

As Introduced

133rd General Assembly
Regular Session
2019-2020

H. B. No. 166

Representative Oelslager

A BILL

To amend sections 103.41, 103.416, 107.036, 109.572, 1
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113.56, 120.04, 121.083, 121.22, 121.37, 122.075, 3
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5747.08, 5747.98, and 5903.12; to amend, for the 75
purpose of adopting new section numbers as 76
indicated in parentheses, sections 1533.09 77
(1533.06), 3302.11 (3302.111), 3730.02 (3730.04), 78
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5101.853 (5101.855), 5167.12 (5167.05), and 87
5167.121 (5167.051); to enact new sections 88
1533.09, 3302.11, 3730.02, 3730.03, 5101.853, and 89
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Code; to repeal section 103.416 of the Revised	115
Code effective July 1, 2020; to amend Section	116
261.168 of Am. Sub. H.B. 49 of the 132nd General	117
Assembly, as subsequently amended, to amend	118
Sections 207.10 and 701.10 of H.B. 529 of the	119
132nd General Assembly, to amend Section 207.440,	120
223.10, and 223.50 of H.B. 529 of the 132nd	121
General Assembly, as subsequently amended, to	122
amend Section 4 of Sub. S.B. 332 of the 131st	123

General Assembly, to amend Sections 125.10 and 124
125.11 of H.B. 59 of the 130th General Assembly, 125
as subsequently amended, to make operating 126
appropriations for the biennium beginning July 1, 127
2019, and ending June 30, 2021, and to provide 128
authorization and conditions for the operation of 129
state programs. 130

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

Section 101.01. That sections 103.41, 103.416, 107.036, 131
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5745.05, 5747.02, 5747.08, 5747.98, and 5903.12 be amended;	185

sections 1533.09 (1533.06), 3302.11 (3302.111), 3730.02 (3730.04), 186
3730.03 (3730.05), 3730.04 (3730.06), 3730.05 (3730.07), 3730.06 187
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(3722.11), 4736.18 (3722.12), 5101.853 (5101.855), 5167.12 193
(5167.05), and 5167.121 (5167.051) be amended for the purpose of 194
adopting new section numbers as indicated in parentheses; and new 195
sections 1533.09, 3302.11, 3730.02, 3730.03, 5010.853, and 5164.37 196
and sections 9.242, 107.20, 122.84, 126.60, 307.631, 307.632, 197
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5101.854, 5101.856, 5103.037, 5103.0310, 5103.181, 5104.211, 206
5123.0424, 5123.193, 5123.691, 5126.053, 5167.101, 5167.102, 207
5709.51, 5747.26, and 5747.82 of the Revised Code be enacted to 208
read as follows: 209

Sec. 9.242. (A) As used in this section: 210

(1) "State agency" has the meaning defined in section 1.60 of 211
the Revised Code. 212

(2) "State contract" means any contract for goods, services, 213
or construction that is paid for in whole or in part with state 214
funds. A state contract is considered to be awarded when it is 215
entered into or executed, regardless of whether the parties to the 216

contract have exchanged any money. 217

(3) "Participate" means to respond to any solicitation or 218
procurement issued by a state agency or be the recipient of an 219
award of a state contract, or to provide any goods or services to 220
any state agency. 221

(B) No vendor who has been debarred by any state agency shall 222
participate in any state contract during the period of debarment. 223
After the debarment period expires, the vendor may be eligible to 224
respond to any solicitation or procurement, provide goods or 225
services to, and be awarded contracts by state agencies if the 226
vendor is not otherwise listed on a list of debarred vendors 227
applicable to state contracts. 228

(C) State agencies shall exclude any vendor debarred under 229
sections 125.25, 153.02, or 5513.06 of the Revised Code, or any 230
other section of the Revised Code from participating in state 231
contracts. 232

Sec. 103.41. (A) As used in sections 103.41 to 103.415 of the 233
Revised Code: 234

(1) "JMOC" means the joint medicaid oversight committee 235
created under this section. 236

(2) "State and local government medicaid agency" means all of 237
the following: 238

(a) The department of medicaid; 239

(b) ~~The office of health transformation;~~ 240

~~(c)~~ Each state agency and political subdivision with which 241
the department of medicaid contracts under section 5162.35 of the 242
Revised Code to have the state agency or political subdivision 243
administer one or more components of the medicaid program, or one 244
or more aspects of a component, under the department's 245
supervision; 246

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

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

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

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

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

(D) In odd-numbered years, the speaker shall designate one of the majority members from the house as the JMOC chairperson and

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

(E) In appointing members from the minority, and in designating ranking minority members, the president and speaker shall consult with the minority leader of their respective houses.

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

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

(H) The JMOC chairperson may, subject to approval by the speaker of the house of representatives or the speaker's designee and the president of the senate or the president's designee, employ professional, technical, and clerical employees as are necessary for JMOC to be able successfully and efficiently to perform its duties. All such employees are in the unclassified service and may be terminated by the chairperson, subject to approval of the speaker or the speaker's designee and president or the president's designee. JMOC may contract for the services of persons who are qualified by education and experience to advise, consult with, or otherwise assist JMOC in the performance of its

duties. 310

(I) The JMOC chairperson, when authorized by JMOC and the 311
president and speaker, may issue subpoenas and subpoenas duces 312
tecum in aid of JMOC's performance of its duties. A subpoena may 313
require a witness in any part of the state to appear before JMOC 314
at a time and place designated in the subpoena to testify. A 315
subpoena duces tecum may require witnesses or other persons in any 316
part of the state to produce books, papers, records, and other 317
tangible evidence before JMOC at a time and place designated in 318
the subpoena duces tecum. A subpoena or subpoena duces tecum shall 319
be issued, served, and returned, and has consequences, as 320
specified in sections 101.41 to 101.45 of the Revised Code. 321

(J) The JMOC chairperson may administer oaths to witnesses 322
appearing before JMOC. 323

~~Sec. 103.416. JMOC on a quarterly basis shall monitor the 324
actions of the department of medicaid under section 5167.04 of the 325
Revised Code in preparing to implement inclusion of alcohol, drug 326
addiction, and mental health services covered by medicaid in the 327
care management system established under section 5167.03 of the 328
Revised Code. When the inclusion of the If the department of 329
medicaid includes alcohol, drug addiction, and mental health 330
services in the care management system begins to be implemented 331
established under section 5167.03 of the Revised Code, JMOC on a 332
periodic basis shall monitor the department's inclusion of the 333
services in the system. 334~~

Sec. 107.036. (A) For each business incentive tax credit, the 335
main operating appropriations act shall contain a detailed 336
estimate of the total amount of credits that may be authorized in 337
each year, an estimate of the amount of credits expected to be 338
claimed in each year, and an estimate of the amount of credits 339

expected to remain outstanding at the end of the biennium. The 340
governor shall include such estimates in the state budget 341
submitted to the general assembly pursuant to section 107.03 of 342
the Revised Code. 343

(B) As used in this section, "business incentive tax credit" 344
means all of the following: 345

(1) The job creation tax credit under section 122.17 of the 346
Revised Code; 347

(2) The job retention tax credit under section 122.171 of the 348
Revised Code; 349

(3) The historic preservation tax credit under section 350
149.311 of the Revised Code; 351

(4) The motion picture tax credit under section 122.85 of the 352
Revised Code; 353

(5) The new markets tax credit under section 5725.33 of the 354
Revised Code; 355

(6) The research and development credit under section 166.21 356
of the Revised Code; 357

(7) The small business investment credit under section 122.86 358
of the Revised Code; 359

(8) The rural growth investment credit under section 122.152 360
of the Revised Code; 361

(9) The opportunity zone investment credit under section 362
5747.82 of the Revised Code. 363

Sec. 107.20. (A) As used in this section, "political 364
subdivision" means a county, township, municipal corporation, 365
school district, or other body corporate and politic responsible 366
for governmental activities in a geographic area smaller than that 367

of the state. 368

(B)(1) The governor shall declare an emergency that affects 369
the public health if the governor determines that either of the 370
following is the case and that one or more political subdivisions 371
lack the resources or capabilities necessary to protect public 372
health and safety: 373

(a) An event occurred or is occurring in any part of this 374
state resulting in substantial injury or harm to the public 375
health; 376

(b) An imminent threat of substantial injury or harm to the 377
public health exists in any part of this state. 378

(2) The governor shall declare the emergency by executive 379
order. Each order shall include all of the following: 380

(a) A description of the emergency affecting the public 381
health, including the substantial injury or harm or threat of 382
substantial injury or harm; 383

(b) A list of the areas of the state affected or threatened; 384

(c) A summary of the conditions that necessitated the 385
declaration of an emergency. 386

(3) As soon as practicable after issuing an order, the office 387
of the governor shall make a copy available on its internet web 388
site, shall submit a copy to the general assembly in accordance 389
with section 101.68 of the Revised Code, and shall transmit copies 390
to the news media of this state. 391

(4) Any emergency order issued under this section shall 392
remain in effect until the earliest of the following: 393

(a) The governor determines that the conditions giving rise 394
to the declaration of an emergency no longer exist; 395

(b) The general assembly suspends the operation of the 396
executive order by adopting a concurrent resolution; 397

(c) Thirty days have elapsed since the governor issued the order. 398
399

If thirty days have elapsed and the general assembly has not suspended the operation of the executive order, but the conditions giving rise to the declaration of an emergency are still present, the governor may issue another executive order in accordance with divisions (B)(1) and (2) of this section. 400
401
402
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(5) If the general assembly adopts a concurrent resolution as described in division (B)(4) of this section, the governor shall rescind the emergency order as soon as practicable. 405
406
407

(C) On declaring an emergency that affects the public health and notwithstanding any conflicting provision of the Revised Code, the governor may do all of the following: 408
409
410

(1) Issue executive orders and direct state agencies to adopt and amend in accordance with division (G) of section 119.03 of the Revised Code rules relating to the emergency; 411
412
413

(2) Assume control of emergency management operations; 414

(3) Delegate duties as necessary to implement this section; 415

(4) Authorize a health care practitioner licensed in another jurisdiction to provide health care services during the emergency in accordance with any directions specified in the executive order; 416
417
418
419

(5) Use any available resources of state government or of political subdivisions as necessary to address the emergency; 420
421

(6) Order the director of budget and management to transfer cash from any fund not otherwise restricted to the controlling board emergency purposes/contingencies fund created under section 127.19 of the Revised Code in order to assist in emergency efforts; 422
423
424
425
426

(7) Except as provided under federal law, alter, limit, or 427

suspend any provision of a collective bargaining agreement or 428
transfer state agency personnel, including those subject to 429
collective bargaining agreements, or state agency functions for 430
the purpose of facilitating emergency services. 431

(D) On declaring an emergency that affects the public health 432
and notwithstanding any conflicting provision of the Revised Code, 433
the governor shall do all of the following: 434

(1) Take such action and give such direction to state and 435
local law enforcement agencies and offices as may be reasonable 436
and necessary for the purpose of securing compliance with this 437
section and any executive orders issued or rules adopted under it; 438

(2) Establish offices within state agencies and appoint 439
personnel as necessary to implement this section; 440

(3) Direct state agency personnel to take actions as 441
necessary to address the emergency. 442

(E) This section does not limit any of the following: 443

(1) The governor's authority to apply for grants or 444
administer or expend any amounts awarded to the state for the 445
purpose of preventing or mitigating emergencies affecting the 446
public health; 447

(2) The authority of the governor, director of public safety, 448
or executive director of the emergency management agency as 449
described in sections 5502.21 to 5502.51 of the Revised Code; 450

(3) The governor's authority to issue a proclamation as 451
described in section 5923.21 of the Revised Code. 452

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 453
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 454
a completed form prescribed pursuant to division (C)(1) of this 455
section, and a set of fingerprint impressions obtained in the 456
manner described in division (C)(2) of this section, the 457

superintendent of the bureau of criminal identification and 458
investigation shall conduct a criminal records check in the manner 459
described in division (B) of this section to determine whether any 460
information exists that indicates that the person who is the 461
subject of the request previously has been convicted of or pleaded 462
guilty to any of the following: 463

(a) A violation of section 2903.01, 2903.02, 2903.03, 464
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 465
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 466
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 467
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 468
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 469
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 470
2925.06, or 3716.11 of the Revised Code, felonious sexual 471
penetration in violation of former section 2907.12 of the Revised 472
Code, a violation of section 2905.04 of the Revised Code as it 473
existed prior to July 1, 1996, a violation of section 2919.23 of 474
the Revised Code that would have been a violation of section 475
2905.04 of the Revised Code as it existed prior to July 1, 1996, 476
had the violation been committed prior to that date, or a 477
violation of section 2925.11 of the Revised Code that is not a 478
minor drug possession offense; 479

(b) A violation of an existing or former law of this state, 480
any other state, or the United States that is substantially 481
equivalent to any of the offenses listed in division (A)(1)(a) of 482
this section; 483

(c) If the request is made pursuant to section 3319.39 of the 484
Revised Code for an applicant who is a teacher, any offense 485
specified in section 3319.31 of the Revised Code. 486

(2) On receipt of a request pursuant to section 3712.09 or 487
3721.121 of the Revised Code, a completed form prescribed pursuant 488

to division (C)(1) of this section, and a set of fingerprint 489
impressions obtained in the manner described in division (C)(2) of 490
this section, the superintendent of the bureau of criminal 491
identification and investigation shall conduct a criminal records 492
check with respect to any person who has applied for employment in 493
a position for which a criminal records check is required by those 494
sections. The superintendent shall conduct the criminal records 495
check in the manner described in division (B) of this section to 496
determine whether any information exists that indicates that the 497
person who is the subject of the request previously has been 498
convicted of or pleaded guilty to any of the following: 499

(a) A violation of section 2903.01, 2903.02, 2903.03, 500
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 501
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 502
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 503
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 504
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 505
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 506
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 507
2925.22, 2925.23, or 3716.11 of the Revised Code; 508

(b) An existing or former law of this state, any other state, 509
or the United States that is substantially equivalent to any of 510
the offenses listed in division (A)(2)(a) of this section. 511

(3) On receipt of a request pursuant to section 173.27, 512
173.38, 173.381, 3701.881, 5119.34, 5164.34, 5164.341, 5164.342, 513
5123.081, or 5123.169 of the Revised Code, a completed form 514
prescribed pursuant to division (C)(1) of this section, and a set 515
of fingerprint impressions obtained in the manner described in 516
division (C)(2) of this section, the superintendent of the bureau 517
of criminal identification and investigation shall conduct a 518
criminal records check of the person for whom the request is made. 519
The superintendent shall conduct the criminal records check in the 520

manner described in division (B) of this section to determine 521
whether any information exists that indicates that the person who 522
is the subject of the request previously has been convicted of, 523
has pleaded guilty to, or (except in the case of a request 524
pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised 525
Code) has been found eligible for intervention in lieu of 526
conviction for any of the following, regardless of the date of the 527
conviction, the date of entry of the guilty plea, or (except in 528
the case of a request pursuant to section 5164.34, 5164.341, or 529
5164.342 of the Revised Code) the date the person was found 530
eligible for intervention in lieu of conviction: 531

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 532
2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 533
2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 534
2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 535
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 536
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 537
2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 538
2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 539
2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 540
2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 541
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 542
2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 543
2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12, 544
2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35, 545
2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161, 546
2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 547
2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 548
2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 549
2927.12, or 3716.11 of the Revised Code; 550

(b) Felonious sexual penetration in violation of former 551
section 2907.12 of the Revised Code; 552

(c) A violation of section 2905.04 of the Revised Code as it 553
existed prior to July 1, 1996; 554

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 555
the Revised Code when the underlying offense that is the object of 556
the conspiracy, attempt, or complicity is one of the offenses 557
listed in divisions (A)(3)(a) to (c) of this section; 558

(e) A violation of an existing or former municipal ordinance 559
or law of this state, any other state, or the United States that 560
is substantially equivalent to any of the offenses listed in 561
divisions (A)(3)(a) to (d) of this section. 562

