information 21893
systems and applications that in turn will be licensed or sold 21894
to a specific target market. "Information technology" does not 21895
include the creation of a distribution method for existing 21896
products and services. 21897

(8) "Research and development" means designing, creating, 21898
or formulating new or enhanced products, equipment, or 21899
processes, and conducting scientific or technological inquiry 21900
and experimentation in the physical sciences with the goal of 21901

increasing scientific knowledge that may reveal the bases for 21902
new or enhanced products, equipment, or processes. 21903

(9) "Technology transfer" means the transfer of technology 21904
from one sector of the economy to another, including the 21905
transfer of military technology to civilian applications, 21906
civilian technology to military applications, or technology from 21907
public or private research laboratories to military or civilian 21908
applications. 21909

(B) For the purposes of promoting rehabilitation of 21910
historic buildings, creating jobs, and encouraging economic 21911
development in commercial and mixed-use commercial and 21912
residential areas, and for the purpose of funding transportation 21913
improvements that will benefit such areas, the legislative 21914
authority of a municipal corporation may adopt an ordinance 21915
creating a downtown redevelopment district and declaring 21916
improvements to parcels within the district to be a public 21917
purpose and exempt from taxation. Downtown redevelopment 21918
districts shall not be created in areas used exclusively for 21919
residential purposes and shall not be utilized for development 21920
or redevelopment of residential areas. 21921

The ordinance shall specify all of the following: 21922

(1) The boundary of the district; 21923

(2) The county treasurer's permanent parcel number 21924
associated with each parcel included in the district; 21925

(3) The parcel or parcels within the district that include 21926
a historic building that is being or will be rehabilitated; 21927

(4) The proposed life of the district; 21928

(5) An economic development plan for the district that 21929

includes all of the following:	21930
(a) A statement describing the principal purposes and goals to be served by creating the district;	21931 21932
(b) An explanation of how the municipal corporation will collaborate with businesses and property owners within the district to develop strategies for achieving such purposes and goals;	21933 21934 21935 21936
(c) A plan for using the service payments provided for in section 5709.46 of the Revised Code to promote economic development and job creation within the district.	21937 21938 21939
Not more than seventy per cent of improvements to parcels within a downtown redevelopment district may be exempted from taxation under this section. A district may not include a parcel that is exempted from taxation under this section or section 5709.40 or 5709.41 of the Revised Code on the effective date of the ordinance. Except as provided in division (F) of this section, the life of a downtown redevelopment district shall not exceed ten years.	21940 21941 21942 21943 21944 21945 21946 21947
A municipal corporation may adopt more than one ordinance under division (B) of this section. A single such ordinance may create more than one downtown redevelopment district.	21948 21949 21950
(C) For the purposes of attracting and facilitating growth of qualified businesses and supporting the economic development efforts of business incubators and accelerators, the legislative authority of a municipal corporation may designate an innovation district within a proposed or existing downtown redevelopment district. The life of the innovation district shall be identical to the downtown redevelopment district in which the innovation district is located. In addition to the requirements in division	21951 21952 21953 21954 21955 21956 21957 21958

(B) of this section, an ordinance creating a downtown 21959
redevelopment district that includes an innovation district 21960
shall specify all of the following: 21961

(1) The boundary of the innovation district; 21962

(2) The permanent parcel number associated with each 21963
parcel included in the innovation district; 21964

(3) An economic development plan for the innovation 21965
district that meets the criteria prescribed by division (B) (5) 21966
of this section. 21967

(D) At least thirty days before adopting an ordinance 21968
under division (B) of this section, the legislative authority of 21969
the municipal corporation shall conduct a public hearing on the 21970
proposed ordinance and the accompanying economic development 21971
plan. At least thirty days before the public hearing, the 21972
legislative authority shall give notice of the public hearing 21973
and the proposed ordinance by first class mail to every real 21974
property owner whose property is located within the boundaries 21975
of the proposed district that is the subject of the proposed 21976
ordinance. 21977

(E) Revenue derived from downtown redevelopment district 21978
service payments may be used by the municipal corporation for 21979
any of the following purposes: 21980

(1) To finance or support loans, deferred loans, or grants 21981
to owners of historic buildings within the downtown 21982
redevelopment district. Such loans or grants shall be awarded 21983
upon the condition that the loan or grant amount may be used by 21984
the owner only to rehabilitate the historic building. A 21985
municipal corporation that awards a loan or grant under this 21986
division shall develop a plan for tracking the loan or grant 21987

recipient's use of the loan or grant and monitoring the progress 21988
of the recipient's rehabilitation project. 21989

(2) To make contributions to a special improvement 21990
district for use under section 1710.14 of the Revised Code, to a 21991
community improvement corporation for use under section 1724.12 21992
of the Revised Code, or to a nonprofit corporation, as defined 21993
in section 1702.01 of the Revised Code, the primary purpose of 21994
which is redeveloping historic buildings and historic districts 21995
for use by the corporation to rehabilitate a historic building 21996
within the downtown redevelopment district or to otherwise 21997
promote or enhance the district. Amounts contributed under 21998
division (E) (2) of this section shall not exceed the property 21999
tax revenue that would have been generated by twenty per cent of 22000
the assessed value of the exempted improvements within the 22001
downtown redevelopment district. 22002

(3) To finance or support loans to owners of one or more 22003
buildings located within the district that do not qualify as 22004
historic buildings. Such loans shall be awarded upon the 22005
condition that the loan amount may be used by the owner only to 22006
make repairs and improvements to the building or buildings. A 22007
municipal corporation that awards a loan under this division 22008
shall develop a plan for tracking the loan recipient's use of 22009
the loan and monitoring the progress of the recipient's repairs 22010
or improvements. 22011

(4) To finance public infrastructure improvements within 22012
the downtown redevelopment district. If revenue generated by the 22013
downtown redevelopment district will be used to finance public 22014
infrastructure improvements, the economic development plan 22015
described by division (B) (5) of this section shall identify 22016
specific projects that are being or will be undertaken within 22017

the district and describe how such infrastructure improvements 22018
will accommodate additional demands on the existing 22019
infrastructure within the district. A municipal corporation 22020
shall not use service payments derived from a downtown 22021
redevelopment district to repair or replace police or fire 22022
equipment. 22023

(5) To finance or support loans, deferred loans, or grants 22024
to qualified businesses or to incubators and accelerators that 22025
provide services and capital to qualified businesses within an 22026
innovation district. Such loans or grants shall be awarded upon 22027
the condition that the loan or grant shall be used by the 22028
recipient to start or develop one or more qualified businesses 22029
within the innovation district. A municipal corporation that 22030
awards a loan or grant under this division shall develop a plan 22031
for tracking the loan or grant recipient's use of the loan or 22032
grant and monitoring the establishment and growth of the 22033
qualified business. 22034

(F) Notwithstanding division (B) of this section, 22035
improvements to parcels located within a downtown redevelopment 22036
district may be exempted from taxation under this section for up 22037
to thirty years if either of the following apply: 22038

(1) The ordinance creating the redevelopment district 22039
specifies that payments in lieu of taxes shall be paid to the 22040
city, local, or exempted village, and joint vocational school 22041
district or districts in which the redevelopment district is 22042
located in the amount of the taxes that would have been payable 22043
to the school district or districts if the improvements had not 22044
been exempted from taxation. 22045

(2) The municipal corporation creating the district 22046
obtains the approval under division (G) of this section of the 22047

board of education of each city, local, and exempted village 22048
school district within which the district will be located. 22049

(G) (1) The legislative authority of a municipal 22050
corporation seeking the approval of a school district for the 22051
purpose of division (G) (2) of this section shall send notice of 22052
the proposed ordinance to the school district not later than 22053
forty-five business days before it intends to adopt the 22054
ordinance. The notice shall include a copy of the proposed 22055
ordinance and shall indicate the date on which the legislative 22056
authority intends to adopt the ordinance. The board of education 22057
of the school district, by resolution adopted by a majority of 22058
the board, may do any of the following: 22059

(a) Approve the exemption for the number of years 22060
specified in the proposed ordinance; 22061

(b) Disapprove the exemption for the number of years in 22062
excess of ten; 22063

(c) Approve the exemption on the condition that the 22064
legislative authority and the board negotiate an agreement 22065
providing for compensation to the school district equal in value 22066
to a percentage of the amount of taxes exempted in the eleventh 22067
and subsequent years of the exemption period or other mutually 22068
agreeable compensation. If an agreement is negotiated under this 22069
division, the legislative authority shall compensate all joint 22070
vocational school districts within which the downtown 22071
redevelopment district is located at the same rate and under the 22072
same terms received by the city, local, or exempted village 22073
school district. 22074

(2) The board of education shall certify a resolution 22075
adopted under division (G) (1) of this section to the legislative 22076

authority of the municipal corporation not later than fourteen 22077
days before the date the legislative authority intends to adopt 22078
the ordinance as indicated in the notice. If the board of 22079
education approves the ordinance or negotiates a mutually 22080
acceptable compensation agreement with the legislative 22081
authority, the legislative authority may enact the ordinance in 22082
its current form. If the board disapproves of the ordinance and 22083
fails to negotiate a mutually acceptable compensation agreement 22084
with the legislative authority, the legislative authority may 22085
exempt improvements to parcels within the downtown redevelopment 22086
district for not more than ten years. If the board fails to 22087
certify a resolution to the legislative authority within the 22088
time prescribed by this division, the legislative authority may 22089
adopt the ordinance and may exempt improvements to parcels 22090
within the downtown redevelopment district for the period of 22091
time specified in the notice delivered to the board of 22092
education. The legislative authority may adopt the ordinance at 22093
any time after the board of education certifies its resolution 22094
approving the exemption to the legislative authority or, if the 22095
board approves the exemption on the condition that a mutually 22096
acceptable compensation agreement be negotiated, at any time 22097
after the compensation agreement is agreed to by the board and 22098
the legislative authority. 22099

(3) If a board of education has adopted a resolution 22100
waiving its right to approve exemptions from taxation under this 22101
section and the resolution remains in effect, approval of 22102
exemptions by the board is not required under division (G) of 22103
this section. If a board of education has adopted a resolution 22104
allowing a legislative authority to deliver the notice required 22105
under division (G)(1) of this section fewer than forty-five 22106
business days before the legislative authority's adoption of the 22107

ordinance, the legislative authority shall deliver the notice to 22108
the board not later than the number of days before such adoption 22109
as prescribed by the board in its resolution. If a board of 22110
education adopts a resolution waiving its right to approve 22111
agreements or shortening the notification period, the board 22112
shall certify a copy of the resolution to the legislative 22113
authority. If the board of education rescinds such a resolution, 22114
it shall certify notice of the rescission to the legislative 22115
authority. 22116

(4) If the legislative authority is not required by 22117
division (G) of this section to notify the board of education of 22118
the legislative authority's intent to create a downtown 22119
redevelopment district, the legislative authority shall comply 22120
with the notice requirements imposed under section 5709.83 of 22121
the Revised Code, unless the board has adopted a resolution 22122
under that section waiving its right to receive such a notice. 22123

