

As Passed by the Senate

132nd General Assembly

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Sub. H. B. No. 115

Representatives Gavarone, Wiggam

Cosponsors: Representatives Ryan, Greenspan, Kick, Goodman, Hambley, Thompson, Arndt, Lipps, Patton, Stein, Riedel, Ginter, Conditt, Boyd, Barnes, Kent, LaTourette, Sheehy, Anielski, Antonio, Boggs, Brenner, Butler, Carfagna, Craig, Cupp, Dever, Duffey, Edwards, Galonski, Green, Hagan, Hill, Holmes, Householder, Howse, Huffman, Hughes, Ingram, Johnson, Keller, Koehler, Landis, Lanese, Leland, Lepore-Hagan, Manning, McColley, Merrin, O'Brien, Patterson, Perales, Reineke, Retherford, Rezabek, Rogers, Romanchuk, Schaffer, Scherer, Schuring, Seitz, Slaby, Smith, K., Smith, R., Sprague, Sweeney, West, Young

Senators Bacon, Coley, Beagle, Brown, Dolan, Eklund, Gardner, Hackett, Hoagland, Kunze, LaRose, Lehner, Manning, O'Brien, Oelslager, Peterson, Schiavoni, Sykes, Tavares, Terhar, Thomas, Williams, Yuko

A BILL

To enact sections 3304.23 and 5502.08 of the Revised Code to require the Department of Public Safety to establish a database of persons who are diagnosed with a communication disability or a disability that can impair communication and to require the Opportunities for Ohioans with Disabilities Agency to establish a verification form for persons to voluntarily register for inclusion in the database.

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

Section 1. That sections 3304.23 and 5502.08 of the Revised Code be enacted to read as follows:

Sec. 3304.23. (A) As used in this section: 12

(1) "Communication disability" means a human condition 13
involving an impairment in the human's ability to receive, send, 14
process, or comprehend concepts or verbal, nonverbal, or graphic 15
symbol systems that may result in a primary disability or may be 16
secondary to other disabilities. 17

(2) "Disability that can impair communication" means a 18
human condition with symptoms that can impair the human's 19
ability to receive, send, process, or comprehend concepts or 20
verbal, nonverbal, or graphic symbol systems. 21

(3) "Guardian" has the same meaning as in section 2111.01 22
of the Revised Code. 23

(4) "Physician" means a person licensed to practice 24
medicine or surgery or osteopathic medicine and surgery under 25
Chapter 4731. of the Revised Code. 26

(5) "Psychiatrist" has the same meaning as in section 27
5122.01 of the Revised Code. 28

(6) "Psychologist" has the same meaning as in section 29
4732.01 of the Revised Code. 30

(B) The opportunities for Ohioans with disabilities agency 31
shall develop a verification form for a person diagnosed with a 32
communication disability or a disability that can impair 33
communication to be submitted voluntarily to the department of 34
public safety so that the person may be included in the database 35
established under section 5502.08 of the Revised Code. The same 36
form shall be used to indicate that the person wishes to be 37
removed from the database in accordance with division (F) of 38
section 5502.08 of the Revised Code. 39

- (C) The form shall include the following information: 40
- (1) The name of the person diagnosed with a communication disability or a disability that can impair communication; 41
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- (2) The name of the person completing the form on behalf of the person diagnosed with a communication disability or a disability that can impair communication, if applicable; 43
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- (3) The relationship between the person completing the form and the person diagnosed with a communication disability or a disability that can impair communication, if applicable; 46
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- (4) The driver's license number or state identification card number issued to the person diagnosed with a communication disability or a disability that can impair communication, if that person has such a number; 49
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- (5) The license plate number of each vehicle owned, operated, or regularly occupied by the person diagnosed with a communication disability or a disability that can impair communication or registered in that person's name; 53
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- (6) A physician, psychiatrist, or psychologist's signed certification that the person has been diagnosed with a communication disability or a disability that can impair communication; 57
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- (7) The name, business address, business telephone number, and medical license number of the physician, psychiatrist, or psychologist making the certification; 61
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- (8) The signature of the person diagnosed with a communication disability or a disability that can impair communication or the signature of the person completing the form on behalf of such a person; 64
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(9) A place where the person diagnosed with a 68
communication disability or a disability that can impair 69
communication or the person completing the form on behalf of 70
such a person may indicate the desire to be removed from the 71
database. 72