(4) On receipt of a request pursuant to section 2151.86 of 563
the Revised Code, a completed form prescribed pursuant to division 564
(C)(1) of this section, and a set of fingerprint impressions 565
obtained in the manner described in division (C)(2) of this 566
section, the superintendent of the bureau of criminal 567
identification and investigation shall conduct a criminal records 568
check in the manner described in division (B) of this section to 569
determine whether any information exists that indicates that the 570
person who is the subject of the request previously has been 571
convicted of or pleaded guilty to any of the following: 572

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 573
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 574
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 575
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 576
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 577
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 578
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 579
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 580
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 581
of the Revised Code, a violation of section 2905.04 of the Revised 582
Code as it existed prior to July 1, 1996, a violation of section 583
2919.23 of the Revised Code that would have been a violation of 584

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

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

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

(a) A violation of section 2151.421, 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48,

2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.22, 617
2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 618
2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 2923.161, 619
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the 620
Revised Code, felonious sexual penetration in violation of former 621
section 2907.12 of the Revised Code, a violation of section 622
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 623
violation of section 2919.23 of the Revised Code that would have 624
been a violation of section 2905.04 of the Revised Code as it 625
existed prior to July 1, 1996, had the violation been committed 626
prior to that date, a violation of section 2925.11 of the Revised 627
Code that is not a minor drug possession offense, a violation of 628
section 2923.02 or 2923.03 of the Revised Code that relates to a 629
crime specified in this division, or a second violation of section 630
4511.19 of the Revised Code within five years of the date of 631
application for licensure or certification. 632

(b) A violation of an existing or former law of this state, 633
any other state, or the United States that is substantially 634
equivalent to any of the offenses or violations described in 635
division (A)(5)(a) of this section. 636

(6) Upon receipt of a request pursuant to section 5153.111 of 637
the Revised Code, a completed form prescribed pursuant to division 638
(C)(1) of this section, and a set of fingerprint impressions 639
obtained in the manner described in division (C)(2) of this 640
section, the superintendent of the bureau of criminal 641
identification and investigation shall conduct a criminal records 642
check in the manner described in division (B) of this section to 643
determine whether any information exists that indicates that the 644
person who is the subject of the request previously has been 645
convicted of or pleaded guilty to any of the following: 646

(a) A violation of section 2903.01, 2903.02, 2903.03, 647
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 648

2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 649
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 650
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 651
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 652
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 653
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 654
felonious sexual penetration in violation of former section 655
2907.12 of the Revised Code, a violation of section 2905.04 of the 656
Revised Code as it existed prior to July 1, 1996, a violation of 657
section 2919.23 of the Revised Code that would have been a 658
violation of section 2905.04 of the Revised Code as it existed 659
prior to July 1, 1996, had the violation been committed prior to 660
that date, or a violation of section 2925.11 of the Revised Code 661
that is not a minor drug possession offense; 662

(b) A violation of an existing or former law of this state, 663
any other state, or the United States that is substantially 664
equivalent to any of the offenses listed in division (A)(6)(a) of 665
this section. 666

(7) On receipt of a request for a criminal records check from 667
an individual pursuant to section 4749.03 or 4749.06 of the 668
Revised Code, accompanied by a completed copy of the form 669
prescribed in division (C)(1) of this section and a set of 670
fingerprint impressions obtained in a manner described in division 671
(C)(2) of this section, the superintendent of the bureau of 672
criminal identification and investigation shall conduct a criminal 673
records check in the manner described in division (B) of this 674
section to determine whether any information exists indicating 675
that the person who is the subject of the request has been 676
convicted of or pleaded guilty to a felony in this state or in any 677
other state. If the individual indicates that a firearm will be 678
carried in the course of business, the superintendent shall 679
require information from the federal bureau of investigation as 680

described in division (B)(2) of this section. Subject to division 681
(F) of this section, the superintendent shall report the findings 682
of the criminal records check and any information the federal 683
bureau of investigation provides to the director of public safety. 684

(8) On receipt of a request pursuant to section 1321.37, 685
1321.53, or 4763.05 of the Revised Code, a completed form 686
prescribed pursuant to division (C)(1) of this section, and a set 687
of fingerprint impressions obtained in the manner described in 688
division (C)(2) of this section, the superintendent of the bureau 689
of criminal identification and investigation shall conduct a 690
criminal records check with respect to any person who has applied 691
for a license, permit, or certification from the department of 692
commerce or a division in the department. The superintendent shall 693
conduct the criminal records check in the manner described in 694
division (B) of this section to determine whether any information 695
exists that indicates that the person who is the subject of the 696
request previously has been convicted of or pleaded guilty to any 697
of the following: a violation of section 2913.02, 2913.11, 698
2913.31, 2913.51, or 2925.03 of the Revised Code; any other 699
criminal offense involving theft, receiving stolen property, 700
embezzlement, forgery, fraud, passing bad checks, money 701
laundering, or drug trafficking, or any criminal offense involving 702
money or securities, as set forth in Chapters 2909., 2911., 2913., 703
2915., 2921., 2923., and 2925. of the Revised Code; or any 704
existing or former law of this state, any other state, or the 705
United States that is substantially equivalent to those offenses. 706

(9) On receipt of a request for a criminal records check from 707
the treasurer of state under section 113.041 of the Revised Code 708
or from an individual under section 4701.08, 4715.101, 4717.061, 709
4725.121, 4725.501, 4729.071, 4729.53, 4729.90, 4729.92, 4730.101, 710
4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 711
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 712

4747.051, 4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 713
4760.06, 4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 4776.021, 714
4778.04, 4778.07, 4779.091, or 4783.04 of the Revised Code, 715
accompanied by a completed form prescribed under division (C)(1) 716
of this section and a set of fingerprint impressions obtained in 717
the manner described in division (C)(2) of this section, the 718
superintendent of the bureau of criminal identification and 719
investigation shall conduct a criminal records check in the manner 720
described in division (B) of this section to determine whether any 721
information exists that indicates that the person who is the 722
subject of the request has been convicted of or pleaded guilty to 723
any criminal offense in this state or any other state. Subject to 724
division (F) of this section, the superintendent shall send the 725
results of a check requested under section 113.041 of the Revised 726
Code to the treasurer of state and shall send the results of a 727
check requested under any of the other listed sections to the 728
licensing board specified by the individual in the request. 729

(10) On receipt of a request pursuant to section 124.74, 730
1121.23, 1315.141, 1733.47, or 1761.26 of the Revised Code, a 731
completed form prescribed pursuant to division (C)(1) of this 732
section, and a set of fingerprint impressions obtained in the 733
manner described in division (C)(2) of this section, the 734
superintendent of the bureau of criminal identification and 735
investigation shall conduct a criminal records check in the manner 736
described in division (B) of this section to determine whether any 737
information exists that indicates that the person who is the 738
subject of the request previously has been convicted of or pleaded 739
guilty to any criminal offense under any existing or former law of 740
this state, any other state, or the United States. 741

(11) On receipt of a request for a criminal records check 742
from an appointing or licensing authority under section 3772.07 of 743
the Revised Code, a completed form prescribed under division 744

(C)(1) of this section, and a set of fingerprint impressions 745
obtained in the manner prescribed in division (C)(2) of this 746
section, the superintendent of the bureau of criminal 747
identification and investigation shall conduct a criminal records 748
check in the manner described in division (B) of this section to 749
determine whether any information exists that indicates that the 750
person who is the subject of the request previously has been 751
convicted of or pleaded guilty or no contest to any offense under 752
any existing or former law of this state, any other state, or the 753
United States that is a disqualifying offense as defined in 754
section 3772.07 of the Revised Code or substantially equivalent to 755
such an offense. 756

(12) On receipt of a request pursuant to section 2151.33 or 757
2151.412 of the Revised Code, a completed form prescribed pursuant 758
to division (C)(1) of this section, and a set of fingerprint 759
impressions obtained in the manner described in division (C)(2) of 760
this section, the superintendent of the bureau of criminal 761
identification and investigation shall conduct a criminal records 762
check with respect to any person for whom a criminal records check 763
is required under that section. The superintendent shall conduct 764
the criminal records check in the manner described in division (B) 765
of this section to determine whether any information exists that 766
indicates that the person who is the subject of the request 767
previously has been convicted of or pleaded guilty to any of the 768
following: 769

(a) A violation of section 2903.01, 2903.02, 2903.03, 770
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 771
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 772
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 773
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 774
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 775
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 776

2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 777
2925.22, 2925.23, or 3716.11 of the Revised Code; 778

(b) An existing or former law of this state, any other state, 779
or the United States that is substantially equivalent to any of 780
the offenses listed in division (A)(12)(a) of this section. 781

(13) On receipt of a request pursuant to section 3796.12 of 782
the Revised Code, a completed form prescribed pursuant to division 783
(C)(1) of this section, and a set of fingerprint impressions 784
obtained in a manner described in division (C)(2) of this section, 785
the superintendent of the bureau of criminal identification and 786
investigation shall conduct a criminal records check in the manner 787
described in division (B) of this section to determine whether any 788
information exists that indicates that the person who is the 789
subject of the request previously has been convicted of or pleaded 790
guilty to the following: 791

(a) A disqualifying offense as specified in rules adopted 792
under division (B)(2)(b) of section 3796.03 of the Revised Code if 793
the person who is the subject of the request is an administrator 794
or other person responsible for the daily operation of, or an 795
owner or prospective owner, officer or prospective officer, or 796
board member or prospective board member of, an entity seeking a 797
license from the department of commerce under Chapter 3796. of the 798
Revised Code; 799

(b) A disqualifying offense as specified in rules adopted 800
under division (B)(2)(b) of section 3796.04 of the Revised Code if 801
the person who is the subject of the request is an administrator 802
or other person responsible for the daily operation of, or an 803
owner or prospective owner, officer or prospective officer, or 804
board member or prospective board member of, an entity seeking a 805
license from the state board of pharmacy under Chapter 3796. of 806
the Revised Code. 807

(14) On receipt of a request required by section 3796.13 of 808
the Revised Code, a completed form prescribed pursuant to division 809
(C)(1) of this section, and a set of fingerprint impressions 810
obtained in a manner described in division (C)(2) of this section, 811
the superintendent of the bureau of criminal identification and 812
investigation shall conduct a criminal records check in the manner 813
described in division (B) of this section to determine whether any 814
information exists that indicates that the person who is the 815
subject of the request previously has been convicted of or pleaded 816
guilty to the following: 817

(a) A disqualifying offense as specified in rules adopted 818
under division (B)(8)(a) of section 3796.03 of the Revised Code if 819
the person who is the subject of the request is seeking employment 820
with an entity licensed by the department of commerce under 821
Chapter 3796. of the Revised Code; 822

(b) A disqualifying offense as specified in rules adopted 823
under division (B)(14)(a) of section 3796.04 of the Revised Code 824
if the person who is the subject of the request is seeking 825
employment with an entity licensed by the state board of pharmacy 826
under Chapter 3796. of the Revised Code. 827

(15) On receipt of a request pursuant to section 4768.06 of 828
the Revised Code, a completed form prescribed under division 829
(C)(1) of this section, and a set of fingerprint impressions 830
obtained in the manner described in division (C)(2) of this 831
section, the superintendent of the bureau of criminal 832
identification and investigation shall conduct a criminal records 833
check in the manner described in division (B) of this section to 834
determine whether any information exists indicating that the 835
person who is the subject of the request has been convicted of or 836
pleaded guilty to a felony in this state or in any other state. 837

(16) On receipt of a request pursuant to division (B) of 838
section 4764.07 of the Revised Code, a completed form prescribed 839

under division (C)(1) of this section, and a set of fingerprint 840
impressions obtained in the manner described in division (C)(2) of 841
this section, the superintendent of the bureau of criminal 842
identification and investigation shall conduct a criminal records 843
check in the manner described in division (B) of this section to 844
determine whether any information exists indicating that the 845
person who is the subject of the request has been convicted of or 846
pleaded guilty to any crime of moral turpitude, a felony, or an 847
equivalent offense in any other state or the United States. 848

(17) On receipt of a request for a criminal records check 849
under section 147.022 of the Revised Code, a completed form 850
prescribed under division (C)(1) of this section, and a set of 851
fingerprint impressions obtained in the manner prescribed in 852
division (C)(2) of this section, the superintendent of the bureau 853
of criminal identification and investigation shall conduct a 854
criminal records check in the manner described in division (B) of 855
this section to determine whether any information exists that 856
indicates that the person who is the subject of the request 857
previously has been convicted of or pleaded guilty or no contest 858
to any disqualifying offense, as defined in section 147.011 of the 859
Revised Code, or to any offense under any existing or former law 860
of this state, any other state, or the United States that is 861
substantially equivalent to such a disqualifying offense. 862

(B) Subject to division (F) of this section, the 863
superintendent shall conduct any criminal records check to be 864
conducted under this section as follows: 865

(1) The superintendent shall review or cause to be reviewed 866
any relevant information gathered and compiled by the bureau under 867
division (A) of section 109.57 of the Revised Code that relates to 868
the person who is the subject of the criminal records check, 869
including, if the criminal records check was requested under 870
section 113.041, 121.08, 124.74, 173.27, 173.38, 173.381, 1121.23, 871

1315.141, 1321.37, 1321.53, 1733.47, 1761.26, 2151.86, 3301.32, 872
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3772.07, 3796.12, 873
3796.13, 4729.071, 4729.53, 4729.90, 4729.92, 4749.03, 4749.06, 874
4763.05, 4764.07, 4768.06, 5104.013, 5164.34, 5164.341, 5164.342, 875
5123.081, 5123.169, or 5153.111 of the Revised Code, any relevant 876
information contained in records that have been sealed under 877
section 2953.32 of the Revised Code; 878

(2) If the request received by the superintendent asks for 879
information from the federal bureau of investigation, the 880
superintendent shall request from the federal bureau of 881
investigation any information it has with respect to the person 882
who is the subject of the criminal records check, including 883
fingerprint-based checks of national crime information databases 884
as described in 42 U.S.C. 671 if the request is made pursuant to 885
section 2151.86 or 5104.013 of the Revised Code or if any other 886
Revised Code section requires fingerprint-based checks of that 887
nature, and shall review or cause to be reviewed any information 888
the superintendent receives from that bureau. If a request under 889
section 3319.39 of the Revised Code asks only for information from 890
the federal bureau of investigation, the superintendent shall not 891
conduct the review prescribed by division (B)(1) of this section. 892

(3) The superintendent or the superintendent's designee may 893
request criminal history records from other states or the federal 894
government pursuant to the national crime prevention and privacy 895
compact set forth in section 109.571 of the Revised Code. 896

(4) The superintendent shall include in the results of the 897
criminal records check a list or description of the offenses 898
listed or described in division (A)(1), (2), (3), (4), (5), (6), 899
(7), (8), (9), (10), (11), (12), (13), (14), (15), (16), or (17) 900
of this section, whichever division requires the superintendent to 901
conduct the criminal records check. The superintendent shall 902
exclude from the results any information the dissemination of 903

which is prohibited by federal law. 904

(5) The superintendent shall send the results of the criminal 905
records check to the person to whom it is to be sent not later 906
than the following number of days after the date the 907
superintendent receives the request for the criminal records 908
check, the completed form prescribed under division (C)(1) of this 909
section, and the set of fingerprint impressions obtained in the 910
manner described in division (C)(2) of this section: 911

(a) If the superintendent is required by division (A) of this 912
section (other than division (A)(3) of this section) to conduct 913
the criminal records check, thirty; 914

(b) If the superintendent is required by division (A)(3) of 915
this section to conduct the criminal records check, sixty. 916

(C)(1) The superintendent shall prescribe a form to obtain 917
the information necessary to conduct a criminal records check from 918
any person for whom a criminal records check is to be conducted 919
under this section. The form that the superintendent prescribes 920
pursuant to this division may be in a tangible format, in an 921
electronic format, or in both tangible and electronic formats. 922