(H) Service payments in lieu of taxes that are 22124
attributable to any amount by which the effective tax rate of 22125
either a renewal levy with an increase or a replacement levy 22126
exceeds the effective tax rate of the levy renewed or replaced, 22127
or that are attributable to an additional levy, for a levy 22128
authorized by the voters for any of the following purposes on or 22129
after January 1, 2006, and which are provided pursuant to an 22130
ordinance creating a downtown redevelopment district under 22131
division (B) of this section shall be distributed to the 22132
appropriate taxing authority as required under division (C) of 22133
section 5709.46 of the Revised Code in an amount equal to the 22134
amount of taxes from that additional levy or from the increase 22135
in the effective tax rate of such renewal or replacement levy 22136
that would have been payable to that taxing authority from the 22137
following levies were it not for the exemption authorized under 22138

division (B) of this section:	22139
(1) A tax levied under division (L) of section 5705.19 or	22140
section 5705.191 of the Revised Code for community mental	22141
retardation and developmental disabilities programs and services	22142
pursuant to Chapter 5126. of the Revised Code;	22143
(2) A tax levied under division (Y) of section 5705.19 of	22144
the Revised Code for providing or maintaining senior citizens	22145
services or facilities;	22146
(3) A tax levied under section 5705.22 of the Revised Code	22147
for county hospitals;	22148
(4) A tax levied by a joint-county district or by a county	22149
under section 5705.19, 5705.191, or 5705.221 of the Revised Code	22150
for alcohol, drug addiction, and mental health services or	22151
facilities;	22152
(5) A tax levied under section 5705.23 of the Revised Code	22153
for library purposes;	22154
(6) A tax levied under section 5705.24 of the Revised Code	22155
for the support of children services and the placement and care	22156
of children;	22157
(7) A tax levied under division (Z) of section 5705.19 of	22158
the Revised Code for the provision and maintenance of zoological	22159
park services and facilities under section 307.76 of the Revised	22160
Code;	22161
(8) A tax levied under section 511.27 or division (H) of	22162
section 5705.19 of the Revised Code for the support of township	22163
park districts;	22164
(9) A tax levied under division (A), (F), or (H) of	22165
section 5705.19 of the Revised Code for parks and recreational	22166

purposes of a joint recreation district organized pursuant to 22167
division (B) of section 755.14 of the Revised Code; 22168

(10) A tax levied under section 1545.20 or 1545.21 of the 22169
Revised Code for park district purposes; 22170

(11) A tax levied under section 5705.191 of the Revised 22171
Code for the purpose of making appropriations for public 22172
assistance; human or social services; public relief; public 22173
welfare; public health and hospitalization; and support of 22174
general hospitals; 22175

(12) A tax levied under section 3709.29 of the Revised 22176
Code for a general health district program. 22177

(I) An exemption from taxation granted under this section 22178
commences with the tax year specified in the ordinance so long 22179
as the year specified in the ordinance commences after the 22180
effective date of the ordinance. If the ordinance specifies a 22181
year commencing before the effective date of the ordinance or 22182
specifies no year whatsoever, the exemption commences with the 22183
tax year in which an exempted improvement first appears on the 22184
tax list and that commences after the effective date of the 22185
ordinance. In lieu of stating a specific year, the ordinance may 22186
provide that the exemption commences in the tax year in which 22187
the value of an improvement exceeds a specified amount or in 22188
which the construction of one or more improvements is completed, 22189
provided that such tax year commences after the effective date 22190
of the ordinance. 22191

Except as otherwise provided in this division, the 22192
exemption ends on the date specified in the ordinance as the 22193
date the improvement ceases to be a public purpose or the 22194
downtown redevelopment district expires, whichever occurs first. 22195

The exemption of an improvement within a downtown redevelopment district may end on a later date, as specified in the ordinance, if the legislative authority and the board of education of the city, local, or exempted village school district within which the parcel or district is located have entered into a compensation agreement under section 5709.82 of the Revised Code with respect to the improvement, and the board of education has approved the term of the exemption under division (G) of this section, but in no case shall the improvement be exempted from taxation for more than thirty years. Exemptions shall be claimed and allowed in the same manner as in the case of other real property exemptions. If an exemption status changes during a year, the procedure for the apportionment of the taxes for that year is the same as in the case of other changes in tax exemption status during the year.

(J) Additional municipal financing of the projects and services described in division (E) of this section may be provided by any methods that the municipal corporation may otherwise use for financing such projects and services. If the municipal corporation issues bonds or notes to finance such projects and services and pledges money from the municipal downtown redevelopment district fund to pay the interest on and principal of the bonds or notes, the bonds or notes are not subject to Chapter 133. of the Revised Code.

(K) The municipal corporation, not later than fifteen days after the adoption of an ordinance under this section, shall submit to the director of development services a copy of the ordinance. On or before the thirty-first day of March of each year, the municipal corporation shall submit a status report to the director of development services. The report shall indicate, in the manner prescribed by the director, the progress of the

projects and services during each year that an exemption remains 22227
in effect, including a summary of the receipts from service 22228
payments in lieu of taxes; expenditures of money from the funds 22229
created under section 5709.47 of the Revised Code; a description 22230
of the projects and services financed with such expenditures; 22231
and a quantitative summary of changes in employment and private 22232
investment resulting from each project and service. 22233

(L) Nothing in this section shall be construed to prohibit 22234
a legislative authority from declaring to be a public purpose 22235
improvements with respect to more than one parcel. 22236

(M) (1) The owner of real property located in a downtown 22237
redevelopment district may enter into an agreement with the 22238
municipal corporation that created the district to impose a 22239
redevelopment charge on the property to cover all or part of the 22240
cost of services, facilities, and improvements provided within 22241
the district under division (E) of this section. The agreement 22242
shall include the following: 22243

(a) The amount of the redevelopment charge. The 22244
redevelopment charge may be a fixed dollar amount or an amount 22245
determined on the basis of the assessed valuation of the 22246
property or all or part of the profits, gross receipts, or other 22247
revenues of a business operating on the property, including 22248
rentals received from leases of the property. If the property is 22249
leased to one or more tenants, the redevelopment charge may be 22250
itemized as part of the lease rate. 22251

(b) The termination date of the redevelopment charge. The 22252
redevelopment charge shall not be charged after the expiration 22253
or termination of the downtown redevelopment district. 22254

(c) The terms by which the municipal corporation shall 22255

collect the redevelopment charge. 22256

(d) The purposes for which the redevelopment charge may be 22257
used by the municipal corporation. The redevelopment charge 22258
shall be used only for those purposes described by division (E) 22259
of this section. The agreement may specify any or all of such 22260
purposes. 22261

(2) Redevelopment charges collected by a municipal 22262
corporation under division (M) of this section shall be 22263
deposited to the municipal downtown redevelopment district fund 22264
created under section 5709.47 of the Revised Code. 22265

(3) An agreement by a property owner under division (M) of 22266
this section is hereby deemed to be a covenant running with the 22267
land. The covenant is fully binding on behalf of and enforceable 22268
by the municipal corporation against any person acquiring an 22269
interest in the land and all of that person's successors and 22270
assigns. 22271

(4) No purchase agreement for real estate or any interest 22272
in real estate upon which a redevelopment charge is levied shall 22273
be enforceable by the seller or binding upon the purchaser 22274
unless the purchase agreement specifically refers to the 22275
redevelopment charge. If a conveyance of such real estate or 22276
interest in such real estate is made pursuant to a purchase 22277
agreement that does not make such reference, the redevelopment 22278
charge shall continue to be a covenant running with the land 22279
fully binding on behalf of and enforceable by the municipal 22280
corporation against the person accepting the conveyance pursuant 22281
to the purchase agreement. 22282

(5) If a redevelopment charge is not paid when due, the 22283
overdue amount shall be collected according to the terms of the 22284

agreement. If the agreement does not specify a procedure for 22285
collecting overdue redevelopment charges, the municipal 22286
corporation may certify the charge to the county auditor. The 22287
county auditor shall enter the unpaid charge on the tax list and 22288
duplicate of real property opposite the parcel against which it 22289
is charged and certify the charge to the county treasurer. The 22290
unpaid redevelopment charge is a lien on property against which 22291
it is charged from the date the charge is entered on the tax 22292
list, and shall be collected in the manner provided for the 22293
collection of real property taxes. Once the charge is collected, 22294
it shall be paid immediately to the municipal corporation. 22295

Sec. 5733.04. As used in this chapter: 22296

(A) "Issued and outstanding shares of stock" applies to 22297
nonprofit corporations, as provided in section 5733.01 of the 22298
Revised Code, and includes, but is not limited to, membership 22299
certificates and other instruments evidencing ownership of an 22300
interest in such nonprofit corporations, and with respect to a 22301
financial institution that does not have capital stock, "issued 22302
and outstanding shares of stock" includes, but is not limited 22303
to, ownership interests of depositors in the capital employed in 22304
such an institution. 22305

(B) "Taxpayer" means a corporation subject to the tax 22306
imposed by section 5733.06 of the Revised Code. 22307

(C) "Resident" means a corporation organized under the 22308
laws of this state. 22309

(D) "Commercial domicile" means the principal place from 22310
which the trade or business of the taxpayer is directed or 22311
managed. 22312

(E) "Taxable year" means the period prescribed by division 22313

(A) of section 5733.031 of the Revised Code upon the net income 22314
of which the value of the taxpayer's issued and outstanding 22315
shares of stock is determined under division (B) of section 22316
5733.05 of the Revised Code or the period prescribed by division 22317
(A) of section 5733.031 of the Revised Code that immediately 22318
precedes the date as of which the total value of the corporation 22319
is determined under division (A) or (C) of section 5733.05 of 22320
the Revised Code. 22321

(F) "Tax year" means the calendar year in and for which 22322
the tax imposed by section 5733.06 of the Revised Code is 22323
required to be paid. 22324

(G) "Internal Revenue Code" means the "Internal Revenue 22325
Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 22326

(H) "Federal income tax" means the income tax imposed by 22327
the Internal Revenue Code. 22328

(I) Except as provided in section 5733.058 of the Revised 22329
Code, "net income" means the taxpayer's taxable income before 22330
operating loss deduction and special deductions, as required to 22331
be reported for the taxpayer's taxable year under the Internal 22332
Revenue Code, subject to the following adjustments: 22333

(1) (a) Deduct any net operating loss incurred in any 22334
taxable years ending in 1971 or thereafter, but exclusive of any 22335
net operating loss incurred in taxable years ending prior to 22336
January 1, 1971. This deduction shall not be allowed in any tax 22337
year commencing before December 31, 1973, but shall be carried 22338
over and allowed in tax years commencing after December 31, 22339
1973, until fully utilized in the next succeeding taxable year 22340
or years in which the taxpayer has net income, but in no case 22341
for more than the designated carryover period as described in 22342

division (I) (1) (b) of this section. The amount of such net 22343
operating loss, as determined under the allocation and 22344
apportionment provisions of section 5733.051 and division (B) of 22345
section 5733.05 of the Revised Code for the year in which the 22346
net operating loss occurs, shall be deducted from net income, as 22347
determined under the allocation and apportionment provisions of 22348
section 5733.051 and division (B) of section 5733.05 of the 22349
Revised Code, to the extent necessary to reduce net income to 22350
zero with the remaining unused portion of the deduction, if any, 22351
carried forward to the remaining years of the designated 22352
carryover period as described in division (I) (1) (b) of this 22353
section, or until fully utilized, whichever occurs first. 22354