(D) Any of the following persons may complete the 73
verification form: 74

(1) Any person diagnosed with a communication disability 75
or a disability that can impair communication who is eighteen 76
years of age or older; 77

(2) The parent or parents of a minor child diagnosed with 78
a communication disability or a disability that can impair 79
communication; 80

(3) The guardian of a person diagnosed with a 81
communication disability or a disability that can impair 82
communication, regardless of the age of the person. 83

(E) The opportunities for Ohioans with disabilities agency 84
and the department of public safety shall make the verification 85
form electronically available on each of their respective web 86
sites. 87

Sec. 5502.08. (A) As used in this section: 88

(1) "Communication disability" has the same meaning as in 89
section 3304.23 of the Revised Code. 90

(2) "Disability that can impair communication" has the 91
same meaning as in section 3304.23 of the Revised Code. 92

(3) "Guardian" has the same meaning as in section 2111.01 93
of the Revised Code. 94

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| <u>(4) "Ward" has the same meaning as in section 2111.01 of</u> | 95 |
| <u>the Revised Code.</u> | 96 |
| <u>(B) The department of public safety shall establish and</u> | 97 |
| <u>maintain a database of persons who register under this section</u> | 98 |
| <u>as being diagnosed with a communication disability or a</u> | 99 |
| <u>disability that can impair communication.</u> | 100 |
| <u>(C) Any person diagnosed with a communication disability</u> | 101 |
| <u>or a disability that can impair communication who is eighteen</u> | 102 |
| <u>years of age or older may register with the department for</u> | 103 |
| <u>inclusion in the database by submitting a completed verification</u> | 104 |
| <u>form established by the opportunities for Ohioans with</u> | 105 |
| <u>disabilities agency under section 3304.23 of the Revised Code.</u> | 106 |
| <u>(D) Any parent or guardian of a minor child or a ward</u> | 107 |
| <u>diagnosed with a communication disability or a disability that</u> | 108 |
| <u>can impair communication may register the minor child or the</u> | 109 |
| <u>ward with the department for inclusion in the database by</u> | 110 |
| <u>submitting a completed verification form established by the</u> | 111 |
| <u>opportunities for Ohioans with disabilities agency under section</u> | 112 |
| <u>3304.23 of the Revised Code.</u> | 113 |
| <u>(E) (1) The department shall include in the database</u> | 114 |
| <u>information provided on a completed verification form that the</u> | 115 |
| <u>department determines is necessary for a law enforcement officer</u> | 116 |
| <u>to identify a person as diagnosed with a communication</u> | 117 |
| <u>disability or a disability that can impair communication. The</u> | 118 |
| <u>department shall make the database available to state and local</u> | 119 |
| <u>law enforcement officers through the law enforcement automated</u> | 120 |
| <u>data system.</u> | 121 |
| <u>(2) Information in the database is not a public record</u> | 122 |
| <u>subject to inspection or copying under section 149.43 of the</u> | 123 |

Revised Code. 124

(F) A person diagnosed with a communication disability or 125
a disability that can impair communication who is included in 126
the database or the parent or guardian of a minor child or a 127
ward diagnosed with a communication disability or a disability 128
that can impair communication who is included in the database 129
may request removal of the person, minor, or ward, as 130
applicable, from the database. The person, parent, or guardian 131
shall do so by completing the verification form with only the 132
information required under divisions (C) (1), (2), (3), (8), and 133
(9) of section 3304.23 of the Revised Code, as applicable, and 134
submitting the form to the department. Upon receipt of a 135
properly completed verification form requesting the removal of a 136
person with a communication disability or a disability that can 137
impair communication from the database, the department shall 138
immediately remove that person from the database. 139