(2) The superintendent shall prescribe standard impression 923
sheets to obtain the fingerprint impressions of any person for 924
whom a criminal records check is to be conducted under this 925
section. Any person for whom a records check is to be conducted 926
under this section shall obtain the fingerprint impressions at a 927
county sheriff's office, municipal police department, or any other 928
entity with the ability to make fingerprint impressions on the 929
standard impression sheets prescribed by the superintendent. The 930
office, department, or entity may charge the person a reasonable 931
fee for making the impressions. The standard impression sheets the 932
superintendent prescribes pursuant to this division may be in a 933
tangible format, in an electronic format, or in both tangible and 934

electronic formats. 935

(3) Subject to division (D) of this section, the 936
superintendent shall prescribe and charge a reasonable fee for 937
providing a criminal records check under this section. The person 938
requesting the criminal records check shall pay the fee prescribed 939
pursuant to this division. In the case of a request under section 940
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33, 941
2151.412, or 5164.34 of the Revised Code, the fee shall be paid in 942
the manner specified in that section. 943

(4) The superintendent of the bureau of criminal 944
identification and investigation may prescribe methods of 945
forwarding fingerprint impressions and information necessary to 946
conduct a criminal records check, which methods shall include, but 947
not be limited to, an electronic method. 948

(D) The results of a criminal records check conducted under 949
this section, other than a criminal records check specified in 950
division (A)(7) of this section, are valid for the person who is 951
the subject of the criminal records check for a period of one year 952
from the date upon which the superintendent completes the criminal 953
records check. If during that period the superintendent receives 954
another request for a criminal records check to be conducted under 955
this section for that person, the superintendent shall provide the 956
results from the previous criminal records check of the person at 957
a lower fee than the fee prescribed for the initial criminal 958
records check. 959

(E) When the superintendent receives a request for 960
information from a registered private provider, the superintendent 961
shall proceed as if the request was received from a school 962
district board of education under section 3319.39 of the Revised 963
Code. The superintendent shall apply division (A)(1)(c) of this 964
section to any such request for an applicant who is a teacher. 965

(F)(1) Subject to division (F)(2) of this section, all 966
information regarding the results of a criminal records check 967
conducted under this section that the superintendent reports or 968
sends under division (A)(7) or (9) of this section to the director 969
of public safety, the treasurer of state, or the person, board, or 970
entity that made the request for the criminal records check shall 971
relate to the conviction of the subject person, or the subject 972
person's plea of guilty to, a criminal offense. 973

(2) Division (F)(1) of this section does not limit, restrict, 974
or preclude the superintendent's release of information that 975
relates to the arrest of a person who is eighteen years of age or 976
older, to an adjudication of a child as a delinquent child, or to 977
a criminal conviction of a person under eighteen years of age in 978
circumstances in which a release of that nature is authorized 979
under division (E)(2), (3), or (4) of section 109.57 of the 980
Revised Code pursuant to a rule adopted under division (E)(1) of 981
that section. 982

(G) As used in this section: 983

(1) "Criminal records check" means any criminal records check 984
conducted by the superintendent of the bureau of criminal 985
identification and investigation in accordance with division (B) 986
of this section. 987

(2) "Minor drug possession offense" has the same meaning as 988
in section 2925.01 of the Revised Code. 989

(3) "OVI or OVUAC violation" means a violation of section 990
4511.19 of the Revised Code or a violation of an existing or 991
former law of this state, any other state, or the United States 992
that is substantially equivalent to section 4511.19 of the Revised 993
Code. 994

(4) "Registered private provider" means a nonpublic school or 995
entity registered with the superintendent of public instruction 996

under section 3310.41 of the Revised Code to participate in the 997
autism scholarship program or section 3310.58 of the Revised Code 998
to participate in the Jon Peterson special needs scholarship 999
program. 1000

Sec. 111.15. (A) As used in this section: 1001

(1) "Rule" includes any rule, regulation, bylaw, or standard 1002
having a general and uniform operation adopted by an agency under 1003
the authority of the laws governing the agency; any appendix to a 1004
rule; and any internal management rule. "Rule" does not include 1005
any guideline adopted pursuant to section 3301.0714 of the Revised 1006
Code, any order respecting the duties of employees, any finding, 1007
any determination of a question of law or fact in a matter 1008
presented to an agency, or any rule promulgated pursuant to 1009
Chapter 119. or division (C)(1) or (2) of section 5117.02 of the 1010
Revised Code. "Rule" includes any amendment or rescission of a 1011
rule. 1012

(2) "Agency" means any governmental entity of the state and 1013
includes, but is not limited to, any board, department, division, 1014
commission, bureau, society, council, institution, state college 1015
or university, community college district, technical college 1016
district, or state community college. "Agency" does not include 1017
the general assembly, the controlling board, the adjutant 1018
general's department, or any court. 1019

(3) "Internal management rule" means any rule, regulation, 1020
bylaw, or standard governing the day-to-day staff procedures and 1021
operations within an agency. 1022

(B)(1) Any rule, other than a rule of an emergency nature, 1023
adopted by any agency pursuant to this section shall be effective 1024
on the tenth day after the day on which the rule in final form and 1025
in compliance with division (B)(3) of this section is filed as 1026
follows: 1027

(a) The rule shall be filed in electronic form with both the secretary of state and the director of the legislative service commission;

(b) The rule shall be filed in electronic form with the joint committee on agency rule review. Division (B)(1)(b) of this section does not apply to any rule to which division (D) of this section does not apply.

An agency that adopts or amends a rule that is subject to division (D) of this section shall assign a review date to the rule that is not later than five years after its effective date. If a review date assigned to a rule exceeds the five-year maximum, the review date for the rule is five years after its effective date. A rule with a review date is subject to review under section 106.03 of the Revised Code. This paragraph does not apply to a rule of a state college or university, community college district, technical college district, or state community college.

If an agency in adopting a rule designates an effective date that is later than the effective date provided for by division (B)(1) of this section, the rule if filed as required by such division shall become effective on the later date designated by the agency.

Any rule that is required to be filed under division (B)(1) of this section is also subject to division (D) of this section if not exempted by that division.

If a rule incorporates a text or other material by reference, the agency shall comply with sections 121.71 to 121.75 of the Revised Code.

(2) A rule of an emergency nature necessary for the immediate preservation of the public peace, health, or safety shall state the reasons for the necessity. The emergency rule, in final form and in compliance with division (B)(3) of this section, shall be

filed in electronic form with the secretary of state, the director 1059
of the legislative service commission, and the joint committee on 1060
agency rule review. The emergency rule is effective immediately 1061
upon completion of the latest filing, except that if the agency in 1062
adopting the emergency rule designates an effective date, or date 1063
and time of day, that is later than the effective date and time 1064
provided for by division (B)(2) of this section, the emergency 1065
rule if filed as required by such division shall become effective 1066
at the later date, or later date and time of day, designated by 1067
the agency. 1068

An emergency rule becomes invalid at the end of the one 1069
hundred twentieth day it is in effect. Prior to that date, the 1070
agency may file the emergency rule as a nonemergency rule in 1071
compliance with division (B)(1) of this section. The agency may 1072
not refile the emergency rule in compliance with division (B)(2) 1073
of this section so that, upon the emergency rule becoming invalid 1074
under such division, the emergency rule will continue in effect 1075
without interruption for another one hundred twenty-day period. 1076

(3) An agency shall file a rule under division (B)(1) or (2) 1077
of this section in compliance with the following standards and 1078
procedures: 1079

(a) The rule shall be numbered in accordance with the 1080
numbering system devised by the director for the Ohio 1081
administrative code. 1082

(b) The rule shall be prepared and submitted in compliance 1083
with the rules of the legislative service commission. 1084

(c) The rule shall clearly state the date on which it is to 1085
be effective and the date on which it will expire, if known. 1086

(d) Each rule that amends or rescinds another rule shall 1087
clearly refer to the rule that is amended or rescinded. Each 1088
amendment shall fully restate the rule as amended. 1089

If the director of the legislative service commission or the director's designee gives an agency notice pursuant to section 103.05 of the Revised Code that a rule filed by the agency is not in compliance with the rules of the legislative service commission, the agency shall within thirty days after receipt of the notice conform the rule to the rules of the commission as directed in the notice.

(C) All rules filed pursuant to divisions (B)(1)(a) and (2) of this section shall be recorded by the secretary of state and the director under the title of the agency adopting the rule and shall be numbered according to the numbering system devised by the director. The secretary of state and the director shall preserve the rules in an accessible manner. Each such rule shall be a public record open to public inspection and may be transmitted to any law publishing company that wishes to reproduce it.

(D) At least sixty-five days before a board, commission, department, division, or bureau of the government of the state files a rule under division (B)(1) of this section, it shall file the full text of the proposed rule in electronic form with the joint committee on agency rule review, and the proposed rule is subject to legislative review and invalidation under section 106.021 of the Revised Code. If a state board, commission, department, division, or bureau makes a revision in a proposed rule after it is filed with the joint committee, the state board, commission, department, division, or bureau shall promptly file the full text of the proposed rule in its revised form in electronic form with the joint committee. A state board, commission, department, division, or bureau shall also file the rule summary and fiscal analysis prepared under section 106.024 of the Revised Code in electronic form along with a proposed rule, and along with a proposed rule in revised form, that is filed under this division. If a proposed rule has an adverse impact on

businesses, the state board, commission, department, division, or 1122
bureau also shall file the business impact analysis, any 1123
recommendations received from the common sense initiative office, 1124
and the associated memorandum of response, if any, in electronic 1125
form along with the proposed rule, or the proposed rule in revised 1126
form, that is filed under this division. 1127

A proposed rule that is subject to legislative review under 1128
this division may not be adopted and filed in final form under 1129
division (B)(1) of this section unless the proposed rule has been 1130
filed with the joint committee on agency rule review under this 1131
division and the time for the joint committee to review the 1132
proposed rule has expired without recommendation of a concurrent 1133
resolution to invalidate the proposed rule. 1134

As used in this division, "commission" includes the public 1135
utilities commission when adopting rules under a federal or state 1136
statute. 1137

This division does not apply to any of the following: 1138

(1) A proposed rule of an emergency nature; 1139

(2) A rule proposed under section 1121.05, 1121.06, 1349.33, 1140
1707.201, 1733.412, 4123.29, 4123.34, 4123.341, 4123.342, 4123.40, 1141
4123.411, 4123.44, or 4123.442 of the Revised Code; 1142

(3) A rule proposed by an agency other than a board, 1143
commission, department, division, or bureau of the government of 1144
the state; 1145

(4) A proposed internal management rule of a board, 1146
commission, department, division, or bureau of the government of 1147
the state; 1148

(5) Any proposed rule that must be adopted verbatim by an 1149
agency pursuant to federal law or rule, to become effective within 1150
sixty days of adoption, in order to continue the operation of a 1151

federally reimbursed program in this state, so long as the 1152
proposed rule contains both of the following: 1153

(a) A statement that it is proposed for the purpose of 1154
complying with a federal law or rule; 1155

(b) A citation to the federal law or rule that requires 1156
verbatim compliance. 1157

(6) An initial rule proposed by the director of health to 1158
impose safety standards and quality-of-care standards with respect 1159
to a health service specified in section 3702.11 of the Revised 1160
Code, or an initial rule proposed by the director to impose 1161
quality standards on a health care facility ~~listed~~ as defined in 1162
~~division (A)(4)~~ of section 3702.30 of the Revised Code, if section 1163
3702.12 of the Revised Code requires that the rule be adopted 1164
under this section; 1165

(7) A rule of the state lottery commission pertaining to 1166
instant game rules. 1167

If a rule is exempt from legislative review under division 1168
(D)(5) of this section, and if the federal law or rule pursuant to 1169
which the rule was adopted expires, is repealed or rescinded, or 1170
otherwise terminates, the rule is thereafter subject to 1171
legislative review under division (D) of this section. 1172

Whenever a state board, commission, department, division, or 1173
bureau files a proposed rule or a proposed rule in revised form 1174
under division (D) of this section, it shall also file the full 1175
text of the same proposed rule or proposed rule in revised form in 1176
electronic form with the secretary of state and the director of 1177
the legislative service commission. A state board, commission, 1178
department, division, or bureau shall file the rule summary and 1179
fiscal analysis prepared under section 106.024 of the Revised Code 1180
in electronic form along with a proposed rule or proposed rule in 1181
revised form that is filed with the secretary of state or the 1182

director of the legislative service commission. 1183

Sec. 111.28. (A) There is hereby created in the state 1184
treasury the help America vote act (HAVA) fund. All moneys 1185
received by the secretary of state from the United States election 1186
assistance commission shall be credited to the fund. The secretary 1187
of state shall use the moneys credited to the fund for activities 1188
conducted pursuant to the "Help America Vote Act of 2002," Pub. L. 1189
No. 107-252, 116 Stat. 1666. All investment earnings of the fund 1190
shall be credited to the fund. 1191

~~(B) There is hereby created in the state treasury the 1192
election reform/health and human services fund. All moneys 1193
received by the secretary of state from the United States 1194
department of health and human services shall be credited to the 1195
fund. The secretary of state shall use the moneys credited to the 1196
fund for activities conducted pursuant to grants awarded to the 1197
state under Title II, Subtitle D, Sections 261 to 265 of the Help 1198
America Vote Act of 2002 to assure access for individuals with 1199
disabilities. All investment earnings of the fund shall be 1200
credited to the fund. 1201~~

~~(C) There is hereby created in the state treasury the 1202
miscellaneous federal grants fund. All moneys the secretary of 1203
state receives as grants from federal sources that are not 1204
otherwise designated shall be credited to the fund. The secretary 1205
of state shall use the moneys credited to the fund for the 1206
purposes and activities required by the applicable federal grant 1207
agreements. All investment earnings of the fund shall be credited 1208
to the fund. 1209~~

Sec. 113.50. As used in sections 113.50 to 113.56 of the 1210
Revised Code: 1211

(A) ~~"ABLE account" means an individual account opened in 1212~~

~~accordance with the program or a similar ABLE account program~~ 1213
~~established by another state in accordance with section 529A of~~ 1214
~~the Internal Revenue Code.~~ 1215

~~(B)~~ "Account owner" means a designated beneficiary or any 1216
other person authorized to be the owner of ~~an ABLE~~ a STABLE 1217
account under federal law. 1218

~~(C)~~(B) "Designated beneficiary" means an eligible individual 1219
whose qualified disability expenses may be paid from ~~an ABLE~~ a 1220
STABLE account. 1221

~~(D)~~(C) "Eligible individual," "member of the family," 1222
"qualified disability expenses," and "qualified ABLE program" have 1223
the same meanings as in section 529A of the Internal Revenue Code. 1224

~~(E)~~(D) "Financial organization" means an insurance company, 1225
bank, or other financial institution or a broker-dealer registered 1226
with the securities and exchange commission. 1227

~~(F)~~(E) "Management contract" means a contract between the 1228
treasurer of state and a program manager under division (B) of 1229
section 113.52 of the Revised Code. 1230

~~(G)~~(F) "Maximum account value" means the dollar amount 1231
calculated by the Ohio tuition trust authority pursuant to 1232
sections 3334.01 to 3334.21 of the Revised Code as the maximum 1233
amount that may be necessary to pay for the qualified higher 1234
education expenses of a beneficiary under those sections, 1235
consistent with the maximum contributions permitted under section 1236
529 of the Internal Revenue Code. 1237

~~(H)~~(G) "Program" means the ~~ABLE~~ STABLE account program 1238
established under sections 113.50 to 113.56 of the Revised Code. 1239

~~(I)~~(H) "Program account" means an individual account opened 1240
in accordance with the program. 1241

~~(J)~~(I) "Program manager" means a financial organization 1242

selected by the treasurer of state to be a depository and manager 1243
of the program under section 113.52 of the Revised Code. 1244

~~(K)~~(J) "Secretary" means the secretary of the treasury of the 1245
United States. 1246

(K) "STABLE account" means an individual account opened in 1247
accordance with the program or a similar program established by 1248
another state in accordance with section 529A of the Internal 1249
Revenue Code. 1250

(L) "Internal Revenue Code" has the same meaning as in 1251
section 5747.01 of the Revised Code. 1252

Sec. 113.51. (A) The treasurer of state shall implement and 1253
administer a program under the terms and conditions established 1254
under sections 113.50 to 113.56 of the Revised Code. For that 1255
purpose, the treasurer shall do all of the following: 1256

(1) Develop and implement the program in a manner consistent 1257
with the provisions of sections 113.50 to 113.56 of the Revised 1258
Code; 1259