(b) For losses incurred in taxable years ending on or 22355
before December 31, 1981, the designated carryover period shall 22356
be the five consecutive taxable years after the taxable year in 22357
which the net operating loss occurred. For losses incurred in 22358
taxable years ending on or after January 1, 1982, and beginning 22359
before August 6, 1997, the designated carryover period shall be 22360
the fifteen consecutive taxable years after the taxable year in 22361
which the net operating loss occurs. For losses incurred in 22362
taxable years beginning on or after August 6, 1997, the 22363
designated carryover period shall be the twenty consecutive 22364
taxable years after the taxable year in which the net operating 22365
loss occurs. 22366

(c) The tax commissioner may require a taxpayer to furnish 22367
any information necessary to support a claim for deduction under 22368
division (I) (1) (a) of this section and no deduction shall be 22369
allowed unless the information is furnished. 22370

(2) Deduct any amount included in net income by 22371
application of section 78 or 951 of the Internal Revenue Code, 22372

amounts received for royalties, technical or other services 22373
derived from sources outside the United States, and dividends 22374
received from a subsidiary, associate, or affiliated corporation 22375
that neither transacts any substantial portion of its business 22376
nor regularly maintains any substantial portion of its assets 22377
within the United States. For purposes of determining net 22378
foreign source income deductible under division (I) (2) of this 22379
section, the amount of gross income from all such sources other 22380
than dividend income and income derived by application of 22381
section 78 or 951 of the Internal Revenue Code shall be reduced 22382
by: 22383

(a) The amount of any reimbursed expenses for personal 22384
services performed by employees of the taxpayer for the 22385
subsidiary, associate, or affiliated corporation; 22386

(b) Ten per cent of the amount of royalty income and 22387
technical assistance fees; 22388

(c) Fifteen per cent of the amount of all other income. 22389

The amounts described in divisions (I) (2) (a) to (c) of 22390
this section are deemed to be the expenses attributable to the 22391
production of deductible foreign source income unless the 22392
taxpayer shows, by clear and convincing evidence, less actual 22393
expenses, or the tax commissioner shows, by clear and convincing 22394
evidence, more actual expenses. 22395

(3) Add any loss or deduct any gain resulting from the 22396
sale, exchange, or other disposition of a capital asset, or an 22397
asset described in section 1231 of the Internal Revenue Code, to 22398
the extent that such loss or gain occurred prior to the first 22399
taxable year on which the tax provided for in section 5733.06 of 22400
the Revised Code is computed on the corporation's net income. 22401

For purposes of division (I) (3) of this section, the amount of 22402
the prior loss or gain shall be measured by the difference 22403
between the original cost or other basis of the asset and the 22404
fair market value as of the beginning of the first taxable year 22405
on which the tax provided for in section 5733.06 of the Revised 22406
Code is computed on the corporation's net income. At the option 22407
of the taxpayer, the amount of the prior loss or gain may be a 22408
percentage of the gain or loss, which percentage shall be 22409
determined by multiplying the gain or loss by a fraction, the 22410
numerator of which is the number of months from the acquisition 22411
of the asset to the beginning of the first taxable year on which 22412
the fee provided in section 5733.06 of the Revised Code is 22413
computed on the corporation's net income, and the denominator of 22414
which is the number of months from the acquisition of the asset 22415
to the sale, exchange, or other disposition of the asset. The 22416
adjustments described in this division do not apply to any gain 22417
or loss where the gain or loss is recognized by a qualifying 22418
taxpayer, as defined in section 5733.0510 of the Revised Code, 22419
with respect to a qualifying taxable event, as defined in that 22420
section. 22421

(4) Deduct the dividend received deduction provided by 22422
section 243 of the Internal Revenue Code. 22423

(5) Deduct any interest or interest equivalent on public 22424
obligations and purchase obligations to the extent included in 22425
federal taxable income. As used in divisions (I) (5) and (6) of 22426
this section, "public obligations," "purchase obligations," and 22427
"interest or interest equivalent" have the same meanings as in 22428
section 5709.76 of the Revised Code. 22429

(6) Add any loss or deduct any gain resulting from the 22430
sale, exchange, or other disposition of public obligations to 22431

the extent included in federal taxable income. 22432

(7) To the extent not otherwise allowed, deduct any 22433
dividends or distributions received by a taxpayer from a public 22434
utility, excluding an electric company and a combined company, 22435
and, for tax years 2005 and thereafter, a telephone company, if 22436
the taxpayer owns at least eighty per cent of the issued and 22437
outstanding common stock of the public utility. As used in 22438
division (I)(7) of this section, "public utility" means a public 22439
utility as defined in Chapter 5727. of the Revised Code, whether 22440
or not the public utility is doing business in the state. 22441

(8) To the extent not otherwise allowed, deduct any 22442
dividends received by a taxpayer from an insurance company, if 22443
the taxpayer owns at least eighty per cent of the issued and 22444
outstanding common stock of the insurance company. As used in 22445
division (I)(8) of this section, "insurance company" means an 22446
insurance company that is taxable under Chapter 5725. or 5729. 22447
of the Revised Code. 22448

(9) Deduct expenditures for modifying existing buildings 22449
or structures to meet American national standards institute 22450
standard A-117.1-1961 (R-1971), as amended; provided, that no 22451
deduction shall be allowed to the extent that such deduction is 22452
not permitted under federal law or under rules of the tax 22453
commissioner. Those deductions as are allowed may be taken over 22454
a period of five years. The tax commissioner shall adopt rules 22455
under Chapter 119. of the Revised Code establishing reasonable 22456
limitations on the extent that expenditures for modifying 22457
existing buildings or structures are attributable to the purpose 22458
of making the buildings or structures accessible to and usable 22459
by ~~physically handicapped~~ persons with physical disabilities. 22460

(10) Deduct the amount of wages and salaries, if any, not 22461

otherwise allowable as a deduction but that would have been 22462
allowable as a deduction in computing federal taxable income 22463
before operating loss deduction and special deductions for the 22464
taxable year, had the targeted jobs credit allowed and 22465
determined under sections 38, 51, and 52 of the Internal Revenue 22466
Code not been in effect. 22467

(11) Deduct net interest income on obligations of the 22468
United States and its territories and possessions or of any 22469
authority, commission, or instrumentality of the United States 22470
to the extent the laws of the United States prohibit inclusion 22471
of the net interest for purposes of determining the value of the 22472
taxpayer's issued and outstanding shares of stock under division 22473
(B) of section 5733.05 of the Revised Code. As used in division 22474
(I) (11) of this section, "net interest" means interest net of 22475
any expenses taken on the federal income tax return that would 22476
not have been allowed under section 265 of the Internal Revenue 22477
Code if the interest were exempt from federal income tax. 22478

(12) (a) Except as set forth in division (I) (12) (d) of this 22479
section, to the extent not included in computing the taxpayer's 22480
federal taxable income before operating loss deduction and 22481
special deductions, add gains and deduct losses from direct or 22482
indirect sales, exchanges, or other dispositions, made by a 22483
related entity who is not a taxpayer, of the taxpayer's 22484
indirect, beneficial, or constructive investment in the stock or 22485
debt of another entity, unless the gain or loss has been 22486
included in computing the federal taxable income before 22487
operating loss deduction and special deductions of another 22488
taxpayer with a more closely related investment in the stock or 22489
debt of the other entity. The amount of gain added or loss 22490
deducted shall not exceed the product obtained by multiplying 22491
such gain or loss by the taxpayer's proportionate share, 22492

directly, indirectly, beneficially, or constructively, of the 22493
outstanding stock of the related entity immediately prior to the 22494
direct or indirect sale, exchange, or other disposition. 22495

(b) Except as set forth in division (I)(12)(e) of this 22496
section, to the extent not included in computing the taxpayer's 22497
federal taxable income before operating loss deduction and 22498
special deductions, add gains and deduct losses from direct or 22499
indirect sales, exchanges, or other dispositions made by a 22500
related entity who is not a taxpayer, of intangible property 22501
other than stock, securities, and debt, if such property was 22502
owned, or used in whole or in part, at any time prior to or at 22503
the time of the sale, exchange, or disposition by either the 22504
taxpayer or by a related entity that was a taxpayer at any time 22505
during the related entity's ownership or use of such property, 22506
unless the gain or loss has been included in computing the 22507
federal taxable income before operating loss deduction and 22508
special deductions of another taxpayer with a more closely 22509
related ownership or use of such intangible property. The amount 22510
of gain added or loss deducted shall not exceed the product 22511
obtained by multiplying such gain or loss by the taxpayer's 22512
proportionate share, directly, indirectly, beneficially, or 22513
constructively, of the outstanding stock of the related entity 22514
immediately prior to the direct or indirect sale, exchange, or 22515
other disposition. 22516

(c) As used in division (I)(12) of this section, "related 22517
entity" means those entities described in divisions (I)(12)(c) 22518
(i) to (iii) of this section: 22519

(i) An individual stockholder, or a member of the 22520
stockholder's family enumerated in section 318 of the Internal 22521
Revenue Code, if the stockholder and the members of the 22522

stockholder's family own, directly, indirectly, beneficially, or 22523
constructively, in the aggregate, at least fifty per cent of the 22524
value of the taxpayer's outstanding stock; 22525

(ii) A stockholder, or a stockholder's partnership, 22526
estate, trust, or corporation, if the stockholder and the 22527
stockholder's partnerships, estates, trusts, and corporations 22528
own directly, indirectly, beneficially, or constructively, in 22529
the aggregate, at least fifty per cent of the value of the 22530
taxpayer's outstanding stock; 22531

(iii) A corporation, or a party related to the corporation 22532
in a manner that would require an attribution of stock from the 22533
corporation to the party or from the party to the corporation 22534
under division (I) (12) (c) (iv) of this section, if the taxpayer 22535
owns, directly, indirectly, beneficially, or constructively, at 22536
least fifty per cent of the value of the corporation's 22537
outstanding stock. 22538

(iv) The attribution rules of section 318 of the Internal 22539
Revenue Code apply for purposes of determining whether the 22540
ownership requirements in divisions (I) (12) (c) (i) to (iii) of 22541
this section have been met. 22542

(d) For purposes of the adjustments required by division 22543
(I) (12) (a) of this section, the term "investment in the stock or 22544
debt of another entity" means only those investments where the 22545
taxpayer and the taxpayer's related entities directly, 22546
indirectly, beneficially, or constructively own, in the 22547
aggregate, at any time during the twenty-four month period 22548
commencing one year prior to the direct or indirect sale, 22549
exchange, or other disposition of such investment at least fifty 22550
per cent or more of the value of either the outstanding stock or 22551
such debt of such other entity. 22552