(2) Engage the services of consultants on a contract basis 1260
for rendering professional and technical assistance and advice; 1261

(3) Seek rulings and other guidance from the secretary and 1262
the internal revenue service relating to the program; 1263

(4) Make modifications to the program as necessary for 1264
participants in the program to qualify for the federal income tax 1265
benefits or treatment provided under section 529A of the Internal 1266
Revenue Code or rules adopted thereunder; 1267

(5) Impose and collect administrative fees and service 1268
charges in connection with any agreement or transaction relating 1269
to the program; 1270

(6) Develop marketing plans and promotional materials to 1271

publicize the program;	1272
(7) Establish the procedures by which funds held in program accounts shall be disbursed;	1273 1274
(8) Administer the issuance of interests by the Ohio ABLE <u>STABLE</u> savings program trust fund to designated beneficiaries;	1275 1276
(9) Establish the procedures by which funds held in program accounts shall be allocated to pay for administrative costs;	1277 1278
(10) Take any other action necessary to implement and administer the program;	1279 1280
(11) Adopt rules in accordance with Chapter 119. of the Revised Code necessary to implement and administer the program;	1281 1282
(12) Notify the secretary when a program account has been opened for a designated beneficiary and submit other reports concerning the program as required by the secretary or under section 529A of the Internal Revenue Code.	1283 1284 1285 1286
(B) The treasurer of state may enter into agreements with other states or agencies of, subdivisions of, or residents of those states related to the program or a similar ABLE account program established by another state in accordance with section 529A of the Internal Revenue Code.	1287 1288 1289 1290 1291
Sec. 113.53. (A) A designated beneficiary, or a trustee or guardian of a designated beneficiary who lacks capacity to enter into an agreement, may apply, on forms prescribed by the treasurer of state, to open a program account. A beneficiary may have only one ABLE <u>STABLE</u> account. The treasurer of state may impose a nonrefundable application fee. The application shall require the applicant to provide the following information:	1292 1293 1294 1295 1296 1297 1298
(1) The name, address, social security number, and birth date of the designated beneficiary;	1299 1300

(2) The name, address, and social security number of the designated beneficiary's trustee or guardian, if applicable;

(3) Certification by the applicant that the applicant understands the maximum account value and the consequences under division (C) of this section for excess contributions and understands how program account values exceeding the amount designated under section 103 of the "Stephen Beck, Jr., ABLE Act of 2014," 26 U.S.C. 529A note, may affect the applicant's resources for determining the applicant's eligibility for the supplemental security income program;

(4) Any additional information required by the treasurer of state.

(B)(1) To qualify for a program account, a designated beneficiary must be an eligible individual at the time the program account is opened. Before opening a program account, the treasurer of state or program manager shall enter into an agreement with the account owner that discloses the requirements and restrictions on contributions and withdrawals from the program account.

(2) Any person may make contributions to a program account after the account is opened, subject to the limitations imposed by section 529A of the Internal Revenue Code and any rules adopted by the secretary.

(C) Contributions to a program account shall be made in cash. The treasurer of state or program manager shall reject or promptly withdraw a contribution to a program account if that contribution would exceed the annual limits prescribed in subsection (b)(2)(B) of section 529A of the Internal Revenue Code. The treasurer or program manager shall reject or promptly withdraw a contribution if the value of the program account equals or exceeds the maximum account value or the designated beneficiary is not an eligible individual in the current calendar year.

(D)(1) To the extent authorized by federal law, and in 1332
accordance with rules adopted by the treasurer of state, an 1333
account owner may change the designated beneficiary of a program 1334
account to another individual. 1335

(2) No account owner may use an interest in ~~an ABLE~~ a STABLE 1336
account as security for a loan. Any pledge of an interest in an 1337
account shall be void and of no force and effect. 1338

(E)(1) A distribution from a program account to any 1339
individual or for the benefit of any individual during a calendar 1340
year shall be reported to the internal revenue service and the 1341
designated beneficiary or the distributee to the extent required 1342
under state or federal law. 1343

(2) Statements shall be provided to each account owner of a 1344
program account at least four times each year within thirty days 1345
after the end of the quarterly period to which a statement 1346
relates. The statement shall identify the contributions made 1347
during the preceding quarter, the total contributions made to the 1348
account through the last day of that quarter, the value of the 1349
account on the last day of that quarter, distributions made during 1350
that quarter, and any other information that the treasurer of 1351
state requires to be reported to the account owner. 1352

(3) Statements and information relating to program accounts 1353
shall be prepared and filed to the extent required under sections 1354
113.50 to 113.56 of the Revised Code and any other state or 1355
federal law. 1356

(F) The program shall provide separate accounting for each 1357
designated beneficiary. An annual fee may be imposed upon the 1358
account owner for the maintenance of a program account. 1359

(G) Money in ~~an ABLE~~ a STABLE account shall be exempt from 1360
attachment, execution, or garnishment as provided in section 1361
2329.66 of the Revised Code, and is subject to claims made under 1362

the medicaid estate recovery program instituted pursuant to 1363
section 5162.21 of the Revised Code, in accordance with subsection 1364
(f) of section 529A of the Internal Revenue Code and subject to 1365
any limitations imposed by the secretary. 1366

(H)(1) Notwithstanding any other provision of state law, all 1367
of the following shall be disregarded for the purposes of 1368
determining an individual's eligibility for a means-tested public 1369
assistance program funded only with state, local, or state and 1370
local funds and the amount of assistance or benefits the 1371
individual is eligible to receive under the program: 1372

(a) Any amount in ~~an ABLE~~ a STABLE account, including 1373
earnings on the account; 1374

(b) Any contributions to ~~an ABLE~~ a STABLE account; 1375

(c) Any distribution from ~~an ABLE~~ a STABLE account for 1376
qualified disability expenses. 1377

(2) Division (H)(1) of this section applies only to an 1378
individual who is either of the following: 1379

(a) The designated beneficiary of the ~~ABLE~~ STABLE account; 1380

(b) An individual whose eligibility for the means-tested 1381
program is conditioned on the ~~ABLE~~ STABLE account's designated 1382
beneficiary disclosing the designated beneficiary's income, 1383
resources, or both to the entity administering the means-tested 1384
public assistance program. 1385

Sec. 113.55. (A) The Ohio ~~ABLE~~ STABLE savings program trust 1386
fund is hereby created, which shall be in the custody of the 1387
treasurer of state but shall not be part of the state treasury. 1388
The fund shall be used if the treasurer of state elects to accept 1389
deposits from contributors rather than have deposits sent directly 1390
to a program manager. The fund shall consist of any moneys 1391
deposited by contributors in accordance with sections 113.50 to 1392

113.56 of the Revised Code that are not deposited directly with 1393
the program manager. Money shall be disbursed from the fund upon 1394
an order of the treasurer. All interest from the money in the fund 1395
shall be credited to the Ohio ABLE STABLE savings expense fund. 1396

(B)(1) The Ohio ABLE STABLE savings expense fund is hereby 1397
created in the state treasury. The fund shall consist of money 1398
received from program managers, governmental or private grants, or 1399
appropriations for the program. 1400

(2) All expenses incurred by the treasurer of state in 1401
developing and administering the ABLE STABLE account program and 1402
all expenses and reimbursements allowed for the ABLE STABLE 1403
account program advisory board created under section 113.56 of the 1404
Revised Code shall be payable from the Ohio ABLE STABLE savings 1405
expense fund. 1406

Sec. 113.56. (A) There is hereby created the ABLE STABLE 1407
account program advisory board, consisting of nine members, 1408
composed of the following: 1409

(1) The director of developmental disabilities or the 1410
director's designee; 1411

(2) One member of the house of representatives appointed by 1412
the speaker of the house of representatives; 1413

(3) One member of the senate appointed by the president of 1414
the senate; 1415

(4) One member appointed by the governor who is a 1416
representative of an intellectual or developmental disability 1417
advocacy organization; 1418

(5) One member appointed by the governor who is a 1419
representative of a service provider for individuals with 1420
disabilities; 1421

(6) One member appointed by the governor who is the parent of a child with a disability and who has significant experience with disability issues;

(7) One member appointed by the governor who is a person with a disability and who has significant experience with disability issues;

(8) Two members appointed by the governor who have significant experience in finance, accounting, investment management, or other areas that may assist the board in carrying out its duties.

(B) Terms of office of the appointed members described in divisions (A)(4) to (8) of this section are for four years, which shall end on the thirty-first day of December. Terms of office of the appointed members described in divisions (A)(2) and (3) of this section shall be for the term of the general assembly. Any member may be reappointed, provided the member continues to meet all other eligibility requirements. Vacancies shall be filled in the manner provided for original appointments. Any such member appointed to fill a vacancy before the expiration of the term for which the predecessor was appointed shall hold office as a member for the remainder of that term. Appointed members of the board serve at the pleasure of the member's appointing authority and may be removed only by that authority.

~~(C) The member described in division (A)(1) of this section shall call the first meeting of the ABLE account program advisory board, which shall occur not later than sixty days after the effective date of the enactment of this section. At the board's first meeting, members of the board shall elect a chairperson. If a vacancy occurs in the office of chairperson, members shall elect a new chairperson. The board shall meet at least four times each year or more frequently at the call of the chairperson. The board is a public body for purposes of section 121.22 of the Revised~~

Code. 1454

(D) A vacancy on the board does not impair the right of the 1455
other members to exercise all the functions of the board. The 1456
presence of a majority of the members of the board constitutes a 1457
quorum for the conduct of business of the board. The concurrence 1458
of at least a majority of the members of the board is necessary 1459
for any action to be taken by the board. On request to the 1460
treasurer of state, each member of the board shall be reimbursed 1461
for the actual and necessary travel expenses incurred in the 1462
performance of the member's official duties. 1463

(E)(1) The board shall do all of the following: 1464

(a) Review the work of the treasurer of state related to the 1465
program; 1466

(b) Advise the treasurer on the program as requested by the 1467
treasurer; 1468

(c) Make recommendations to the treasurer for the improvement 1469
of the program; 1470

(d) On or before the thirty-first day of December of each 1471
year, in consultation with the treasurer of state, prepare a 1472
report of the board's activities and recommendations and deliver 1473
that report to the governor, speaker of the house of 1474
representatives, and president of the senate. 1475

(2) The board may prepare reports of the board's activities 1476
and recommendations in addition to the report described in 1477
division (E)(1)(d) of this section. The board shall deliver such a 1478
report to the governor, speaker of the house of representatives, 1479
and president of the senate. 1480

(F) The treasurer of state shall provide the board with the 1481
resources necessary to conduct its business. The board may accept 1482
uncompensated assistance from individuals, research organizations, 1483

and other state agencies. 1484

Sec. 120.04. (A) The state public defender shall serve at the 1485
pleasure of the Ohio public defender commission and shall be an 1486
attorney with a minimum of four years of experience in the 1487
practice of law and be admitted to the practice of law in this 1488
state at least one year prior to appointment. 1489

(B) The state public defender shall do all of the following: 1490

(1) Maintain a central office in Columbus. The central office 1491
shall be provided with a library of adequate size, considering the 1492
needs of the office and the accessibility of other libraries, and 1493
other necessary facilities and equipment. 1494

(2) Appoint assistant state public defenders, all of whom 1495
shall be attorneys admitted to the practice of law in this state, 1496
and other personnel necessary for the operation of the state 1497
public defender office. Assistant state public defenders shall be 1498
appointed on a full-time basis. The state public defender, 1499
assistant state public defenders, and employees appointed by the 1500
state public defender shall not engage in the private practice of 1501
law. 1502

(3) Supervise the compliance of county public defender 1503
offices, joint county public defender offices, and county 1504
appointed counsel systems with standards established by rules of 1505
the Ohio public defender commission pursuant to division (B) of 1506
section 120.03 of the Revised Code; 1507

(4) Keep and maintain financial records of all cases handled 1508
and develop records for use in the calculation of direct and 1509
indirect costs, in the operation of the office, and report 1510
periodically, but not less than annually, to the commission on all 1511
relevant data on the operations of the office, costs, projected 1512
needs, and recommendations for legislation or amendments to court 1513

rules, as may be appropriate to improve the criminal justice system; 1514
1515

(5) Collect all moneys due the state for reimbursement for legal services under this chapter and under section 2941.51 of the Revised Code and institute any actions in court on behalf of the state for the collection of such sums that the state public defender considers advisable. Except as provided otherwise in division (D) of section 120.06 of the Revised Code, all moneys collected by the state public defender under this chapter and section 2941.51 of the Revised Code shall be deposited in the state treasury to the credit of the client payment fund, which is hereby created. All moneys credited to the fund shall be used by the state public defender to appoint assistant state public defenders and to provide other personnel, equipment, and facilities necessary for the operation of the state public defender office, to reimburse counties for the operation of county public defender offices, joint county public defender offices, and county appointed counsel systems pursuant to sections 120.18, 120.28, and 120.33 of the Revised Code, or to provide assistance to counties in the operation of county indigent defense systems. 1516
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(6) With respect to funds appropriated to the commission to pay criminal costs, perform the duties imposed by sections 2949.19 and 2949.201 of the Revised Code; 1534
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1536

(7) Establish standards and guidelines for the reimbursement, pursuant to sections 120.18, 120.28, 120.33, 2941.51, and 2949.19 of the Revised Code, of counties for the operation of county public defender offices, joint county public defender offices, and county appointed counsel systems and for other costs related to felony prosecutions; 1537
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(8) Establish maximum amounts that the state will reimburse the counties pursuant to sections 120.18, 120.28, 120.33, and 2941.51 of the Revised Code; 1543
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1545

(9) Establish maximum amounts that the state will reimburse 1546
the counties pursuant to section 120.33 of the Revised Code for 1547
each specific type of legal service performed by a county 1548
appointed counsel system; 1549

(10) Administer sections 120.18, 120.28, 120.33, 2941.51, and 1550
2949.19 of the Revised Code and make reimbursements pursuant to 1551
those sections; 1552

(11) Administer the program established pursuant to sections 1553
120.51 to 120.55 of the Revised Code for the charitable public 1554
purpose of providing financial assistance to legal aid societies. 1555
Neither the state public defender nor any of the state public 1556
defender's employees who is responsible in any way for the 1557
administration of that program and who performs those 1558
administrative responsibilities in good faith is in any manner 1559
liable if a legal aid society that is provided financial 1560
assistance under the program uses the financial assistance other 1561
than in accordance with sections 120.51 to 120.55 of the Revised 1562
Code or fails to comply with the requirements of those sections. 1563

(12) Establish an office for the handling of appeal and 1564
postconviction matters; 1565

(13) Provide technical aid and assistance to county public 1566
defender offices, joint county public defender offices, and other 1567
local counsel providing legal representation to indigent persons, 1568
including representation and assistance on appeals. 1569

(C) The state public defender may do any of the following: 1570

(1) In providing legal representation, conduct 1571
investigations, obtain expert testimony, take depositions, use 1572
other discovery methods, order transcripts, and make all other 1573
preparations which are appropriate and necessary to an adequate 1574
defense or the prosecution of appeals and other legal proceedings; 1575

(2) Seek, solicit, and apply for grants for the operation of 1576

programs for the defense of indigent persons from any public or 1577
private source, and may receive donations, grants, awards, and 1578
similar funds from any lawful source. Such funds shall be 1579
deposited in the state treasury to the credit of the public 1580
defender gifts and grants fund, which is hereby created. 1581

(3) Make all the necessary arrangements to coordinate the 1582
services of the office with any federal, county, or private 1583
programs established to provide legal representation to indigent 1584
persons and others, and to obtain and provide all funds allowable 1585
under any such programs; 1586

(4) Consult and cooperate with professional groups concerned 1587
with the causes of criminal conduct, the reduction of crime, the 1588
rehabilitation and correction of persons convicted of crime, the 1589
administration of criminal justice, and the administration and 1590
operation of the state public defender's office; 1591

(5) Accept the services of volunteer workers and consultants 1592
at no compensation other than reimbursement for actual and 1593
necessary expenses; 1594

(6) Prescribe any forms that are necessary for the uniform 1595
operation of this chapter; 1596

(7) Contract with a county public defender commission or a 1597
joint county public defender commission to provide all or any part 1598
of the services that a county public defender or joint county 1599
public defender is required or permitted to provide by this 1600
chapter, or contract with a board of county commissioners of a 1601
county that is not served by a county public defender commission 1602
or a joint county public defender commission for the provision of 1603
services in accordance with section 120.33 of the Revised Code. 1604
All money received by the state public defender pursuant to such a 1605
contract shall be credited to either the ~~multi-county~~ multicounty: 1606
county share fund or, if received as a result of a contract with 1607

Trumbull county, the Trumbull county: county share fund. 1608

(8) Authorize persons employed as criminal investigators to 1609
attend the Ohio peace officer training academy or any other peace 1610
officer training school for training; 1611

(9) Procure a policy or policies of malpractice insurance 1612
that provide coverage for the state public defender and assistant 1613
state public defenders in connection with malpractice claims that 1614
may arise from their actions or omissions related to 1615
responsibilities derived pursuant to this chapter; 1616

(10) Enter into agreements to license, lease, sell, and 1617
market for sale intellectual property owned by the office and 1618
receive payments from those agreements for use in the operation of 1619
the office and programs for the defense of indigent persons. All 1620
funds received by the state public defender pursuant to such 1621
agreements shall be deposited in the state treasury to the credit 1622
of the public defender gifts and grants fund. 1623

(D) No person employed by the state public defender as a 1624
criminal investigator shall attend the Ohio peace officer training 1625
academy or any other peace officer training school unless 1626
authorized to do so by the state public defender. 1627

Sec. 121.083. (A) The superintendent of industrial compliance 1628
in the department of commerce shall do all of the following: 1629
1630

~~(A)~~(1) Administer and enforce the general laws of this state 1631
pertaining to buildings, pressure piping, boilers, bedding, 1632
upholstered furniture, and stuffed toys, steam engineering, 1633
elevators, plumbing, licensed occupations regulated by the 1634
department, and travel agents, as they apply to plans review, 1635
inspection, code enforcement, testing, licensing, registration, 1636
and certification. 1637

~~(B)~~(2) Exercise the powers and perform the duties delegated 1638
to the superintendent by the director of commerce under Chapters 1639
4109., 4111., and 4115. of the Revised Code. 1640

~~(C)~~(3) Collect and collate statistics as are necessary. 1641

~~(D)~~(4) Examine and license persons who desire to act as steam 1642
engineers, to operate steam boilers, and to act as inspectors of 1643
steam boilers, provide for the scope, conduct, and time of such 1644
examinations, provide for, regulate, and enforce the renewal and 1645
revocation of such licenses, inspect and examine steam boilers and 1646
make, publish, and enforce rules and orders for the construction, 1647
installation, inspection, and operation of steam boilers, and do, 1648
require, and enforce all things necessary to make such 1649
examination, inspection, and requirement efficient. 1650

~~(E)~~(5) Rent and furnish offices as needed in cities in this 1651
state for the conduct of its affairs. 1652

~~(F)~~(6) Oversee a chief of construction and compliance, a 1653
chief of operations and maintenance, a chief of licensing and 1654
certification, a chief of worker protection, and other designees 1655
appointed by the director to perform the duties described in this 1656
section. 1657

~~(G)~~(7) Enforce the rules the board of building standards 1658
adopts pursuant to division (A)(2) of section 4104.43 of the 1659
Revised Code under the circumstances described in division (D) of 1660
that section. 1661

~~(H)~~(8) Accept submissions, establish a fee for submissions, 1662
and review submissions of certified welding and brazing procedure 1663
specifications, procedure qualification records, and performance 1664
qualification records for building services piping as required by 1665
section 4104.44 of the Revised Code. 1666

(B) The superintendent may enter into a contract with a 1667
municipal corporation, township, or county building department 1668

certified by the board of building standards pursuant to division 1669
(E) of section 3781.10 of the Revised Code, or a municipal or 1670
county health district, to do any of the following on behalf of 1671
the building department or health district: 1672

(1) Exercise enforcement authority pursuant to section 1673
3781.03 of the Revised Code; 1674

(2) Accept and approve plans and specifications, and make 1675
inspections, pursuant to section 3791.04 of the Revised Code; 1676

(3) Enforce the rules adopted pursuant to division (A)(2) of 1677
section 4104.43 of the Revised Code. 1678

Sec. 121.22. (A) This section shall be liberally construed to 1679
require public officials to take official action and to conduct 1680
all deliberations upon official business only in open meetings 1681
unless the subject matter is specifically excepted by law. 1682

(B) As used in this section: 1683

(1) "Public body" means any of the following: 1684

(a) Any board, commission, committee, council, or similar 1685
decision-making body of a state agency, institution, or authority, 1686
and any legislative authority or board, commission, committee, 1687
council, agency, authority, or similar decision-making body of any 1688
county, township, municipal corporation, school district, or other 1689
political subdivision or local public institution; 1690

(b) Any committee or subcommittee of a body described in 1691
division (B)(1)(a) of this section; 1692

(c) A court of jurisdiction of a sanitary district organized 1693
wholly for the purpose of providing a water supply for domestic, 1694
municipal, and public use when meeting for the purpose of the 1695
appointment, removal, or reappointment of a member of the board of 1696
directors of such a district pursuant to section 6115.10 of the 1697
Revised Code, if applicable, or for any other matter related to 1698

such a district other than litigation involving the district. As 1699
used in division (B)(1)(c) of this section, "court of 1700
jurisdiction" has the same meaning as "court" in section 6115.01 1701
of the Revised Code. 1702

(2) "Meeting" means any prearranged discussion of the public 1703
business of the public body by a majority of its members. 1704

(3) "Regulated individual" means either of the following: 1705

(a) A student in a state or local public educational 1706
institution; 1707

(b) A person who is, voluntarily or involuntarily, an inmate, 1708
patient, or resident of a state or local institution because of 1709
criminal behavior, mental illness, an intellectual disability, 1710
disease, disability, age, or other condition requiring custodial 1711
care. 1712

(4) "Public office" has the same meaning as in section 1713
149.011 of the Revised Code. 1714

(C) All meetings of any public body are declared to be public 1715
meetings open to the public at all times. A member of a public 1716
body shall be present in person at a meeting open to the public to 1717
be considered present or to vote at the meeting and for purposes 1718
of determining whether a quorum is present at the meeting. 1719

The minutes of a regular or special meeting of any public 1720
body shall be promptly prepared, filed, and maintained and shall 1721
be open to public inspection. The minutes need only reflect the 1722
general subject matter of discussions in executive sessions 1723
authorized under division (G) or (J) of this section. 1724

(D) This section does not apply to any of the following: 1725

(1) A grand jury; 1726

(2) An audit conference conducted by the auditor of state or 1727
independent certified public accountants with officials of the 1728

public office that is the subject of the audit;	1729
(3) The adult parole authority when its hearings are	1730
conducted at a correctional institution for the sole purpose of	1731
interviewing inmates to determine parole or pardon and the	1732
department of rehabilitation and correction when its hearings are	1733
conducted at a correctional institution for the sole purpose of	1734
making determinations under section 2967.271 of the Revised Code	1735
regarding the release or maintained incarceration of an offender	1736
to whom that section applies;	1737
(4) The organized crime investigations commission established	1738
under section 177.01 of the Revised Code;	1739
(5) Meetings of a child fatality review board established	1740
under section 307.621 of the Revised Code, meetings related to a	1741
review conducted pursuant to guidelines established by the	1742
director of health under section 3701.70 of the Revised Code, and	1743
meetings conducted pursuant to sections 5153.171 to 5153.173 of	1744
the Revised Code;	1745
(6) The state medical board when determining whether to	1746
suspend a certificate without a prior hearing pursuant to division	1747
(G) of either section 4730.25 or 4731.22 of the Revised Code;	1748
(7) The board of nursing when determining whether to suspend	1749
a license or certificate without a prior hearing pursuant to	1750
division (B) of section 4723.281 of the Revised Code;	1751
(8) The state board of pharmacy when determining whether to	1752
suspend a license without a prior hearing pursuant to division (D)	1753
of section 4729.16 of the Revised Code;	1754
(9) The state chiropractic board when determining whether to	1755
suspend a license without a hearing pursuant to section 4734.37 of	1756
the Revised Code;	1757
(10) The executive committee of the emergency response	1758

commission when determining whether to issue an enforcement order 1759
or request that a civil action, civil penalty action, or criminal 1760
action be brought to enforce Chapter 3750. of the Revised Code; 1761

(11) The board of directors of the nonprofit corporation 1762
formed under section 187.01 of the Revised Code or any committee 1763
thereof, and the board of directors of any subsidiary of that 1764
corporation or a committee thereof; 1765

(12) An audit conference conducted by the audit staff of the 1766
department of job and family services with officials of the public 1767
office that is the subject of that audit under section 5101.37 of 1768
the Revised Code; 1769

(13) The occupational therapy section of the occupational 1770
therapy, physical therapy, and athletic trainers board when 1771
determining whether to suspend a license or limited permit without 1772
a hearing pursuant to division (D) of section 4755.11 of the 1773
Revised Code; 1774

(14) The physical therapy section of the occupational 1775
therapy, physical therapy, and athletic trainers board when 1776
determining whether to suspend a license without a hearing 1777
pursuant to division (E) of section 4755.47 of the Revised Code; 1778

(15) The athletic trainers section of the occupational 1779
therapy, physical therapy, and athletic trainers board when 1780
determining whether to suspend a license without a hearing 1781
pursuant to division (D) of section 4755.64 of the Revised Code; 1782

(16) If established by the department of health under section 1783
3738.01 of the Revised Code, meetings of the pregnancy-associated 1784
mortality review board; 1785

(17) Meetings of a fetal-infant mortality review board 1786
established under section 3707.71 of the Revised Code; 1787

(18) Meetings of a drug overdose fatality review committee 1788

established under section 307.631 of the Revised Code. 1789

(E) The controlling board, the tax credit authority, or the 1790
minority development financing advisory board, when meeting to 1791
consider granting assistance pursuant to Chapter 122. or 166. of 1792
the Revised Code, in order to protect the interest of the 1793
applicant or the possible investment of public funds, by unanimous 1794
vote of all board or authority members present, may close the 1795
meeting during consideration of the following information 1796
confidentially received by the authority or board from the 1797
applicant: 1798

(1) Marketing plans; 1799

(2) Specific business strategy; 1800

(3) Production techniques and trade secrets; 1801

(4) Financial projections; 1802

(5) Personal financial statements of the applicant or members 1803
of the applicant's immediate family, including, but not limited 1804
to, tax records or other similar information not open to public 1805
inspection. 1806

The vote by the authority or board to accept or reject the 1807
application, as well as all proceedings of the authority or board 1808
not subject to this division, shall be open to the public and 1809
governed by this section. 1810

(F) Every public body, by rule, shall establish a reasonable 1811
method whereby any person may determine the time and place of all 1812
regularly scheduled meetings and the time, place, and purpose of 1813
all special meetings. A public body shall not hold a special 1814
meeting unless it gives at least twenty-four hours' advance notice 1815
to the news media that have requested notification, except in the 1816
event of an emergency requiring immediate official action. In the 1817
event of an emergency, the member or members calling the meeting 1818

shall notify the news media that have requested notification 1819
immediately of the time, place, and purpose of the meeting. 1820

The rule shall provide that any person, upon request and 1821
payment of a reasonable fee, may obtain reasonable advance 1822
notification of all meetings at which any specific type of public 1823
business is to be discussed. Provisions for advance notification 1824
may include, but are not limited to, mailing the agenda of 1825
meetings to all subscribers on a mailing list or mailing notices 1826
in self-addressed, stamped envelopes provided by the person. 1827

(G) Except as provided in divisions (G)(8) and (J) of this 1828
section, the members of a public body may hold an executive 1829
session only after a majority of a quorum of the public body 1830
determines, by a roll call vote, to hold an executive session and 1831
only at a regular or special meeting for the sole purpose of the 1832
consideration of any of the following matters: 1833

(1) To consider the appointment, employment, dismissal, 1834
discipline, promotion, demotion, or compensation of a public 1835
employee or official, or the investigation of charges or 1836
complaints against a public employee, official, licensee, or 1837
regulated individual, unless the public employee, official, 1838
licensee, or regulated individual requests a public hearing. 1839
Except as otherwise provided by law, no public body shall hold an 1840
executive session for the discipline of an elected official for 1841
conduct related to the performance of the elected official's 1842
official duties or for the elected official's removal from office. 1843
If a public body holds an executive session pursuant to division 1844
(G)(1) of this section, the motion and vote to hold that executive 1845
session shall state which one or more of the approved purposes 1846
listed in division (G)(1) of this section are the purposes for 1847
which the executive session is to be held, but need not include 1848
the name of any person to be considered at the meeting. 1849

(2) To consider the purchase of property for public purposes, 1850

the sale of property at competitive bidding, or the sale or other 1851
disposition of unneeded, obsolete, or unfit-for-use property in 1852
accordance with section 505.10 of the Revised Code, if premature 1853
disclosure of information would give an unfair competitive or 1854
bargaining advantage to a person whose personal, private interest 1855
is adverse to the general public interest. No member of a public 1856
body shall use division (G)(2) of this section as a subterfuge for 1857
providing covert information to prospective buyers or sellers. A 1858
purchase or sale of public property is void if the seller or buyer 1859
of the public property has received covert information from a 1860
member of a public body that has not been disclosed to the general 1861
public in sufficient time for other prospective buyers and sellers 1862
to prepare and submit offers. 1863

If the minutes of the public body show that all meetings and 1864
deliberations of the public body have been conducted in compliance 1865
with this section, any instrument executed by the public body 1866
purporting to convey, lease, or otherwise dispose of any right, 1867
title, or interest in any public property shall be conclusively 1868
presumed to have been executed in compliance with this section 1869
insofar as title or other interest of any bona fide purchasers, 1870
lessees, or transferees of the property is concerned. 1871

(3) Conferences with an attorney for the public body 1872
concerning disputes involving the public body that are the subject 1873
of pending or imminent court action; 1874

(4) Preparing for, conducting, or reviewing negotiations or 1875
bargaining sessions with public employees concerning their 1876
compensation or other terms and conditions of their employment; 1877

(5) Matters required to be kept confidential by federal law 1878
or regulations or state statutes; 1879

(6) Details relative to the security arrangements and 1880
emergency response protocols for a public body or a public office, 1881

if disclosure of the matters discussed could reasonably be 1882
expected to jeopardize the security of the public body or public 1883
office; 1884

(7) In the case of a county hospital operated pursuant to 1885
Chapter 339. of the Revised Code, a joint township hospital 1886
operated pursuant to Chapter 513. of the Revised Code, or a 1887
municipal hospital operated pursuant to Chapter 749. of the 1888
Revised Code, to consider trade secrets, as defined in section 1889
1333.61 of the Revised Code; 1890

(8) To consider confidential information related to the 1891
marketing plans, specific business strategy, production 1892
techniques, trade secrets, or personal financial statements of an 1893
applicant for economic development assistance, or to negotiations 1894
with other political subdivisions respecting requests for economic 1895
development assistance, provided that both of the following 1896
conditions apply: 1897

(a) The information is directly related to a request for 1898
economic development assistance that is to be provided or 1899
administered under any provision of Chapter 715., 725., 1724., or 1900
1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 5709.43, 1901
5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5709.81 of 1902
the Revised Code, or that involves public infrastructure 1903
improvements or the extension of utility services that are 1904
directly related to an economic development project. 1905

(b) A unanimous quorum of the public body determines, by a 1906
roll call vote, that the executive session is necessary to protect 1907
the interests of the applicant or the possible investment or 1908
expenditure of public funds to be made in connection with the 1909
economic development project. 1910

If a public body holds an executive session to consider any 1911
of the matters listed in divisions (G)(2) to (8) of this section, 1912

the motion and vote to hold that executive session shall state 1913
which one or more of the approved matters listed in those 1914
divisions are to be considered at the executive session. 1915

A public body specified in division (B)(1)(c) of this section 1916
shall not hold an executive session when meeting for the purposes 1917
specified in that division. 1918