(e) For purposes of the adjustments required by division	22553
(I) (12) (b) of this section, the term "related entity" excludes	22554
all of the following:	22555
(i) Foreign corporations as defined in section 7701 of the	22556
Internal Revenue Code;	22557
(ii) Foreign partnerships as defined in section 7701 of	22558
the Internal Revenue Code;	22559
(iii) Corporations, partnerships, estates, and trusts	22560
created or organized in or under the laws of the Commonwealth of	22561
Puerto Rico or any possession of the United States;	22562
(iv) Foreign estates and foreign trusts as defined in	22563
section 7701 of the Internal Revenue Code.	22564
The exclusions described in divisions (I) (12) (e) (i) to	22565
(iv) of this section do not apply if the corporation,	22566
partnership, estate, or trust is described in any one of	22567
divisions (C) (1) to (5) of section 5733.042 of the Revised Code.	22568
(f) Nothing in division (I) (12) of this section shall	22569
require or permit a taxpayer to add any gains or deduct any	22570
losses described in divisions (I) (12) (f) (i) and (ii) of this	22571
section:	22572
(i) Gains or losses recognized for federal income tax	22573
purposes by an individual, estate, or trust without regard to	22574
the attribution rules described in division (I) (12) (c) of this	22575
section;	22576
(ii) A related entity's gains or losses described in	22577
division (I) (12) (b) of this section if the taxpayer's ownership	22578
of or use of such intangible property was limited to a period	22579
not exceeding nine months and was attributable to a transaction	22580

or a series of transactions executed in accordance with the 22581
election or elections made by the taxpayer or a related entity 22582
pursuant to section 338 of the Internal Revenue Code. 22583

(13) Any adjustment required by section 5733.042 of the 22584
Revised Code. 22585

(14) Add any amount claimed as a credit under section 22586
5733.0611 of the Revised Code to the extent that such amount 22587
satisfies either of the following: 22588

(a) It was deducted or excluded from the computation of 22589
the corporation's taxable income before operating loss deduction 22590
and special deductions as required to be reported for the 22591
corporation's taxable year under the Internal Revenue Code; 22592

(b) It resulted in a reduction of the corporation's 22593
taxable income before operating loss deduction and special 22594
deductions as required to be reported for any of the 22595
corporation's taxable years under the Internal Revenue Code. 22596

(15) Deduct the amount contributed by the taxpayer to an 22597
individual development account program established by a county 22598
department of job and family services pursuant to sections 22599
329.11 to 329.14 of the Revised Code for the purpose of matching 22600
funds deposited by program participants. On request of the tax 22601
commissioner, the taxpayer shall provide any information that, 22602
in the tax commissioner's opinion, is necessary to establish the 22603
amount deducted under division (I) (15) of this section. 22604

(16) Any adjustment required by section 5733.0510 or 22605
5733.0511 of the Revised Code. 22606

(17) (a) (i) Add five-sixths of the amount of depreciation 22607
expense allowed under subsection (k) of section 168 of the 22608
Internal Revenue Code, including a person's proportionate or 22609

distributive share of the amount of depreciation expense allowed 22610
by that subsection to any pass-through entity in which the 22611
person has direct or indirect ownership. 22612

(ii) Add five-sixths of the amount of qualifying section 22613
179 depreciation expense, including a person's proportionate or 22614
distributive share of the amount of qualifying section 179 22615
depreciation expense allowed to any pass-through entity in which 22616
the person has a direct or indirect ownership. For the purposes 22617
of this division, "qualifying section 179 depreciation expense" 22618
means the difference between (I) the amount of depreciation 22619
expense directly or indirectly allowed to the taxpayer under 22620
section 179 of the Internal Revenue Code, and (II) the amount of 22621
depreciation expense directly or indirectly allowed to the 22622
taxpayer under section 179 of the Internal Revenue Code as that 22623
section existed on December 31, 2002. 22624

The tax commissioner, under procedures established by the 22625
commissioner, may waive the add-backs related to a pass-through 22626
entity if the person owns, directly or indirectly, less than 22627
five per cent of the pass-through entity. 22628

(b) Nothing in division (I) (17) of this section shall be 22629
construed to adjust or modify the adjusted basis of any asset. 22630

(c) To the extent the add-back is attributable to property 22631
generating income or loss allocable under section 5733.051 of 22632
the Revised Code, the add-back shall be allocated to the same 22633
location as the income or loss generated by that property. 22634
Otherwise, the add-back shall be apportioned, subject to 22635
division (B) (2) (d) of section 5733.05 of the Revised Code. 22636

(18) (a) If a person is required to make the add-back under 22637
division (I) (17) (a) of this section for a tax year, the person 22638

shall deduct one-fifth of the amount added back for each of the 22639
succeeding five tax years. 22640

(b) If the amount deducted under division (I) (18) (a) of 22641
this section is attributable to an add-back allocated under 22642
division (I) (17) (c) of this section, the amount deducted shall 22643
be allocated to the same location. Otherwise, the amount shall 22644
be apportioned using the apportionment factors for the taxable 22645
year in which the deduction is taken, subject to division (B) (2) 22646
(d) of section 5733.05 of the Revised Code. 22647

(J) Except as otherwise expressly provided or clearly 22648
appearing from the context, any term used in this chapter has 22649
the same meaning as when used in a comparable context in the 22650
laws of the United States relating to federal income taxes. Any 22651
reference in this chapter to the Internal Revenue Code includes 22652
other laws of the United States relating to federal income 22653
taxes. 22654

(K) "Financial institution" has the meaning given by 22655
section 5725.01 of the Revised Code but does not include a 22656
production credit association as described in 85 Stat. 597, 12 22657
U.S.C.A. 2091. 22658

(L) (1) A "qualifying holding company" is any corporation 22659
satisfying all of the following requirements: 22660

(a) Subject to divisions (L) (2) and (3) of this section, 22661
the net book value of the corporation's intangible assets is 22662
greater than or equal to ninety per cent of the net book value 22663
of all of its assets and at least fifty per cent of the net book 22664
value of all of its assets represents direct or indirect 22665
investments in the equity of, loans and advances to, and 22666
accounts receivable due from related members; 22667

(b) At least ninety per cent of the corporation's gross income for the taxable year is attributable to the following: 22668
22669

(i) The maintenance, management, ownership, acquisition, use, and disposition of its intangible property, its aircraft the use of which is not subject to regulation under 14 C.F.R. part 121 or part 135, and any real property described in division (L) (2) (c) of this section; 22670
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(ii) The collection and distribution of income from such property. 22675
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(c) The corporation is not a financial institution on the last day of the taxable year ending prior to the first day of the tax year; 22677
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(d) The corporation's related members make a good faith and reasonable effort to make timely and fully the adjustments required by division (D) of section 5733.05 of the Revised Code and to pay timely and fully all uncontested taxes, interest, penalties, and other fees and charges imposed under this chapter; 22680
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(e) Subject to division (L) (4) of this section, the corporation elects to be treated as a qualifying holding company for the tax year. 22686
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A corporation otherwise satisfying divisions (L) (1) (a) to (e) of this section that does not elect to be a qualifying holding company is not a qualifying holding company for the purposes of this chapter. 22689
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(2) (a) (i) For purposes of making the ninety per cent computation under division (L) (1) (a) of this section, the net book value of the corporation's assets shall not include the net book value of aircraft or real property described in division 22693
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(L) (1) (b) (i) of this section. 22697

(ii) For purposes of making the fifty per cent computation 22698
under division (L) (1) (a) of this section, the net book value of 22699
assets shall include the net book value of aircraft or real 22700
property described in division (L) (1) (b) (i) of this section. 22701

(b) (i) As used in division (L) of this section, 22702
"intangible asset" includes, but is not limited to, the 22703
corporation's direct interest in each pass-through entity only 22704
if at all times during the corporation's taxable year ending 22705
prior to the first day of the tax year the corporation's and the 22706
corporation's related members' combined direct and indirect 22707
interests in the capital or profits of such pass-through entity 22708
do not exceed fifty per cent. If the corporation's interest in 22709
the pass-through entity is an intangible asset for that taxable 22710
year, then the distributive share of any income from the pass- 22711
through entity shall be income from an intangible asset for that 22712
taxable year. 22713

(ii) If a corporation's and the corporation's related 22714
members' combined direct and indirect interests in the capital 22715
or profits of a pass-through entity exceed fifty per cent at any 22716
time during the corporation's taxable year ending prior to the 22717
first day of the tax year, "intangible asset" does not include 22718
the corporation's direct interest in the pass-through entity, 22719
and the corporation shall include in its assets its 22720
proportionate share of the assets of any such pass-through 22721
entity and shall include in its gross income its distributive 22722
share of the gross income of such pass-through entity in the 22723
same form as was earned by the pass-through entity. 22724

(iii) A pass-through entity's direct or indirect 22725
proportionate share of any other pass-through entity's assets 22726

shall be included for the purpose of computing the corporation's 22727
proportionate share of the pass-through entity's assets under 22728
division (L) (2) (b) (ii) of this section, and such pass-through 22729
entity's distributive share of any other pass-through entity's 22730
gross income shall be included for purposes of computing the 22731
corporation's distributive share of the pass-through entity's 22732
gross income under division (L) (2) (b) (ii) of this section. 22733

(c) For the purposes of divisions (L) (1) (b) (i), (1) (b) 22734
(ii), (2) (a) (i), and (2) (a) (ii) of this section, real property 22735
is described in division (L) (2) (c) of this section only if all 22736
of the following conditions are present at all times during the 22737
taxable year ending prior to the first day of the tax year: 22738

(i) The real property serves as the headquarters of the 22739
corporation's trade or business, or is the place from which the 22740
corporation's trade or business is principally managed or 22741
directed; 22742

(ii) Not more than ten per cent of the value of the real 22743
property and not more than ten per cent of the square footage of 22744
the building or buildings that are part of the real property is 22745
used, made available, or occupied for the purpose of providing, 22746
acquiring, transferring, selling, or disposing of tangible 22747
property or services in the normal course of business to persons 22748
other than related members, the corporation's employees and 22749
their families, and such related members' employees and their 22750
families. 22751

(d) As used in division (L) of this section, "related 22752
member" has the same meaning as in division (A) (6) of section 22753
5733.042 of the Revised Code without regard to division (B) of 22754
that section. 22755

(3) The percentages described in division (L) (1) (a) of this section shall be equal to the quarterly average of those percentages as calculated during the corporation's taxable year ending prior to the first day of the tax year.	22756 22757 22758 22759
(4) With respect to the election described in division (L) (1) (e) of this section:	22760 22761
(a) The election need not accompany a timely filed report;	22762
(b) The election need not accompany the report; rather, the election may accompany a subsequently filed but timely application for refund and timely amended report, or a subsequently filed but timely petition for reassessment;	22763 22764 22765 22766
(c) The election is not irrevocable;	22767
(d) The election applies only to the tax year specified by the corporation;	22768 22769
(e) The corporation's related members comply with division (L) (1) (d) of this section.	22770 22771
Nothing in division (L) (4) of this section shall be construed to extend any statute of limitations set forth in this chapter.	22772 22773 22774
(M) "Qualifying controlled group" means two or more corporations that satisfy the ownership and control requirements of division (A) of section 5733.052 of the Revised Code.	22775 22776 22777
(N) "Limited liability company" means any limited liability company formed under Chapter 1705. or 1706. of the Revised Code or under the laws of any other state.	22778 22779 22780
(O) "Pass-through entity" means a corporation that has made an election under subchapter S of Chapter 1 of Subtitle A	22781 22782

of the Internal Revenue Code for its taxable year under that 22783
code, or a partnership, limited liability company, or any other 22784
person, other than an individual, trust, or estate, if the 22785
partnership, limited liability company, or other person is not 22786
classified for federal income tax purposes as an association 22787
taxed as a corporation. 22788