(H) A resolution, rule, or formal action of any kind is 1919
invalid unless adopted in an open meeting of the public body. A 1920
resolution, rule, or formal action adopted in an open meeting that 1921
results from deliberations in a meeting not open to the public is 1922
invalid unless the deliberations were for a purpose specifically 1923
authorized in division (G) or (J) of this section and conducted at 1924
an executive session held in compliance with this section. A 1925
resolution, rule, or formal action adopted in an open meeting is 1926
invalid if the public body that adopted the resolution, rule, or 1927
formal action violated division (F) of this section. 1928

(I)(1) Any person may bring an action to enforce this 1929
section. An action under division (I)(1) of this section shall be 1930
brought within two years after the date of the alleged violation 1931
or threatened violation. Upon proof of a violation or threatened 1932
violation of this section in an action brought by any person, the 1933
court of common pleas shall issue an injunction to compel the 1934
members of the public body to comply with its provisions. 1935

(2)(a) If the court of common pleas issues an injunction 1936
pursuant to division (I)(1) of this section, the court shall order 1937
the public body that it enjoins to pay a civil forfeiture of five 1938
hundred dollars to the party that sought the injunction and shall 1939
award to that party all court costs and, subject to reduction as 1940
described in division (I)(2) of this section, reasonable 1941
attorney's fees. The court, in its discretion, may reduce an award 1942
of attorney's fees to the party that sought the injunction or not 1943
award attorney's fees to that party if the court determines both 1944

of the following: 1945

(i) That, based on the ordinary application of statutory law 1946
and case law as it existed at the time of violation or threatened 1947
violation that was the basis of the injunction, a well-informed 1948
public body reasonably would believe that the public body was not 1949
violating or threatening to violate this section; 1950

(ii) That a well-informed public body reasonably would 1951
believe that the conduct or threatened conduct that was the basis 1952
of the injunction would serve the public policy that underlies the 1953
authority that is asserted as permitting that conduct or 1954
threatened conduct. 1955

(b) If the court of common pleas does not issue an injunction 1956
pursuant to division (I)(1) of this section and the court 1957
determines at that time that the bringing of the action was 1958
frivolous conduct, as defined in division (A) of section 2323.51 1959
of the Revised Code, the court shall award to the public body all 1960
court costs and reasonable attorney's fees, as determined by the 1961
court. 1962

(3) Irreparable harm and prejudice to the party that sought 1963
the injunction shall be conclusively and irrebuttably presumed 1964
upon proof of a violation or threatened violation of this section. 1965

(4) A member of a public body who knowingly violates an 1966
injunction issued pursuant to division (I)(1) of this section may 1967
be removed from office by an action brought in the court of common 1968
pleas for that purpose by the prosecuting attorney or the attorney 1969
general. 1970

(J)(1) Pursuant to division (C) of section 5901.09 of the 1971
Revised Code, a veterans service commission shall hold an 1972
executive session for one or more of the following purposes unless 1973
an applicant requests a public hearing: 1974

(a) Interviewing an applicant for financial assistance under 1975

sections 5901.01 to 5901.15 of the Revised Code;	1976
(b) Discussing applications, statements, and other documents described in division (B) of section 5901.09 of the Revised Code;	1977 1978
(c) Reviewing matters relating to an applicant's request for financial assistance under sections 5901.01 to 5901.15 of the Revised Code.	1979 1980 1981
(2) A veterans service commission shall not exclude an applicant for, recipient of, or former recipient of financial assistance under sections 5901.01 to 5901.15 of the Revised Code, and shall not exclude representatives selected by the applicant, recipient, or former recipient, from a meeting that the commission conducts as an executive session that pertains to the applicant's, recipient's, or former recipient's application for financial assistance.	1982 1983 1984 1985 1986 1987 1988 1989
(3) A veterans service commission shall vote on the grant or denial of financial assistance under sections 5901.01 to 5901.15 of the Revised Code only in an open meeting of the commission. The minutes of the meeting shall indicate the name, address, and occupation of the applicant, whether the assistance was granted or denied, the amount of the assistance if assistance is granted, and the votes for and against the granting of assistance.	1990 1991 1992 1993 1994 1995 1996
Sec. 121.37. (A)(1) There is hereby created the Ohio family and children first cabinet council. The council shall be composed of the superintendent of public instruction, the executive director of the opportunities for Ohioans with disabilities agency, the medicaid director, and the directors of youth services, job and family services, mental health and addiction services, health, developmental disabilities, aging, rehabilitation and correction, and budget and management. The chairperson of the council shall be the governor or the governor's designee and shall establish procedures for the council's internal	1997 1998 1999 2000 2001 2002 2003 2004 2005 2006

control and management. 2007

The purpose of the cabinet council is to help families 2008
seeking government services. This section shall not be interpreted 2009
or applied to usurp the role of parents, but solely to streamline 2010
and coordinate existing government services for families seeking 2011
assistance for their children. 2012

(2) In seeking to fulfill its purpose, the council may do any 2013
of the following: 2014

(a) Advise and make recommendations to the governor and 2015
general assembly regarding the provision of services to children; 2016

(b) Advise and assess local governments on the coordination 2017
of service delivery to children; 2018

(c) Hold meetings at such times and places as may be 2019
prescribed by the council's procedures and maintain records of the 2020
meetings, except that records identifying individual children are 2021
confidential and shall be disclosed only as provided by law; 2022

(d) Develop programs and projects, including pilot projects, 2023
to encourage coordinated efforts at the state and local level to 2024
improve the state's social service delivery system; 2025

(e) Enter into contracts with and administer grants to county 2026
family and children first councils, as well as other county or 2027
multicounty organizations to plan and coordinate service delivery 2028
between state agencies and local service providers for families 2029
and children; 2030

(f) Enter into contracts with and apply for grants from 2031
federal agencies or private organizations; 2032

(g) Enter into interagency agreements to encourage 2033
coordinated efforts at the state and local level to improve the 2034
state's social service delivery system. The agreements may include 2035
provisions regarding the receipt, transfer, and expenditure of 2036

funds;	2037
(h) Identify public and private funding sources for services provided to alleged or adjudicated unruly children and children who are at risk of being alleged or adjudicated unruly children, including regulations governing access to and use of the services;	2038 2039 2040 2041
(i) Collect information provided by local communities regarding successful programs for prevention, intervention, and treatment of unruly behavior, including evaluations of the programs;	2042 2043 2044 2045
(j) Identify and disseminate publications regarding alleged or adjudicated unruly children and children who are at risk of being alleged or adjudicated unruly children and regarding programs serving those types of children;	2046 2047 2048 2049
(k) Maintain an inventory of strategic planning facilitators for use by government or nonprofit entities that serve alleged or adjudicated unruly children or children who are at risk of being alleged or adjudicated unruly children.	2050 2051 2052 2053
(3) The cabinet council shall provide for the following:	2054
(a) Reviews of service and treatment plans for children for which such reviews are requested;	2055 2056
(b) Assistance as the council determines to be necessary to meet the needs of children referred by county family and children first councils;	2057 2058 2059
(c) Monitoring and supervision of a statewide, comprehensive, coordinated, multi-disciplinary, interagency system for infants and toddlers with developmental disabilities or delays and their families, as established pursuant to federal grants received and administered by the department of health for early intervention services under the "Individuals with Disabilities Education Act of 2004," 118 Stat. 2744, 20 U.S.C.A. 1400, as amended.	2060 2061 2062 2063 2064 2065 2066

(4) The cabinet council shall develop and implement the following: 2067
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(a) An interagency process to select the indicators that will be used to measure progress toward increasing child well-being in the state and to update the indicators on an annual basis. The indicators shall focus on expectant parents and newborns thriving; infants and toddlers thriving; children being ready for school; children and youth succeeding in school; youth choosing healthy behaviors; and youth successfully transitioning into adulthood. 2069
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(b) An interagency system to offer guidance and monitor progress toward increasing child well-being in the state and in each county; 2076
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(c) An annual plan that identifies state-level agency efforts taken to ensure progress towards increasing child well-being in the state. 2079
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On an annual basis, the cabinet council shall submit to the governor and the general assembly a report on the status of efforts to increase child well-being in the state. This report shall be made available to any other person on request. 2082
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(B)(1) Each board of county commissioners shall establish a county family and children first council. The board may invite any local public or private agency or group that funds, advocates, or provides services to children and families to have a representative become a permanent or temporary member of its county council. Each county council must include the following individuals: 2086
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(a) At least three individuals who are not employed by an agency represented on the council and whose families are or have received services from an agency represented on the council or another county's council. Where possible, the number of members representing families shall be equal to twenty per cent of the 2093
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council's membership. 2098

(b) The director of the board of alcohol, drug addiction, and 2099
mental health services that serves the county, or, in the case of 2100
a county that has a board of alcohol and drug addiction services 2101
and a community mental health board, the directors of both boards. 2102
If a board of alcohol, drug addiction, and mental health services 2103
covers more than one county, the director may designate a person 2104
to participate on the county's council. 2105

(c) The health commissioner, or the commissioner's designee, 2106
of the board of health of each city and general health district in 2107
the county. If the county has two or more health districts, the 2108
health commissioner membership may be limited to the commissioners 2109
of the two districts with the largest populations. 2110

(d) The director of the county department of job and family 2111
services; 2112

(e) The executive director of the public children services 2113
agency; 2114

(f) The superintendent of the county board of developmental 2115
disabilities or, if the superintendent serves as superintendent of 2116
more than one county board of developmental disabilities, the 2117
superintendent's designee; 2118

(g) The superintendent of the city, exempted village, or 2119
local school district with the largest number of pupils residing 2120
in the county, as determined by the department of education, which 2121
shall notify each board of county commissioners of its 2122
determination at least biennially; 2123

(h) A school superintendent representing all other school 2124
districts with territory in the county, as designated at a 2125
biennial meeting of the superintendents of those districts; 2126

(i) A representative of the municipal corporation with the 2127

largest population in the county; 2128

(j) The president of the board of county commissioners or an individual designated by the board; 2129
2130

(k) A representative of the ~~regional office of the~~ department of youth services or an individual designated by the department; 2131
2132

(l) A representative of the county's head start agencies, as defined in section 3301.32 of the Revised Code; 2133
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(m) A representative of the county's early intervention collaborative established pursuant to the federal early intervention program operated under the "Individuals with Disabilities Education Act of 2004"; 2135
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(n) A representative of a local nonprofit entity that funds, advocates, or provides services to children and families. 2139
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Notwithstanding any other provision of law, the public members of a county council are not prohibited from serving on the council and making decisions regarding the duties of the council, including those involving the funding of joint projects and those outlined in the county's service coordination mechanism implemented pursuant to division (C) of this section. 2141
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The cabinet council shall establish a state appeals process to resolve disputes among the members of a county council concerning whether reasonable responsibilities as members are being shared. The appeals process may be accessed only by a majority vote of the council members who are required to serve on the council. Upon appeal, the cabinet council may order that state funds for services to children and families be redirected to a county's board of county commissioners. 2147
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The county's juvenile court judge senior in service or another judge of the juvenile court designated by the administrative judge or, where there is no administrative judge, 2155
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by the judge senior in service shall serve as the judicial advisor 2158
to the county family and children first council. The judge may 2159
advise the county council on the court's utilization of resources, 2160
services, or programs provided by the entities represented by the 2161
members of the county council and how those resources, services, 2162
or programs assist the court in its administration of justice. 2163
Service of a judge as a judicial advisor pursuant to this section 2164
is a judicial function. 2165

(2) The purpose of the county council is to streamline and 2166
coordinate existing government services for families seeking 2167
services for their children. In seeking to fulfill its purpose, a 2168
county council shall provide for the following: 2169

(a) Referrals to the cabinet council of those children for 2170
whom the county council cannot provide adequate services; 2171

(b) Development and implementation of a process that annually 2172
evaluates and prioritizes services, fills service gaps where 2173
possible, and invents new approaches to achieve better results for 2174
families and children; 2175

(c) Participation in the development of a countywide, 2176
comprehensive, coordinated, multi-disciplinary, interagency system 2177
for infants and toddlers with developmental disabilities or delays 2178
and their families, as established pursuant to federal grants 2179
received and administered by the department of health for early 2180
intervention services under the "Individuals with Disabilities 2181
Education Act of 2004"; 2182

(d) Maintenance of an accountability system to monitor the 2183
county council's progress in achieving results for families and 2184
children; 2185

(e) Establishment of a mechanism to ensure ongoing input from 2186
a broad representation of families who are receiving services 2187
within the county system. 2188

(3) A county council shall develop and implement the 2189
following: 2190

(a) An interagency process to establish local indicators and 2191
monitor the county's progress toward increasing child well-being 2192
in the county; 2193

(b) An interagency process to identify local priorities to 2194
increase child well-being. The local priorities shall focus on 2195
expectant parents and newborns thriving; infants and toddlers 2196
thriving; children being ready for school; children and youth 2197
succeeding in school; youth choosing healthy behaviors; and youth 2198
successfully transitioning into adulthood and take into account 2199
the indicators established by the cabinet council under division 2200
(A)(4)(a) of this section. 2201

(c) An annual plan that identifies the county's interagency 2202
efforts to increase child well-being in the county. 2203

On an annual basis, the county council shall submit a report 2204
on the status of efforts by the county to increase child 2205
well-being in the county to the county's board of county 2206
commissioners and the cabinet council. This report shall be made 2207
available to any other person on request. 2208

(4)(a) Except as provided in division (B)(4)(b) of this 2209
section, a county council shall comply with the policies, 2210
procedures, and activities prescribed by the rules or interagency 2211
agreements of a state department participating on the cabinet 2212
council whenever the county council performs a function subject to 2213
those rules or agreements. 2214

(b) On application of a county council, the cabinet council 2215
may grant an exemption from any rules or interagency agreements of 2216
a state department participating on the council if an exemption is 2217
necessary for the council to implement an alternative program or 2218
approach for service delivery to families and children. The 2219

application shall describe the proposed program or approach and 2220
specify the rules or interagency agreements from which an 2221
exemption is necessary. The cabinet council shall approve or 2222
disapprove the application in accordance with standards and 2223
procedures it shall adopt. If an application is approved, the 2224
exemption is effective only while the program or approach is being 2225
implemented, including a reasonable period during which the 2226
program or approach is being evaluated for effectiveness. 2227

(5)(a) Each county council shall designate an administrative 2228
agent for the council from among the following public entities: 2229
the board of alcohol, drug addiction, and mental health services, 2230
including a board of alcohol and drug addiction or a community 2231
mental health board if the county is served by separate boards; 2232
the board of county commissioners; any board of health of the 2233
county's city and general health districts; the county department 2234
of job and family services; the county agency responsible for the 2235
administration of children services pursuant to section 5153.15 of 2236
the Revised Code; the county board of developmental disabilities; 2237
any of the county's boards of education or governing boards of 2238
educational service centers; or the county's juvenile court. Any 2239
of the foregoing public entities, other than the board of county 2240
commissioners, may decline to serve as the council's 2241
administrative agent. 2242

A county council's administrative agent shall serve as the 2243
council's appointing authority for any employees of the council. 2244
The council shall file an annual budget with its administrative 2245
agent, with copies filed with the county auditor and with the 2246
board of county commissioners, unless the board is serving as the 2247
council's administrative agent. The council's administrative agent 2248
shall ensure that all expenditures are handled in accordance with 2249
policies, procedures, and activities prescribed by state 2250
departments in rules or interagency agreements that are applicable 2251

to the council's functions. 2252

The administrative agent of a county council shall send 2253
notice of a member's absence if a member listed in division (B)(1) 2254
of this section has been absent from either three consecutive 2255
meetings of the county council or a county council subcommittee, 2256
or from one-quarter of such meetings in a calendar year, whichever 2257
is less. The notice shall be sent to the board of county 2258
commissioners that establishes the county council and, for the 2259
members listed in divisions (B)(1)(b), (c), (e), and (l) of this 2260
section, to the governing board overseeing the respective entity; 2261
for the member listed in division (B)(1)(f) of this section, to 2262
the county board of developmental disabilities that employs the 2263
superintendent; for a member listed in division (B)(1)(g) or (h) 2264
of this section, to the school board that employs the 2265
superintendent; for the member listed in division (B)(1)(i) of 2266
this section, to the mayor of the municipal corporation; for the 2267
member listed in division (B)(1)(k) of this section, to the 2268
director of youth services; and for the member listed in division 2269
(B)(1)(n) of this section, to that member's board of trustees. 2270

The administrative agent for a county council may do any of 2271
the following on behalf of the council: 2272

(i) Enter into agreements or administer contracts with public 2273
or private entities to fulfill specific council business. Such 2274
agreements and contracts are exempt from the competitive bidding 2275
requirements of section 307.86 of the Revised Code if they have 2276
been approved by the county council and they are for the purchase 2277
of family and child welfare or child protection services or other 2278
social or job and family services for families and children. The 2279
approval of the county council is not required to exempt 2280
agreements or contracts entered into under section 5139.34, 2281
5139.41, or 5139.43 of the Revised Code from the competitive 2282
bidding requirements of section 307.86 of the Revised Code. 2283

(ii) As determined by the council, provide financial 2284
stipends, reimbursements, or both, to family representatives for 2285
expenses related to council activity; 2286

(iii) Receive by gift, grant, devise, or bequest any moneys, 2287
lands, or other property for the purposes for which the council is 2288
established. The agent shall hold, apply, and dispose of the 2289
moneys, lands, or other property according to the terms of the 2290
gift, grant, devise, or bequest. Any interest or earnings shall be 2291
treated in the same manner and are subject to the same terms as 2292
the gift, grant, devise, or bequest from which it accrues. 2293

(b)(i) If the county council designates the board of county 2294
commissioners as its administrative agent, the board may, by 2295
resolution, delegate any of its powers and duties as 2296
administrative agent to an executive committee the board 2297
establishes from the membership of the county council. The board 2298
shall name to the executive committee at least the individuals 2299
described in divisions (B)(1)(b) to (h) of this section and may 2300
appoint the president of the board or another individual as the 2301
chair of the executive committee. The executive committee must 2302
include at least one family county council representative who does 2303
not have a family member employed by an agency represented on the 2304
council. 2305

(ii) The executive committee may, with the approval of the 2306
board, hire an executive director to assist the county council in 2307
administering its powers and duties. The executive director shall 2308
serve in the unclassified civil service at the pleasure of the 2309
executive committee. The executive director may, with the approval 2310
of the executive committee, hire other employees as necessary to 2311
properly conduct the county council's business. 2312

(iii) The board may require the executive committee to submit 2313
an annual budget to the board for approval and may amend or repeal 2314
the resolution that delegated to the executive committee its 2315

authority as the county council's administrative agent. 2316

(6) Two or more county councils may enter into an agreement 2317
to administer their county councils jointly by creating a regional 2318
family and children first council. A regional council possesses 2319
the same duties and authority possessed by a county council, 2320
except that the duties and authority apply regionally rather than 2321
to individual counties. Prior to entering into an agreement to 2322
create a regional council, the members of each county council to 2323
be part of the regional council shall meet to determine whether 2324
all or part of the members of each county council will serve as 2325
members of the regional council. 2326

(7) A board of county commissioners may approve a resolution 2327
by a majority vote of the board's members that requires the county 2328
council to submit a statement to the board each time the council 2329
proposes to enter into an agreement, adopt a plan, or make a 2330
decision, other than a decision pursuant to section 121.38 of the 2331
Revised Code, that requires the expenditure of funds for two or 2332
more families. The statement shall describe the proposed 2333
agreement, plan, or decision. 2334

Not later than fifteen days after the board receives the 2335
statement, it shall, by resolution approved by a majority of its 2336
members, approve or disapprove the agreement, plan, or decision. 2337
Failure of the board to pass a resolution during that time period 2338
shall be considered approval of the agreement, plan, or decision. 2339

An agreement, plan, or decision for which a statement is 2340
required to be submitted to the board shall be implemented only if 2341
it is approved by the board. 2342

(C) Each county shall develop a county service coordination 2343
mechanism. The county service coordination mechanism shall serve 2344
as the guiding document for coordination of services in the 2345
county. For children who also receive services under the help me 2346

grow program, the service coordination mechanism shall be 2347
consistent with rules adopted by the department of health under 2348
section 3701.61 of the Revised Code. All family service 2349
coordination plans shall be developed in accordance with the 2350
county service coordination mechanism. The mechanism shall be 2351
developed and approved with the participation of the county 2352
entities representing child welfare; developmental disabilities; 2353
alcohol, drug addiction, and mental health services; health; 2354
juvenile judges; education; the county family and children first 2355
council; and the county early intervention collaborative 2356
established pursuant to the federal early intervention program 2357
operated under the "Individuals with Disabilities Education Act of 2358
2004." The county shall establish an implementation schedule for 2359
the mechanism. The cabinet council may monitor the implementation 2360
and administration of each county's service coordination 2361
mechanism. 2362

Each mechanism shall include all of the following: 2363

(1) A procedure for an agency, including a juvenile court, or 2364
a family voluntarily seeking service coordination, to refer the 2365
child and family to the county council for service coordination in 2366
accordance with the mechanism; 2367

(2) A procedure ensuring that a family and all appropriate 2368
staff from involved agencies, including a representative from the 2369
appropriate school district, are notified of and invited to 2370
participate in all family service coordination plan meetings; 2371

(3) A procedure that permits a family to initiate a meeting 2372
to develop or review the family's service coordination plan and 2373
allows the family to invite a family advocate, mentor, or support 2374
person of the family's choice to participate in any such meeting; 2375

(4) A procedure for ensuring that a family service 2376
coordination plan meeting is conducted for each child who receives 2377

service coordination under the mechanism and for whom an emergency 2378
out-of-home placement has been made or for whom a nonemergency 2379
out-of-home placement is being considered. The meeting shall be 2380
conducted within ten days of an emergency out-of-home placement. 2381
The meeting shall be conducted before a nonemergency out-of-home 2382
placement. The family service coordination plan shall outline how 2383
the county council members will jointly pay for services, where 2384
applicable, and provide services in the least restrictive 2385
environment. 2386

(5) A procedure for monitoring the progress and tracking the 2387
outcomes of each service coordination plan requested in the county 2388
including monitoring and tracking children in out-of-home 2389
placements to assure continued progress, appropriateness of 2390
placement, and continuity of care after discharge from placement 2391
with appropriate arrangements for housing, treatment, and 2392
education; 2393

(6) A procedure for protecting the confidentiality of all 2394
personal family information disclosed during service coordination 2395
meetings or contained in the comprehensive family service 2396
coordination plan; 2397

(7) A procedure for assessing the needs and strengths of any 2398
child or family that has been referred to the council for service 2399
coordination, including a child whose parent or custodian is 2400
voluntarily seeking services, and for ensuring that parents and 2401
custodians are afforded the opportunity to participate; 2402

(8) A procedure for development of a family service 2403
coordination plan described in division (D) of this section; 2404

(9) A local dispute resolution process to serve as the 2405
process that must be used first to resolve disputes among the 2406
agencies represented on the county council concerning the 2407
provision of services to children, including children who are 2408

abused, neglected, dependent, unruly, alleged unruly, or 2409
delinquent children and under the jurisdiction of the juvenile 2410
court and children whose parents or custodians are voluntarily 2411
seeking services. The local dispute resolution process shall 2412
comply with sections 121.38, 121.381, and 121.382 of the Revised 2413
Code. The local dispute resolution process shall be used to 2414
resolve disputes between a child's parents or custodians and the 2415
county council regarding service coordination. The county council 2416
shall inform the parents or custodians of their right to use the 2417
dispute resolution process. Parents or custodians shall use 2418
existing local agency grievance procedures to address disputes not 2419
involving service coordination. The dispute resolution process is 2420
in addition to and does not replace other rights or procedures 2421
that parents or custodians may have under other sections of the 2422
Revised Code. 2423

The cabinet council shall adopt rules in accordance with 2424
Chapter 119. of the Revised Code establishing an administrative 2425
review process to address problems that arise concerning the 2426
operation of a local dispute resolution process. 2427

Nothing in division (C)(4) of this section shall be 2428
interpreted as overriding or affecting decisions of a juvenile 2429
court regarding an out-of-home placement, long-term placement, or 2430
emergency out-of-home placement. 2431

(D) Each county shall develop a family service coordination 2432
plan that does all of the following: 2433

(1) Designates service responsibilities among the various 2434
state and local agencies that provide services to children and 2435
their families, including children who are abused, neglected, 2436
dependent, unruly, or delinquent children and under the 2437
jurisdiction of the juvenile court and children whose parents or 2438
custodians are voluntarily seeking services; 2439

(2) Designates an individual, approved by the family, to track the progress of the family service coordination plan, schedule reviews as necessary, and facilitate the family service coordination plan meeting process;

(3) Ensures that assistance and services to be provided are responsive to the strengths and needs of the family, as well as the family's culture, race, and ethnic group, by allowing the family to offer information and suggestions and participate in decisions. Identified assistance and services shall be provided in the least restrictive environment possible.

(4) Includes a process for dealing with a child who is alleged to be an unruly child. The process shall include methods to divert the child from the juvenile court system;

(5) Includes timelines for completion of goals specified in the plan with regular reviews scheduled to monitor progress toward those goals;

(6) Includes a plan for dealing with short-term crisis situations and safety concerns.

(E)(1) The process provided for under division (D)(4) of this section may include, but is not limited to, the following:

(a) Designation of the person or agency to conduct the assessment of the child and the child's family as described in division (C)(7) of this section and designation of the instrument or instruments to be used to conduct the assessment;

(b) An emphasis on the personal responsibilities of the child and the parental responsibilities of the parents, guardian, or custodian of the child;

(c) Involvement of local law enforcement agencies and officials.

(2) The method to divert a child from the juvenile court

system that must be included in the service coordination process 2470
may include, but is not limited to, the following: 2471

(a) The preparation of a complaint under section 2151.27 of 2472
the Revised Code alleging that the child is an unruly child and 2473
notifying the child and the parents, guardian, or custodian that 2474
the complaint has been prepared to encourage the child and the 2475
parents, guardian, or custodian to comply with other methods to 2476
divert the child from the juvenile court system; 2477

(b) Conducting a meeting with the child, the parents, 2478
guardian, or custodian, and other interested parties to determine 2479
the appropriate methods to divert the child from the juvenile 2480
court system; 2481

(c) A method to provide to the child and the child's family a 2482
short-term respite from a short-term crisis situation involving a 2483
confrontation between the child and the parents, guardian, or 2484
custodian; 2485

(d) A program to provide a mentor to the child or the 2486
parents, guardian, or custodian; 2487

(e) A program to provide parenting education to the parents, 2488
guardian, or custodian; 2489

(f) An alternative school program for children who are truant 2490
from school, repeatedly disruptive in school, or suspended or 2491
expelled from school; 2492

(g) Other appropriate measures, including, but not limited 2493
to, any alternative methods to divert a child from the juvenile 2494
court system that are identified by the Ohio family and children 2495
first cabinet council. 2496

(F) Each county may review and revise the service 2497
coordination process described in division (D) of this section 2498
based on the availability of funds under Title IV-A of the "Social 2499

Security Act," 110 Stat. 2113 (1996), 42 U.S.C.A. 601, as amended, 2500
or to the extent resources are available from any other federal, 2501
state, or local funds. 2502

Sec. 122.075. (A) As used in this section: 2503

(1) "Alternative fuel" has the same meaning as in section 2504
125.831 of the Revised Code. 2505

(2) "Biodiesel" means a mono-alkyl ester combustible liquid 2506
fuel that is derived from vegetable oils or animal fats, or any 2507
combination of those reagents, and that meets American society for 2508
testing and materials specification D6751-03a for biodiesel fuel 2509
(B100) blend stock distillate fuels. 2510

(3) "Diesel fuel" and "gasoline" have the same meanings as in 2511
section 5735.01 of the Revised Code. 2512

(4) "Ethanol" has the same meaning as in section 5733.46 of 2513
the Revised Code. 2514

(5) "Blended biodiesel" means diesel fuel containing at least 2515
twenty per cent biodiesel by volume. 2516

(6) "Blended gasoline" means gasoline containing at least 2517
eighty-five per cent ethanol by volume. 2518

(7) "Incremental cost" means either of the following: 2519

(a) The difference in cost between blended gasoline and 2520
gasoline containing ten per cent or less ethanol at the time that 2521
the blended gasoline is purchased; 2522

(b) The difference in cost between blended biodiesel and 2523
diesel fuel containing two per cent or less biodiesel at the time 2524
that the blended biodiesel is purchased. 2525

(B) For the purpose of improving the air quality in this 2526
state, the director of development services shall establish an 2527
alternative fuel transportation program under which the director 2528

may make grants and loans to businesses, nonprofit organizations, 2529
public school systems, or local governments for the purchase and 2530
installation of alternative fuel refueling or distribution 2531
facilities and terminals, for the purchase and use of alternative 2532
fuel, to pay the cost of fleet conversion, and to pay the costs of 2533
educational and promotional materials and activities intended for 2534
prospective alternative fuel consumers, fuel marketers, and others 2535
in order to increase the availability and use of alternative fuel. 2536

(C) The director, in consultation with the director of 2537
agriculture, shall adopt rules in accordance with Chapter 119. of 2538
the Revised Code that are necessary for the administration of the 2539
alternative fuel transportation program. The rules shall establish 2540
at least all of the following: 2541

(1) An application form and procedures governing the 2542
application process for receiving funds under the program; 2543

(2) A procedure for prioritizing the award of grants and 2544
loans under the program. The procedures shall give preference to 2545
all of the following: 2546

(a) Publicly accessible refueling facilities; 2547

(b) Entities applying to the program that have secured 2548
funding from other sources, including, but not limited to, private 2549
or federal incentives; 2550

(c) Entities that have presented compelling evidence of 2551
demand in the market in which the facilities or terminals will be 2552
located; 2553

(d) Entities that have committed to utilizing purchased or 2554
installed facilities or terminals for the greatest number of 2555
years; 2556

(e) Entities that will be purchasing or installing facilities 2557
or terminals for any type of alternative fuel. 2558

(3) A requirement that the maximum incentive for the purchase 2559
and installation of an alternative fuel refueling or distribution 2560
facility or terminal be eighty per cent of the cost of the 2561
facility or terminal, except that at least twenty per cent of the 2562
total cost of the facility or terminal shall be incurred by the 2563
recipient and not compensated for by any other source; 2564

(4) A requirement that the maximum incentive for the purchase 2565
of alternative fuel be eighty per cent of the cost of the fuel or, 2566
in the case of blended biodiesel or blended gasoline, eighty per 2567
cent of the incremental cost of the blended biodiesel or blended 2568
gasoline; 2569

(5) Any other criteria, procedures, or guidelines that the 2570
director determines are necessary to administer the program, 2571
including fees, charges, interest rates, and payment schedules. 2572

(D) An applicant for a grant or loan under this section that 2573
sells motor vehicle fuel at retail shall agree that if the 2574
applicant receives funding, the applicant will report to the 2575
director the gallon or gallon equivalent amounts of alternative 2576
fuel the applicant sells at retail in this state for a period of 2577
three years after the project is completed. 2578

The director shall enter into a written confidentiality 2579
agreement with the applicant regarding the gallon or gallon 2580
equivalent amounts sold as described in this division, and upon 2581
execution of the agreement this information is not a public 2582
record. 2583

(E) There is hereby created in the state treasury the 2584
alternative fuel transportation fund. The fund shall consist of 2585
money transferred to the fund under division (B) of section 2586
125.836 ~~and under division (B)(2) of section 3706.27~~ of the 2587
Revised Code, money that is appropriated to it by the general 2588
assembly, money as may be specified by the general assembly from 2589

the advanced energy fund created by section 4928.61 of the Revised Code, and all money received from the repayment of loans made from the fund or in the event of a default on any such loan. Money in the fund shall be used to make grants and loans under the alternative fuel transportation program and by the director in the administration of that program.

Sec. 122.84. (A) As used in this section:

(1) "Ohio qualified opportunity fund" means a qualified opportunity fund that holds at least ninety per cent of its invested assets in qualified opportunity zone property situated in an Ohio opportunity zone.