(P) "Electric company," "combined company," and "telephone 22789
company" have the same meanings as in section 5727.01 of the 22790
Revised Code. 22791

(Q) "Business income" means income arising from 22792
transactions, activities, and sources in the regular course of a 22793
trade or business and includes income from real property, 22794
tangible personal property, and intangible personal property if 22795
the acquisition, rental, management, and disposition of the 22796
property constitute integral parts of the regular course of a 22797
trade or business operation. "Business income" includes income, 22798
including gain or loss, from a partial or complete liquidation 22799
of a business, including, but not limited to, gain or loss from 22800
the sale or other disposition of goodwill. 22801

(R) "Nonbusiness income" means all income other than 22802
business income. 22803

Sec. 5733.56. (A) (1) For tax year 2005, a taxpayer that 22804
provides any telephone service program to aid ~~the~~ 22805
~~communicatively impaired persons with communicative impairments~~ 22806
in accessing the telephone network under section 4905.79 of the 22807
Revised Code is allowed a nonrefundable credit against the tax 22808
imposed by section 5733.06 of the Revised Code. The amount of 22809
the credit is the cost incurred by the taxpayer for providing 22810
the telephone service program during its taxable year, excluding 22811
any costs incurred prior to July 1, 2004. 22812

(2) A taxpayer shall claim the credit under division (A) 22813
(1) of this section in the order required by section 5733.98 of 22814
the Revised Code. If the credit exceeds the total taxes due 22815
under section 5733.06 of the Revised Code for the tax year, 22816
after allowance for any other credits preceding this credit in 22817
the order set forth in section 5733.98 of the Revised Code, the 22818
commissioner shall credit the excess against taxes due under 22819
section 5733.06 of the Revised Code for succeeding tax years 22820
until the full amount of the credit is granted. 22821

(B) For each of tax years 2006, 2007, and 2008, a taxpayer 22822
that provides any telephone service program to aid ~~the~~ 22823
~~communicatively impaired persons with communicative impairments~~ 22824
in accessing the telephone network under section 4905.79 of the 22825
Revised Code is allowed a refundable credit against the tax 22826
imposed by section 5733.06 of the Revised Code. For each tax 22827
year, the amount of the credit is the cost incurred by the 22828
taxpayer during that tax year's taxable year for providing the 22829
telephone service program. No cost incurred with respect to the 22830
credit that is allowable for a tax year shall be considered for 22831
purposes of computing the credit allowable for any other tax 22832
year. 22833

(C) If the tax commissioner ascertains that any credit 22834
claimed pursuant to this section by a taxpayer was not correct, 22835
the commissioner shall ascertain the proper credit. No cost 22836
incurred after December 31, 2007, shall be considered for 22837
purposes of computing any credit allowed by this section. 22838

(D) Nothing in this section authorizes a taxpayer to claim 22839
a credit under this section for any costs incurred in providing 22840
a telephone service program for which it is either claiming a 22841
credit under former section 5727.44 of the Revised Code or 22842

receiving reimbursement for its costs under any other provision of the Revised Code.	22843 22844
Sec. 5733.98. (A) To provide a uniform procedure for calculating the amount of tax imposed by section 5733.06 of the Revised Code that is due under this chapter, a taxpayer shall claim any credits to which it is entitled in the following order, except as otherwise provided in section 5733.058 of the Revised Code:	22845 22846 22847 22848 22849 22850
For tax year 2005, the credit for taxes paid by a qualifying pass-through entity allowed under section 5733.0611 of the Revised Code;	22851 22852 22853
The credit allowed for financial institutions under section 5733.45 of the Revised Code;	22854 22855
The credit for qualifying affiliated groups under section 5733.068 of the Revised Code;	22856 22857
The subsidiary corporation credit under section 5733.067 of the Revised Code;	22858 22859
The credit for recycling and litter prevention donations under section 5733.064 of the Revised Code;	22860 22861
The credit for employers that enter into agreements with child day-care centers under section 5733.36 of the Revised Code;	22862 22863 22864
The credit for employers that reimburse employee child care expenses under section 5733.38 of the Revised Code;	22865 22866
The credit for purchases of lights and reflectors under section 5733.44 of the Revised Code;	22867 22868
The nonrefundable job retention credit under division (B)	22869

of section 5733.0610 of the Revised Code;	22870
The second credit for purchases of new manufacturing machinery and equipment under section 5733.33 of the Revised Code;	22871 22872 22873
The job training credit under section 5733.42 of the Revised Code;	22874 22875
The credit for qualified research expenses under section 5733.351 of the Revised Code;	22876 22877
The enterprise zone credit under section 5709.66 of the Revised Code;	22878 22879
The credit for the eligible costs associated with a voluntary action under section 5733.34 of the Revised Code;	22880 22881
The credit for employers that establish on-site child day-care centers under section 5733.37 of the Revised Code;	22882 22883
The credit for purchases of qualifying grape production property under section 5733.32 of the Revised Code;	22884 22885
The export sales credit under section 5733.069 of the Revised Code;	22886 22887
The enterprise zone credits under section 5709.65 of the Revised Code;	22888 22889
The credit for using Ohio coal under section 5733.39 of the Revised Code;	22890 22891
The credit for purchases of qualified low-income community investments under section 5733.58 of the Revised Code;	22892 22893
The credit for small telephone companies under section 5733.57 of the Revised Code;	22894 22895

The credit for eligible nonrecurring 9-1-1 charges under section 5733.55 of the Revised Code;	22896 22897
For tax year 2005, the credit for providing programs to aid the communicatively impaired persons with communicative <u>impairments</u> under division (A) of section 5733.56 of the Revised Code;	22898 22899 22900 22901
The research and development credit under section 5733.352 of the Revised Code;	22902 22903
For tax years 2006 and subsequent tax years, the credit for taxes paid by a qualifying pass-through entity allowed under section 5733.0611 of the Revised Code;	22904 22905 22906
The refundable credit for rehabilitating a historic building under section 5733.47 of the Revised Code;	22907 22908
The refundable jobs creation credit or job retention credit under division (A) of section 5733.0610 of the Revised Code;	22909 22910 22911
The refundable credit for tax withheld under division (B) (2) of section 5747.062 of the Revised Code;	22912 22913
The refundable credit under section 5733.49 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;	22914 22915 22916
For tax years 2006, 2007, and 2008, the refundable credit allowable under division (B) of section 5733.56 of the Revised Code;	22917 22918 22919
The refundable motion picture and Broadway theatrical production credit under section 5733.59 of the Revised Code.	22920 22921
(B) For any credit except the refundable credits	22922

enumerated in this section, the amount of the credit for a tax 22923
year shall not exceed the tax due after allowing for any other 22924
credit that precedes it in the order required under this 22925
section. Any excess amount of a particular credit may be carried 22926
forward if authorized under the section creating that credit. 22927

Sec. 5747.03. (A) (1) All money collected under this 22928
chapter arising from the taxes imposed by section 5747.02 or 22929
5747.41 of the Revised Code shall be credited to the general 22930
revenue fund and distributed pursuant to division (F) of section 22931
321.24 and section 323.156 of the Revised Code; to make subsidy 22932
payments to institutions of higher education from appropriations 22933
to the department of higher education; to support expenditures 22934
for programs and services for ~~the mentally ill~~ persons with
mental illnesses, persons with developmental disabilities, and 22935
the elderly; for primary and secondary education; for medical 22936
assistance; and for any other purposes authorized by law, 22937
subject to the limitation that at least fifty per cent of the 22938
income tax collected by the state from the tax imposed by 22939
section 5747.02 of the Revised Code shall be returned pursuant 22940
to Section 9 of Article XII, Ohio Constitution. 22941
22942

(2) To ensure that such constitutional requirement is 22943
satisfied the tax commissioner shall, on or before the thirtieth 22944
day of June of each year, from the best information available to 22945
the tax commissioner, determine and certify for each county to 22946
the director of budget and management the amount of taxes 22947
collected under this chapter from the tax imposed under section 22948
5747.02 of the Revised Code during the preceding calendar year 22949
that are required to be returned to the county by Section 9 of 22950
Article XII, Ohio Constitution. The director shall provide for 22951
payment from the general revenue fund to the county in the 22952
amount, if any, that the sum of the amount so certified for that 22953

county exceeds the sum of the following: 22954

(a) The sum of the payments from the general revenue fund 22955
for the preceding calendar year credited to the county's 22956
undivided income tax fund pursuant to division (F) of section 22957
321.24 and section 323.156 of the Revised Code or made directly 22958
from the general revenue fund to political subdivisions located 22959
in the county; 22960

(b) The sum of the amounts from the general revenue fund 22961
distributed in the county during the preceding calendar year for 22962
subsidy payments to institutions of higher education from 22963
appropriations to the department of higher education; for 22964
programs and services for ~~mentally ill persons~~ with mental 22965
illnesses, persons with developmental disabilities, and elderly 22966
persons; for primary and secondary education; and for medical 22967
assistance. 22968

(c) In the case of payments made by the director under 22969
this division in 2007, the total amount distributed to the 22970
county during the preceding calendar year from the local 22971
government fund and the local government revenue assistance 22972
fund, and, in the case of payments made by the director under 22973
this division in subsequent calendar years, the amount 22974
distributed to the county from the local government fund; 22975

(d) In the case of payments made by the director under 22976
this division, the total amount distributed to the county during 22977
the preceding calendar year from the public library fund. 22978

Payments under this division shall be credited to the 22979
county's undivided income tax fund, except that, notwithstanding 22980
section 5705.14 of the Revised Code, such payments may be 22981
transferred by the board of county commissioners to the county 22982

general fund by resolution adopted with the affirmative vote of 22983
two-thirds of the members thereof. 22984

(B) All payments received in each month from taxes imposed 22985
under Chapter 5748. of the Revised Code and any penalties or 22986
interest thereon shall be paid into the school district income 22987
tax fund, which is hereby created in the state treasury, except 22988
that an amount equal to the following portion of such payments 22989
shall be paid into the general school district income tax 22990
administrative fund, which is hereby created in the state 22991
treasury: 22992

(1) One and three-quarters of one per cent of those 22993
received in fiscal year 1996; 22994

(2) One and one-half per cent of those received in fiscal 22995
year 1997 and thereafter. 22996

Money in the school district income tax administrative 22997
fund shall be used by the tax commissioner to defray costs 22998
incurred in administering the school district's income tax, 22999
including the cost of providing employers with information 23000
regarding the rate of tax imposed by any school district. Any 23001
moneys remaining in the fund after such use shall be deposited 23002
in the school district income tax fund. 23003

All interest earned on moneys in the school district 23004
income tax fund shall be credited to the fund. 23005

(C) (1) (a) Within thirty days of the end of each calendar 23006
quarter ending on the last day of March, June, September, and 23007
December, the director of budget and management shall make a 23008
payment from the school district income tax fund to each school 23009
district for which school district income tax revenue was 23010
received during that quarter. The amount of the payment shall 23011

equal the balance in the school district's account at the end of 23012
that quarter. 23013

(b) After a school district ceases to levy an income tax, 23014
the director of budget and management shall adjust the payments 23015
under division (C)(1)(a) of this section to retain sufficient 23016
money in the school district's account to pay refunds. For the 23017
calendar quarters ending on the last day of March and December 23018
of the calendar year following the last calendar year the tax is 23019
levied, the director shall make the payments in the amount 23020
required under division (C)(1)(a) of this section. For the 23021
calendar quarter ending on the last day of June of the calendar 23022
year following the last calendar year the tax is levied, the 23023
director shall make a payment equal to nine-tenths of the 23024
balance in the account at the end of that quarter. For the 23025
calendar quarter ending on the last day of September of the 23026
calendar year following the last calendar year the tax is 23027
levied, the director shall make no payment. For the second and 23028
succeeding calendar years following the last calendar year the 23029
tax is levied, the director shall make one payment each year, 23030
within thirty days of the last day of June, in an amount equal 23031
to the balance in the district's account on the last day of 23032
June. 23033

(2) Moneys paid to a school district under this division 23034
shall be deposited in its school district income tax fund. All 23035
interest earned on moneys in the school district income tax fund 23036
shall be apportioned by the tax commissioner pro rata among the 23037
school districts in the proportions and at the times the 23038
districts are entitled to receive payments under this division. 23039

Sec. 5905.02. Whenever it appears that a person is 23040
eligible for care or treatment by the veterans' administration 23041

or other agency of the United States, and hospitalization is 23042
necessary for the proper care or treatment of such person, the 23043
probate court, upon receipt of a certificate from the veterans' 23044
administration or such other agency showing that facilities are 23045
available and such person is eligible for care or treatment 23046
therein, may order such person to said veterans' administration 23047
or other agency for care and treatment. 23048

Upon admission, such person shall be subject to the 23049
applicable regulations of the veterans' administration or other 23050
agency of the United States. The chief officer of any hospital 23051
to which any person is admitted pursuant to hospitalization as 23052
provided in sections 5905.01 to 5905.19 of the Revised Code, or 23053
under the law in effect at the time of such admission, shall 23054
have the same powers as are exercised by heads of hospitals for 23055
mental diseases and the department of mental health and 23056
addiction services with respect to the retention, transfer, 23057
parole, or discharge of the person hospitalized; provided no 23058
person shall be transferred to a hospital operated by the state 23059
or any political subdivision thereof without the consent of such 23060
department. 23061

The right of such person to appear and defend shall not be 23062
denied. 23063

The judgment or order of hospitalization by a court of 23064
competent jurisdiction of another state ordering a person to the 23065
veterans' administration or other agency of the United States, 23066
or any hospital operated by any such agency, for care or 23067
treatment shall have the same effect as to such person while in 23068
this state as in the state in which the court entering such 23069
judgment or making such order is situated, provided that no 23070
nonresident ordered to a veterans' administration facility 23071

located in Ohio shall thereby acquire a legal settlement in 23072
Ohio. 23073

Upon receipt of a certificate that facilities are 23074
available in any such hospital operated by the United States for 23075
the care or treatment of any person ordered to any hospital for 23076
~~the mentally ill persons with mental illnesses~~ or other hospital 23077
in this state for the care of persons similarly afflicted, and 23078
that such person is eligible for such care or treatment, such 23079
department may transfer any such person to the veterans' 23080
administration or other agency of the United States in the 23081
state. Upon effecting any such transfer, the ordering court 23082
shall be notified thereof by the transferring agency; provided 23083
that no such person shall be transferred if the person is 23084
confined pursuant to conviction of any crime or misdemeanor, or 23085
if the person has been acquitted of any such charge solely on 23086
the ground of insanity, unless prior to such transfer the court 23087
originally ordering such person enters an order for such 23088
transfer after appropriate motion and hearing. 23089

Any person transferred as provided in this section is 23090
ordered to the veterans' administration or other agency of the 23091
United States pursuant to the original order as though the 23092
person had been originally so ordered. 23093

Sec. 5907.06. (A) A ~~mentally ill person with a mental~~ 23094
illness subject to court order whose mental condition causes the 23095
person to be dangerous to the community shall not be admitted to 23096
a veterans' home. If a ~~mentally ill person with a mental illness~~ 23097
subject to court order, through misrepresentation as to the 23098
person's condition, is sent to a home, the person shall be 23099
returned to, and the expense of the return shall be borne by, 23100
the county from which the person came. 23101

(B) As used in this section, "~~mentally ill~~ person with a mental illness subject to court order" has the same meaning as in section 5122.01 of the Revised Code. 23102
23103
23104

Sec. 5907.09. (A) When the affidavit referred to in 23105
section 5907.08 of the Revised Code is filed, the probate judge 23106
shall forthwith determine whether the resident is a ~~mentally ill~~ 23107
person with a mental illness subject to court order. Insofar as 23108
applicable, the laws governing in cases of admission to a state 23109
hospital for persons with mental illness shall apply. The 23110
probate judge shall have the same authority, and may receive and 23111
order paid the same fees and costs, as the probate judge would 23112
have in the county in which the veteran was a resident at the 23113
time of entering the veterans' home. 23114

(B) As used in this section, "~~mentally ill~~ person with a mental illness subject to court order" has the same meaning as in section 5122.01 of the Revised Code. 23115
23116
23117

Sec. 5924.115. Any person subject to this code who for the 23118
purpose of avoiding work, duty, or service in the organized 23119
militia does either of the following shall be punished as a 23120
court-martial may direct: 23121

(A) Feigns physical or mental illness, physical 23122
disablement, or mental lapse, ~~or derangement;~~ 23123

(B) Intentionally inflicts self-injury. 23124

Sec. 5924.503. (A) If the issue of an accused's competence 23125
to stand trial is raised and if the court, upon conducting the 23126
hearing provided for in section 5924.502 of the Revised Code, 23127
finds that the accused is competent to stand trial, the accused 23128
shall be proceeded against as provided by law. If the court 23129
finds the accused competent to stand trial and the accused is 23130

receiving psychotropic drugs or other medication, the court may 23131
authorize the continued administration of the drugs or 23132
medication or other appropriate treatment in order to maintain 23133
the accused's competence to stand trial unless the accused's 23134
attending physician advises the court against continuation of 23135
the drugs, other medication, or treatment. 23136

(B) (1) (a) If, after taking into consideration all relevant 23137
reports, information, and other evidence, the court finds that 23138
the accused is incompetent to stand trial and that there is a 23139
substantial probability that the accused will become competent 23140
to stand trial within one year if the accused is provided with a 23141
course of treatment, the court shall order the accused to 23142
undergo treatment. If the accused is being tried by a general 23143
court-martial and if, after taking into consideration all 23144
relevant reports, information, and other evidence, the court 23145
finds that the accused is incompetent to stand trial, but the 23146
court is unable at that time to determine whether there is a 23147
substantial probability that the accused will become competent 23148
to stand trial within one year if the accused is provided with a 23149
course of treatment, the court shall order continuing evaluation 23150
and treatment of the accused for a period not to exceed four 23151
months to determine whether there is a substantial probability 23152
that the accused will become competent to stand trial within one 23153
year if the accused is provided with a course of treatment. 23154

(b) The court order for the accused to undergo treatment 23155
or continuing evaluation and treatment under division (B) (1) (a) 23156
of this section shall specify that the accused, if determined to 23157
require mental health treatment or continuing evaluation and 23158
treatment, shall be committed to the department of mental health 23159
and addiction services for treatment or continuing evaluation 23160
and treatment at a hospital, facility, or agency determined to 23161

be clinically appropriate by the department of mental health and 23162
addiction services. The order may restrict the accused's freedom 23163
of movement as the court considers necessary. The trial counsel 23164
in the accused's case shall send to the chief clinical officer 23165
of the hospital, facility, or services provider where the 23166
accused is placed by the department of mental health and 23167
addiction services or to the managing officer of the 23168
institution, the director of the facility, or the person to 23169
which the accused is committed copies of relevant investigative 23170
reports and other background information that pertains to the 23171
accused and is available to the trial counsel unless the trial 23172
counsel determines that the release of any of the information in 23173
the investigative reports or any of the other background 23174
information to unauthorized persons would interfere with the 23175
effective prosecution of any person or would create a 23176
substantial risk of harm to any person. 23177

In committing the accused to the department of mental 23178
health and addiction services, the court shall consider the 23179
extent to which the person is a danger to the person and to 23180
others, the need for security, and the type of crime involved 23181
and, if the court finds that restrictions on the accused's 23182
freedom of movement are necessary, shall specify the least 23183
restrictive limitations on the person's freedom of movement 23184
determined to be necessary to protect public safety. In weighing 23185
these factors, the court shall give preference to protecting 23186
public safety. 23187

(c) If the accused is found incompetent to stand trial, if 23188
the chief clinical officer of the hospital, facility, or 23189
services provider where the accused is placed, or the managing 23190
officer of the institution, the director of the facility, or the 23191
person to which the accused is committed for treatment or 23192

continuing evaluation and treatment under division (B) (1) (b) of 23193
this section determines that medication is necessary to restore 23194
the accused's competency to stand trial, and if the accused 23195
lacks the capacity to give informed consent or refuses 23196
medication, the chief clinical officer of the hospital, 23197
facility, or services provider where the accused is placed or 23198
the managing officer of the institution, the director of the 23199
facility, or the person to which the accused is committed for 23200
treatment or continuing evaluation and treatment may petition 23201
the court for authorization for the involuntary administration 23202
of medication. The court shall hold a hearing on the petition 23203
within five days of the filing of the petition. Following the 23204
hearing, the court may authorize the involuntary administration 23205
of medication or may dismiss the petition. 23206

(d) If the accused is charged before a special or summary 23207
court-martial with an offense that is not a violation of section 23208
5924.120, 5924.127, or 5924.128 of the Revised Code, the trial 23209
counsel may hold the charges in abeyance while the accused 23210
engages in mental health treatment. 23211

(2) If the court finds that the accused is incompetent to 23212
stand trial and that, even if the accused is provided with a 23213
course of treatment, there is not a substantial probability that 23214
the accused will become competent to stand trial within one 23215
year, the court shall order the discharge of the accused, unless 23216
upon motion of the trial counsel or on its own motion, the court 23217
either seeks to retain jurisdiction over the accused pursuant to 23218
division (A) (2) of section 5924.504 of the Revised Code or files 23219
an affidavit in the probate court for the civil commitment of 23220
the accused pursuant to Chapter 5122. of the Revised Code 23221
alleging that the accused is a ~~mentally ill~~ person with a mental 23222
illness subject to hospitalization by court order. If an 23223

affidavit is filed in the probate court, the trial court shall 23224
send to the probate court copies of all written reports of the 23225
accused's mental condition that were prepared pursuant to 23226
section 5924.502 of the Revised Code. 23227

The trial court may issue the temporary order of detention 23228
that a probate court may issue under section 5122.11 of the 23229
Revised Code, to remain in effect until the probable cause or 23230
initial hearing in the probate court. Further proceedings in the 23231
probate court are civil proceedings governed by Chapter 5122. of 23232
the Revised Code. 23233

(C) No accused shall be required to undergo treatment, 23234
including any continuing evaluation and treatment, under 23235
division (B)(1) of this section for longer than whichever of the 23236
following periods is applicable: 23237

(1) One year, if the accused is being tried by a general 23238
court-martial; 23239

(2) Six months, if the accused is being tried before a 23240
special court-martial; 23241

(3) Sixty days, if the accused is being tried before a 23242
summary court-martial. 23243

(D) Any accused who is committed pursuant to this section 23244
shall not voluntarily admit the accused or be voluntarily 23245
admitted to a hospital or institution pursuant to section 23246
5122.02 or 5122.15 of the Revised Code. 23247

(E) Except as otherwise provided in this division, an 23248
accused who is charged with an offense and is committed by the 23249
court under this section to the department of mental health and 23250
addiction services with restrictions on the accused's freedom of 23251
movement shall not be granted unsupervised on-grounds movement, 23252

supervised off-grounds movement, or nonsecured status except in 23253
accordance with the court order. The court may grant an accused 23254
supervised off-grounds movement to obtain medical treatment or 23255
specialized habilitation treatment services if the person who 23256
supervises the treatment or the continuing evaluation and 23257
treatment of the accused ordered under division (B) (1) (a) of 23258
this section informs the court that the treatment or continuing 23259
evaluation and treatment cannot be provided at the hospital or 23260
facility where the accused is placed by the department of mental 23261
health and addiction services. The chief clinical officer of the 23262
hospital or facility where the accused is placed by the 23263
department of mental health and addiction services or the 23264
managing officer of the institution or director of the facility 23265
to which the accused is committed or a designee of any of those 23266
persons may grant an accused movement to a medical facility for 23267
an emergency medical situation with appropriate supervision to 23268
ensure the safety of the accused, staff, and community during 23269
that emergency medical situation. The chief clinical officer of 23270
the hospital or facility where the accused is placed by the 23271
department of mental health and addiction services or the 23272
managing officer of the institution or director of the facility 23273
to which the accused is committed shall notify the court within 23274
twenty-four hours of the accused's movement to the medical 23275
facility for an emergency medical situation under this division. 23276

(F) The person who supervises the treatment or continuing 23277
evaluation and treatment of an accused ordered to undergo 23278
treatment or continuing evaluation and treatment under division 23279
(B) (1) (a) of this section shall file a written report with the 23280
court at the following times: 23281

(1) Whenever the person believes the accused is capable of 23282
understanding the nature and objective of the proceedings 23283

against the accused and of assisting in the accused's defense; 23284

(2) Fourteen days before expiration of the maximum time 23285
for treatment as specified in division (C) of this section and 23286
fourteen days before the expiration of the maximum time for 23287
continuing evaluation and treatment as specified in division (B) 23288
(1) (a) of this section; 23289

(3) At a minimum, after each six months of treatment; 23290

(4) Whenever the person who supervises the treatment or 23291
continuing evaluation and treatment of an accused ordered under 23292
division (B) (1) (a) of this section believes that there is not a 23293
substantial probability that the accused will become capable of 23294
understanding the nature and objective of the proceedings 23295
against the accused or of assisting in the accused's defense 23296
even if the accused is provided with a course of treatment. 23297

(G) A report under division (F) of this section shall 23298
contain the examiner's findings, the facts in reasonable detail 23299
on which the findings are based, and the examiner's opinion as 23300
to the accused's capability of understanding the nature and 23301
objective of the proceedings against the accused and of 23302
assisting in the accused's defense. If, in the examiner's 23303
opinion, the accused remains incapable of understanding the 23304
nature and objective of the proceedings against the accused and 23305
of assisting in the accused's defense and there is a substantial 23306
probability that the accused will become capable of 23307
understanding the nature and objective of the proceedings 23308
against the accused and of assisting in the accused's defense if 23309
the accused is provided with a course of treatment, if in the 23310
examiner's opinion the accused remains mentally ill, and if the 23311
maximum time for treatment as specified in division (C) of this 23312
section has not expired, the report also shall contain the 23313

examiner's recommendation as to the least restrictive placement 23314
or commitment alternative that is consistent with the accused's 23315
treatment needs for restoration to competency and with the 23316
safety of the community. The court shall provide copies of the 23317
report to the trial counsel and defense counsel. 23318

(H) If an accused is committed pursuant to division (B) (1) 23319
of this section, within ten days after the treating physician of 23320
the accused or the examiner of the accused who is employed or 23321
retained by the treating facility advises that there is not a 23322
substantial probability that the accused will become capable of 23323
understanding the nature and objective of the proceedings 23324
against the accused or of assisting in the accused's defense 23325
even if the accused is provided with a course of treatment, 23326
within ten days after the expiration of the maximum time for 23327
treatment as specified in division (C) of this section, within 23328
ten days after the expiration of the maximum time for continuing 23329
evaluation and treatment as specified in division (B) (1) (a) of 23330
this section, within thirty days after an accused's request for 23331
a hearing that is made after six months of treatment, or within 23332
thirty days after being advised by the treating physician or 23333
examiner that the accused is competent to stand trial, whichever 23334
is the earliest, the court shall conduct another hearing to 23335
determine if the accused is competent to stand trial and shall 23336
do whichever of the following is applicable: 23337

(1) If the court finds that the accused is competent to 23338
stand trial, the accused shall be proceeded against as provided 23339
by law. 23340

(2) If the court finds that the accused is incompetent to 23341
stand trial, but that there is a substantial probability that 23342
the accused will become competent to stand trial if the accused 23343

is provided with a course of treatment, and the maximum time for 23344
treatment as specified in division (C) of this section has not 23345
expired, the court, after consideration of the examiner's 23346
recommendation, shall order that treatment be continued, may 23347
change least restrictive limitations on the accused's freedom of 23348
movement. 23349

(3) If the court finds that the accused is incompetent to 23350
stand trial, if the accused is being tried by a general court- 23351
martial, and if the court finds that there is not a substantial 23352
probability that the accused will become competent to stand 23353
trial even if the accused is provided with a course of 23354
treatment, or if the maximum time for treatment as specified in 23355
division (C) of this section has expired, further proceedings 23356
shall be as provided in sections 5924.504 to 5924.506 of the 23357
Revised Code. 23358

(4) If the court finds that the accused is incompetent to 23359
stand trial, if the accused is being tried before a special 23360
court-martial, and if the court finds that there is not a 23361
substantial probability that the accused will become competent 23362
to stand trial even if the accused is provided with a course of 23363
treatment, or if the maximum time for treatment as specified in 23364
division (C) of this section has expired, the court shall 23365
dismiss the charge against the accused. A dismissal under this 23366
division is not a bar to further prosecution based on the same 23367
conduct. The court shall discharge the accused unless the court 23368
or trial counsel files an affidavit in probate court for civil 23369
commitment pursuant to Chapter 5122. of the Revised Code. If an 23370
affidavit for civil commitment is filed, the court may detain 23371
the accused for ten days pending civil commitment. All of the 23372
following provisions apply to persons being tried by a special 23373
court-martial who are committed by the probate court subsequent 23374

to the court's or trial counsel's filing of an affidavit for 23375
civil commitment under authority of this division: 23376

(a) The chief clinical officer of the entity, hospital, or 23377
facility, the managing officer of the institution, or the person 23378
to which the accused is committed or admitted shall do all of 23379
the following: 23380

(i) Notify the trial counsel in writing of the discharge 23381
of the accused, send the notice at least ten days prior to the 23382
discharge unless the discharge is by the probate court, and 23383
state in the notice the date on which the accused will be 23384
discharged; 23385

(ii) Notify the trial counsel in writing when the accused 23386
is absent without leave or is granted unsupervised, off-grounds 23387
movement and send this notice promptly after the discovery of 23388
the absence without leave or prior to the granting of the 23389
unsupervised, off-grounds movement, whichever is applicable; 23390

(iii) Notify the trial counsel in writing of the change of 23391
the accused's commitment or admission to voluntary status, send 23392
the notice promptly upon learning of the change to voluntary 23393
status, and state in the notice the date on which the accused 23394
was committed or admitted on a voluntary status. 23395

(b) The trial counsel shall promptly inform the convening 23396
authority of any notification received under division (H) (4) (a) 23397
of this section. Upon receiving notice that the accused will be 23398
granted unsupervised, off-grounds movement, the convening 23399
authority either shall refer the charges against the accused to 23400
an investigating officer again or promptly notify the court that 23401
the convening authority does not intend to refer the charges 23402
against the accused again. 23403

(I) If an accused is convicted of a crime and sentenced to confinement, the accused's sentence shall be reduced by the total number of days the accused is confined for evaluation to determine the accused's competence to stand trial or treatment under this section and sections 5924.502 and 5924.504 of the Revised Code or by the total number of days the accused is confined for evaluation to determine the accused's mental condition at the time of the offense charged.

Sec. 5924.504. (A) If an accused being tried by a general court-martial is found incompetent to stand trial, after the expiration of the maximum time for treatment as specified in division (C) of section 5924.503 of the Revised Code or after the court finds that there is not a substantial probability that the accused will become competent to stand trial even if the accused is provided with a course of treatment, one of the following applies:

(1) The court or the trial counsel may file an affidavit in probate court for civil commitment of the accused in the manner provided in Chapter 5122. of the Revised Code. If the court or trial counsel files an affidavit for civil commitment, the court may detain the accused for ten days pending civil commitment. If the probate court commits the accused subsequent to the court's or trial counsel's filing of an affidavit for civil commitment, the chief clinical officer of the entity, hospital, or facility, the managing officer of the institution, or the person to which the accused is committed or admitted shall send to the trial counsel the notices described in divisions (H) (4) (a) (i) to (iii) of section 5924.503 of the Revised Code within the periods of time and under the circumstances specified in those divisions.

(2) On the motion of the trial counsel or on its own motion, the court may retain jurisdiction over the accused if at a hearing the court finds both of the following by clear and convincing evidence:

(a) The accused committed the offense with which the accused is charged.

(b) The accused is a ~~mentally ill~~ person with a mental illness subject to hospitalization by court order.

(B) In making its determination under division (A) (2) of this section as to whether to retain jurisdiction over the accused, the court may consider all relevant evidence, including, but not limited to, any relevant psychiatric, psychological, or medical testimony or reports, the acts constituting the offense charged, and any history of the accused that is relevant to the accused's ability to conform to the law.

(C) If the court conducts a hearing as described in division (A) (2) of this section and if the court does not make both findings described in divisions (A) (2) (a) and (b) of this section by clear and convincing evidence, the court shall dismiss the charges against the accused. Upon the dismissal, the court shall discharge the accused unless the court or trial counsel files an affidavit in probate court for civil commitment of the accused pursuant to Chapter 5122. of the Revised Code. If the court or trial counsel files an affidavit for civil commitment, the court may order that the accused be detained for up to ten days pending the civil commitment. If the probate court commits the accused subsequent to the court's or trial counsel's filing of an affidavit for civil commitment, the chief clinical officer of the entity, hospital, or facility, the managing officer of the institution, or the person to which the

accused is committed or admitted shall send to the trial counsel 23464
the notices described in divisions (H) (4) (a) (i) to (iii) of 23465
section 5924.503 of the Revised Code within the periods of time 23466
and under the circumstances specified in those divisions. A 23467
dismissal of charges under this division is not a bar to further 23468
criminal proceedings based on the same conduct. 23469

(D) (1) If the court conducts a hearing as described in 23470
division (A) (2) of this section and if the court makes the 23471
findings described in divisions (A) (2) (a) and (b) of this 23472
section by clear and convincing evidence, the court shall commit 23473
the accused, if determined to require mental health treatment, 23474
to the department of mental health and addiction services for 23475
treatment at a hospital, facility, or services provider as 23476
determined clinically appropriate by the department of mental 23477
health and addiction services. In committing the accused to the 23478
department of mental health and addiction services, the court 23479
shall specify the least restrictive limitations on the accused's 23480
freedom of movement determined to be necessary to protect public 23481
safety. 23482

(2) If a court makes a commitment of an accused under 23483
division (D) (1) of this section, the trial counsel shall send to 23484
the hospital, facility, or services provider where the accused 23485
is placed by the department of mental health and addiction 23486
services or to the accused's place of commitment all reports of 23487
the accused's current mental condition and, except as otherwise 23488
provided in this division, any other relevant information, 23489
including, but not limited to, a transcript of the hearing held 23490
pursuant to division (A) (2) of this section, copies of relevant 23491
investigative reports, and copies of any prior arrest and 23492
conviction records that pertain to the accused and that the 23493
trial counsel possesses. The trial counsel shall send the 23494

reports of the accused's current mental condition in every case 23495
of commitment, and, unless the trial counsel determines that the 23496
release of any of the other relevant information to unauthorized 23497
persons would interfere with the effective prosecution of any 23498
person or would create a substantial risk of harm to any person, 23499
the trial counsel also shall send the other relevant 23500
information. 23501

(3) If a court makes a commitment under division (D) (1) of 23502
this section, all further proceedings shall be in accordance 23503
with Chapter 5122. of the Revised Code. 23504

Sec. 5924.506. (A) If an accused person is found not 23505
guilty by reason of insanity, the verdict shall state that 23506
finding, and the trial court shall conduct a full hearing to 23507
determine whether the person is a ~~mentally ill~~ person with a 23508
mental illness subject to hospitalization by court order. Prior 23509
to the hearing, if the military judge believes that there is 23510
probable cause that the person found not guilty by reason of 23511
insanity is a ~~mentally ill~~ person with a mental illness subject 23512
to hospitalization by court order, the military judge may issue 23513
a temporary order of detention for that person to remain in 23514
effect for ten court days or until the hearing, whichever occurs 23515
first. 23516

Any person detained pursuant to a temporary order of 23517
detention issued under this division shall be held in a suitable 23518
facility, taking into consideration the place and type of 23519
confinement prior to and during trial. 23520

(B) The court shall hold the hearing under division (A) of 23521
this section to determine whether the person found not guilty by 23522
reason of insanity is a ~~mentally ill~~ person with a mental 23523
illness subject to hospitalization by court order within ten 23524

court days after the finding of not guilty by reason of 23525
insanity. Failure to conduct the hearing within the ten-day 23526
period shall cause the immediate discharge of the respondent, 23527
unless the judge grants a continuance for not longer than ten 23528
court days for good cause shown or for any period of time upon 23529
motion of the respondent. 23530

(C) If a person is found not guilty by reason of insanity, 23531
the person has the right to attend a hearing conducted pursuant 23532
to this section. At the hearing, the court shall inform the 23533
person that the person has all of the following rights: 23534

(1) The right to be represented by defense counsel or to 23535
retain civilian counsel, if the person so chooses; 23536

(2) The right to have independent expert evaluation; 23537

(3) The right to subpoena witnesses and documents, to 23538
present evidence on the person's behalf, and to cross-examine 23539
witnesses against the person; 23540

(4) The right to testify in the person's own behalf and to 23541
not be compelled to testify; 23542

(5) The right to have copies of any relevant medical or 23543
mental health document in the custody of the state or of any 23544
place of commitment other than a document for which the court 23545
finds that the release to the person of information contained in 23546
the document would create a substantial risk of harm to any 23547
person. 23548

(D) The hearing under division (A) of this section shall 23549
be open to the public, and the court shall conduct the hearing 23550
in accordance with regulations prescribed by the adjutant 23551
general. The court shall make and maintain a full transcript and 23552
record of the hearing proceedings. The court may consider all 23553

relevant evidence, including, but not limited to, any relevant 23554
psychiatric, psychological, or medical testimony or reports, the 23555
acts constituting the offense in relation to which the person 23556
was found not guilty by reason of insanity, and any history of 23557
the person that is relevant to the person's ability to conform 23558
to the law. 23559

(E) Upon completion of the hearing under division (A) of 23560
this section, if the court finds there is not clear and 23561
convincing evidence that the person is a ~~mentally ill~~ person 23562
with a mental illness subject to hospitalization by court order, 23563
the court shall discharge the person, unless a detainer has been 23564
placed upon the person by the department of rehabilitation and 23565
correction, in which case the person shall be returned to that 23566
department. 23567

(F) If, at the hearing under division (A) of this section, 23568
the court finds by clear and convincing evidence that the person 23569
is a ~~mentally ill~~ person with a mental illness subject to 23570
hospitalization by court order, it shall commit the person to 23571
the department of mental health and addiction services for 23572
placement in a hospital, facility, or services provider as 23573
determined clinically appropriate by the department of mental 23574
health and addiction services. Further proceedings shall be in 23575
accordance with Chapter 5122. or 5123. of the Revised Code. In 23576
committing the accused to the department of mental health and 23577
addiction services, the court shall specify the least 23578
restrictive limitations on the accused's freedom of movement 23579
determined to be necessary to protect public safety. 23580

(G) If a court makes a commitment of a person under 23581
division (F) of this section, the trial counsel shall send to 23582
the hospital, facility, or services provider where the defendant 23583

is placed by the department of mental health and addiction 23584
services or to the accused's place of commitment all reports of 23585
the person's current mental condition, and, except as otherwise 23586
provided in this division, any other relevant information, 23587
including, but not limited to, a transcript of the hearing held 23588
pursuant to division (A) of this section, copies of relevant 23589
investigative reports, and copies of any prior arrest and 23590
conviction records that pertain to the person and that the trial 23591
counsel possesses. The trial counsel shall send the reports of 23592
the person's current mental condition in every case of 23593
commitment, and, unless the trial counsel determines that the 23594
release of any of the other relevant information to unauthorized 23595
persons would interfere with the effective prosecution of any 23596
person or would create a substantial risk of harm to any person, 23597
the trial counsel also shall send the other relevant 23598
information. 23599

(H) A person who is committed pursuant to this section 23600
shall not voluntarily admit the person or be voluntarily 23601
admitted to a hospital or institution pursuant to sections 23602
5122.02 and 5122.15 of the Revised Code. 23603

Section 2. That existing sections 1.02, 5.226, 9.03, 23604
122.69, 140.01, 145.012, 145.298, 149.01, 173.11, 173.12, 23605
305.07, 306.551, 325.07, 339.11, 340.011, 340.03, 340.04, 23606
340.15, 513.05, 737.051, 737.161, 749.02, 901.73, 918.05, 23607
935.03, 955.011, 955.43, 959.07, 959.99, 1533.12, 1713.41, 23608
1743.05, 1751.14, 1751.65, 2101.16, 2101.17, 2101.24, 2127.05, 23609
2127.43, 2151.23, 2151.414, 2305.42, 2305.43, 2746.02, 2901.30, 23610
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2923.1213, 2923.13, 2925.01, 2925.02, 2929.15, 2929.20, 2931.02, 23613
2935.33, 2945.25, 2945.37, 2945.38, 2945.39, 2945.40, 2945.401, 23614

2945.42, 2949.29, 2967.22, 3113.06, 3113.08, 3304.31, 3313.55, 23615
3313.65, 3313.71, 3313.74, 3319.232, 3335.41, 3335.42, 3335.50, 23616
3335.51, 3335.55, 3353.01, 3375.82, 3501.18, 3501.29, 3503.12, 23617
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4111.06, 4112.02, 4115.33, 4121.61, 4123.343, 4123.57, 4123.58, 23623
4123.68, 4123.70, 4123.71, 4141.01, 4173.02, 4501.21, 4503.04, 23624
4503.042, 4503.44, 4506.07, 4507.06, 4507.08, 4508.01, 4508.03, 23625
4508.04, 4511.01, 4511.69, 4517.01, 4517.12, 4521.01, 4521.02, 23626
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4961.08, 5101.56, 5101.60, 5104.015, 5104.017, 5104.018, 23628
5104.019, 5107.26, 5109.16, 5109.18, 5119.01, 5119.10, 5119.14, 23629
5119.21, 5119.311, 5119.33, 5119.331, 5119.333, 5119.34, 23630
5119.40, 5119.42, 5119.50, 5119.60, 5119.61, 5119.70, 5119.90, 23631
5119.91, 5119.92, 5119.93, 5120.051, 5120.17, 5120.44, 5121.56, 23632
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5122.141, 5122.15, 5122.19, 5122.21, 5122.27, 5122.271, 5122.28, 23634
5122.30, 5122.311, 5122.36, 5122.39, 5122.43, 5123.651, 5126.38, 23635
5139.54, 5149.30, 5153.01, 5153.16, 5153.163, 5164.15, 5165.03, 23636
5305.22, 5321.01, 5501.05, 5501.07, 5515.08, 5531.12, 5537.03, 23637
5709.45, 5733.04, 5733.56, 5733.98, 5747.03, 5905.02, 5907.06, 23638
5907.09, 5924.115, 5924.503, 5924.504, and 5924.506 of the 23639
Revised Code are hereby repealed. 23640

Section 3. The General Assembly, applying the principle 23641
stated in division (B) of section 1.52 of the Revised Code that 23642
amendments are to be harmonized if reasonably capable of 23643
simultaneous operation, finds that the following sections, 23644
presented in this act as composites of the sections as amended 23645

by the acts indicated, are the resulting versions of the 23646
sections in effect prior to the effective date of the sections 23647
as presented in this act: 23648

Section 340.03 of the Revised Code as amended by both H.B. 23649
49 and S.B. 71 of the 132nd General Assembly. 23650

Section 959.99 of the Revised Code as amended by both H.B. 23651
24 and H.B. 33 of the 133rd General Assembly. 23652

Section 2921.22 of the Revised Code as amended by both 23653
H.B. 216 and S.B. 319 of the 131st General Assembly. 23654

Section 2923.1213 of the Revised Code as amended by both 23655
H.B. 234 and S.B. 43 of the 130th General Assembly. 23656

Section 2923.13 of the Revised Code as amended by both 23657
H.B. 234 and S.B. 43 of the 130th General Assembly. 23658

Section 2925.01 of the Revised Code as amended by both 23659
H.B. 341 and H.B. 442 of the 133rd General Assembly. 23660

Section 2925.02 of the Revised Code as amended by both 23661
S.B. 1 and S.B. 201 of the 132nd General Assembly. 23662

Section 3501.29 of the Revised Code as amended by both 23663
S.B. 10 and S.B. 109 of the 130th General Assembly. 23664

Section 3505.23 of the Revised Code as amended by both 23665
S.B. 10 and S.B. 109 of the 130th General Assembly. 23666

Section 5123.651 of the Revised Code as amended by both 23667
H.B. 158 and H.B. 483 of the 131st General Assembly. 23668

Section 4. This act shall be known as the Mental Health 23669
and Disability Terminology Act. 23670