In the case of qualified opportunity zone property that is qualified opportunity zone stock or qualified opportunity zone partnership interest, the stock or interest is situated in an Ohio opportunity zone only if, during substantially all of the qualified opportunity fund's holding period for such stock or interest, substantially all of the use of the corporation's or partnership's tangible property was in an Ohio opportunity zone.
In the case of qualified opportunity zone property that is qualified opportunity zone business property, the property is situated in an Ohio opportunity zone only if, during substantially all of the fund's holding period for such property, substantially all of the use of the property was in an Ohio opportunity zone.

(2) "Ohio opportunity zone" means a qualified opportunity zone designated in this state under 26 U.S.C. 1400Z-1.

(3) "Individual," "taxpayer," and "taxable year" have the same meanings as in section 5747.01 of the Revised Code.

(B) An individual taxpayer that invests in one or more Ohio qualified opportunity funds may apply to the director of development services for a tax credit certificate entitling the

taxpayer to a nonrefundable credit under section 5747.82 of the 2620
Revised Code. The application shall be made on forms prescribed by 2621
the director on or after the first day of January and on or before 2622
the first day of February of each year. The credit shall equal ten 2623
per cent of the amount of the taxpayer's investment in the fund 2624
during the taxpayer's taxable year ending in the preceding 2625
calendar year. 2626

The taxpayer shall include the following information with the 2627
taxpayer's application, in addition to any other information 2628
required by the director in consultation with the tax 2629
commissioner: 2630

(1) The amount of the taxpayer's investment in Ohio qualified 2631
opportunity funds during the taxpayer's taxable year, arranged 2632
according to the amount invested in each such fund if the taxpayer 2633
invested in more than one such fund; 2634

(2) A statement from an employee or officer of each Ohio 2635
qualified opportunity fund identified by the taxpayer under 2636
division (B)(1) of this section certifying the amount of the 2637
taxpayer's investment in the fund and the date the investment was 2638
made. 2639

The director shall review applications in the order in which 2640
applications are received. 2641

(C)(1) Subject to division (C)(2) of this section, if the 2642
director determines that the applicant qualifies for a credit 2643
under this section, the director shall issue, within twenty days 2644
after the receipt of a complete application under division (B) of 2645
this section, a tax credit certificate to the taxpayer identified 2646
with a unique number and listing the amount of credit the director 2647
determines the taxpayer is eligible to claim for the taxable year. 2648

(2) The director shall not issue certificates in a total 2649
amount that would cause the tax credits claimed in any fiscal 2650

biennium to exceed fifty million dollars. The director shall not 2651
issue certificates to a single applicant in an amount that would 2652
cause the tax credits claimed in any fiscal biennium by an 2653
individual taxpayer to exceed one million dollars. 2654

The director may not issue a certificate under this section 2655
on the basis of any investment for which a small business 2656
investment certificate has been issued under section 122.86 of the 2657
Revised Code. 2658

Sec. 122.86. (A) As used in this section and section 5747.81 2659
of the Revised Code: 2660

(1) "Small business enterprise" means a corporation, 2661
pass-through entity, or other person satisfying all of the 2662
following: 2663

(a) At the time of a qualifying investment, the enterprise 2664
meets all of the following requirements: 2665

(i) Has no outstanding tax or other liabilities owed to the 2666
state; 2667

(ii) Is in good standing with the secretary of state, if the 2668
enterprise is required to be registered with the secretary; 2669

(iii) Is current with any court-ordered payments; 2670

(iv) Is not engaged in any illegal activity. 2671

(b) At the time of a qualifying investment, the enterprise's 2672
assets according to generally accepted accounting principles do 2673
not exceed fifty million dollars, or its annual sales do not 2674
exceed ten million dollars. When making this determination, the 2675
assets and annual sales of all of the enterprise's related or 2676
affiliated entities shall be included in the calculation. 2677

(c) The At the time of a qualifying investment and for the 2678
two-year period immediately preceding the qualifying investment, 2679

the enterprise employs at least fifty full-time equivalent 2680
employees in this state for whom the enterprise is required to 2681
withhold income tax under section 5747.06 of the Revised Code, or 2682
more than one-half the enterprise's total number of full-time 2683
equivalent employees employed anywhere in the United States are 2684
employed in this state and are subject to that withholding 2685
requirement. 2686

(d) The enterprise, within six months after an eligible 2687
investor's qualifying investment is made, ~~invests in or~~ incurs 2688
cost for one or more of the following ~~in an amount at least equal~~ 2689
~~to the amount of the qualifying investment:~~ 2690

(i) Tangible personal property, other than motor vehicles 2691
operated on public roads and highways, used in business and 2692
physically located in this state from the time of its acquisition 2693
by the enterprise until the end of the investor's holding period, 2694
including the installation of such tangible personal property; 2695

(ii) Motor vehicles operated on public roads and highways if, 2696
from the time of acquisition by the enterprise until the end of 2697
the investor's holding period, the motor vehicles are purchased in 2698
this state, registered in this state under Chapter 4503. of the 2699
Revised Code, are used primarily for business purposes, and are 2700
necessary for the operation of the enterprise's business; 2701

(iii) Real property located in this state that is used in the 2702
business from the time of its acquisition by the enterprise until 2703
the end of the holding period; 2704

(iv) ~~Intangible personal property, including patents,~~ 2705
~~copyrights, trademarks, service marks, or licenses used in~~ 2706
~~business primarily in this state from the time of its acquisition~~ 2707
~~by the enterprise until the end of the holding period~~ Leasehold 2708
improvements and construction costs for property located in this 2709
state that is used in the business from the time its improvement 2710

or construction was completed until the end of the holding period; 2711

(v) Compensation for new employees of the enterprise hired 2712
after the date the qualifying investment is made for whom the 2713
enterprise is required to withhold income tax under section 2714
5747.06 of the Revised Code, ~~not including increased compensation~~ 2715
~~for owners, officers, or managers of the enterprise. For this~~ 2716
~~purpose compensation for new employees includes compensation for~~ 2717
~~newly hired or retained employees.~~ 2718

(2) "Qualifying investment" means an investment of money made 2719
on or after July 1, ~~2011~~ 2019, to acquire capital stock or other 2720
equity interest in a small business enterprise. "Qualifying 2721
investment" does not include either of the following: 2722

(a) Any investment of money an eligible investor derives, 2723
directly or indirectly, from a grant or loan from the federal 2724
government or the state or a political subdivision, including the 2725
third frontier program under Chapter 184. of the Revised Code; 2726

(b) Any investment of money which is the basis of a tax 2727
credit granted under any other section of the Revised Code. 2728

(3) "Eligible investor" means an individual, estate, or trust 2729
subject to the tax imposed by section 5747.02 of the Revised Code, 2730
or a pass-through entity in which such an individual, estate, or 2731
trust holds a direct or indirect ownership or other equity 2732
interest. To qualify as an eligible investor, the individual, 2733
estate, trust, or pass-through entity shall not owe any 2734
outstanding tax or other liability to the state at the time of a 2735
qualifying investment. 2736

(4) "Holding period" means the two-year period beginning on 2737
the day a qualifying investment is made. 2738

(5) "Pass-through entity" has the same meaning as in section 2739
5733.04 of the Revised Code. 2740

(B) ~~Any~~ An eligible investor that makes a qualifying 2741
investment in a small business enterprise on or after July 1, ~~2011~~ 2742
2019, may apply to the director of development services to obtain 2743
an allocation for a small business investment certificate from the 2744
director. Alternatively, a small business enterprise may apply on 2745
behalf of eligible investors to obtain the ~~certificates~~ allocation 2746
for those investors. The application must be submitted to the 2747
director within sixty days after the date of the qualifying 2748
investment, but within the same biennium as the qualifying 2749
investment. The director, in consultation with the tax 2750
commissioner, shall prescribe the form or manner in which an 2751
applicant shall apply for the certificate, devise the form of the 2752
certificate, and prescribe any records or other information an 2753
applicant shall furnish with the application to evidence the 2754
qualifying investment. ~~The applicant shall state the amount of the~~ 2755
~~intended investment.~~ The applicant shall pay an application fee 2756
equal to the greater of one-tenth of one per cent of the amount of 2757
the intended investment or one hundred dollars. 2758

~~A small business investment certificate entitles the~~ 2759
~~certificate holder to receive a tax credit under section 5747.81~~ 2760
~~of the Revised Code if the certificate holder qualifies for the~~ 2761
~~credit as otherwise provided in this section. If the certificate~~ 2762
~~holder is a pass through entity, the certificate entitles the~~ 2763
~~entity's equity owners to receive their distributive or~~ 2764
~~proportionate shares of the credit. In any fiscal biennium, an~~ 2765
~~eligible investor may not apply for small business investment~~ 2766
~~certificates representing intended investment amounts in excess of~~ 2767
~~ten million dollars. Such certificates are not transferable.~~ 2768

The director of development services may reserve small 2769
business investment ~~certificates~~ allocations to qualifying 2770
applicants in the order in which the director receives 2771
applications, ~~but may issue the certificates as the applications~~ 2772

are ~~completed~~. An application is completed when the director has 2773
validated that an eligible investor has made a qualified 2774
investment and receives all required documentation needed to 2775
demonstrate the small business enterprise ~~has made the appropriate~~ 2776
~~reinvestment of the qualified investment pursuant to~~ satisfies the 2777
requirements of division (A)(1)(~~d~~) of this section. To qualify for 2778
~~a certificate~~ an allocation, an eligible investor must satisfy 2779
both of the following, subject to the limitation on the amount of 2780
qualifying investments for which ~~certificates~~ allocations may be 2781
issued under division (C) of this section: 2782

(1) The eligible investor makes a qualifying investment on or 2783
after July 1, ~~2011~~ 2019. 2784

(2) The eligible investor pledges not to sell or otherwise 2785
dispose of the qualifying investment before the conclusion of the 2786
applicable holding period. 2787

(C)(1) The amount of any eligible investor's qualifying 2788
investments for which small business investment ~~certificates~~ 2789
allocations may be issued for a fiscal biennium shall not exceed 2790
ten million dollars. 2791

(2) The director of development services shall not issue a 2792
small business investment ~~certificate~~ allocation to an eligible 2793
investor representing an amount of qualifying investment in excess 2794
of the amount of the ~~intended~~ investment indicated on the 2795
investor's application ~~for the certificate~~. 2796

(3) The director of development services shall not issue 2797
small business investment ~~certificates~~ allocations in a total 2798
amount that would cause the tax credits claimed in any fiscal 2799
biennium to exceed ~~one hundred~~ fifty million dollars. 2800

(4) The director of development services may issue a small 2801
business investment ~~certificate~~ allocation only if both of the 2802
following apply at the time of issuance: 2803

(a) The small business enterprise meets all the requirements listed in divisions (A)(1)(a)(i) to (iv) of this section;

(b) The eligible investor does not owe any outstanding tax or other liability to the state.

(D) Before the end of the applicable holding period of a qualifying investment, each enterprise in which a qualifying investment was made for which a small business investment ~~certificate~~ allocation has been issued, upon the request of the director of development services, shall provide to the director records or other evidence satisfactory to the director that the enterprise is a small business enterprise for the purposes of this section. Each enterprise shall also provide annually to the director records or evidence regarding the number of jobs created or retained in the state. ~~No credit may be claimed under this section and section 5747.81 of the Revised Code if the director finds that an enterprise is not a small business enterprise for the purposes of this section.~~ The director shall compile and maintain a register of small business enterprises qualifying under this section and shall certify the register to the tax commissioner. The director shall also compile and maintain a record of the number of jobs created or retained as a result of qualifying investments made pursuant to this section.

(E) After the conclusion of the applicable holding period for a qualifying investment, a person to whom a small business investment ~~certificate~~ allocation has been issued under this section ~~may~~ shall receive a small business investment certification, which entitles the person to claim a credit as provided under section 5747.81 of the Revised Code. However, no certificate may be issued if the director finds that any requirement under this section is not met.

(F) The director of development services, in consultation with the tax commissioner, may adopt rules for the administration

of this section, including rules governing the following:	2836
(1) Documents, records, or other information eligible investors shall provide to the director;	2837 2838
(2) Any information a small business enterprise shall provide for the purposes of this section and section 5747.81 of the Revised Code;	2839 2840 2841
(3) Determination of the number of full-time equivalent employees of a small business enterprise;	2842 2843
(4) Verification of a small business enterprise's investment in tangible personal property and intangible personal property under division (A)(1)(d) of this section, including when such investments have been made and where the property is used in business;	2844 2845 2846 2847 2848
(5) Circumstances under which small business enterprises or eligible investors may be subverting the purposes of this section and section 5747.81 of the Revised Code.	2849 2850 2851
(G) Application fees paid under division (B) of this section shall be credited to the tax incentives operating fund created in section 122.174 of the Revised Code.	2852 2853 2854
Sec. 123.01. (A) The department of administrative services, in addition to those powers enumerated in Chapters 124. and 125. of the Revised Code and provided elsewhere by law, shall exercise the following powers:	2855 2856 2857 2858
(1) To prepare and suggest comprehensive plans for the development of grounds and buildings under the control of a state agency;	2859 2860 2861
(2) To acquire, by purchase, gift, devise, lease, or grant, all real estate required by a state agency, in the exercise of which power the department may exercise the power of eminent domain, in the manner provided by sections 163.01 to 163.22 of the	2862 2863 2864 2865

Revised Code;	2866
(3) To erect, supervise, and maintain all public monuments and memorials erected by the state, except where the supervision and maintenance is otherwise provided by law;	2867 2868 2869
(4) To procure, by lease, storage accommodations for a state agency;	2870 2871
(5) To lease or grant easements or licenses for unproductive and unused lands or other property under the control of a state agency. Such leases, easements, or licenses may be granted to any person or entity, shall be for a period not to exceed fifteen years, and shall be executed for the state by the director of administrative services, provided that the director shall grant leases, easements, or licenses of university land for periods not to exceed twenty-five years for purposes approved by the respective university's board of trustees wherein the uses are compatible with the uses and needs of the university and may grant leases of university land for periods not to exceed forty years for purposes approved by the respective university's board of trustees pursuant to section 123.17 of the Revised Code.	2872 2873 2874 2875 2876 2877 2878 2879 2880 2881 2882 2883 2884
(6) To lease space for the use of a state agency;	2885
(7) To have general supervision and care of the storerooms, offices, and buildings leased for the use of a state agency;	2886 2887
(8) To exercise general custodial care of all real property of the state;	2888 2889
(9) To assign and group together state offices in any city in the state and to establish, in cooperation with the state agencies involved, rules governing space requirements for office or storage use;	2890 2891 2892 2893
(10) To lease for a period not to exceed forty years, pursuant to a contract providing for the construction thereof	2894 2895

under a lease-purchase plan, buildings, structures, and other 2896
improvements for any public purpose, and, in conjunction 2897
therewith, to grant leases, easements, or licenses for lands under 2898
the control of a state agency for a period not to exceed forty 2899
years. The lease-purchase plan shall provide that at the end of 2900
the lease period, the buildings, structures, and related 2901
improvements, together with the land on which they are situated, 2902
shall become the property of the state without cost. 2903

(a) Whenever any building, structure, or other improvement is 2904
to be so leased by a state agency, the department shall retain 2905
either basic plans, specifications, bills of materials, and 2906
estimates of cost with sufficient detail to afford bidders all 2907
needed information or, alternatively, all of the following plans, 2908
details, bills of materials, and specifications: 2909

(i) Full and accurate plans suitable for the use of mechanics 2910
and other builders in the improvement; 2911

(ii) Details to scale and full sized, so drawn and 2912
represented as to be easily understood; 2913

(iii) Accurate bills showing the exact quantity of different 2914
kinds of material necessary to the construction; 2915

(iv) Definite and complete specifications of the work to be 2916
performed, together with such directions as will enable a 2917
competent mechanic or other builder to carry them out and afford 2918
bidders all needed information; 2919

(v) A full and accurate estimate of each item of expense and 2920
of the aggregate cost thereof. 2921

(b) The department shall give public notice, in such 2922
newspaper, in such form, and with such phraseology as the director 2923
of administrative services prescribes, published once each week 2924
for four consecutive weeks, of the time when and place where bids 2925
will be received for entering into an agreement to lease to a 2926

state agency a building, structure, or other improvement. The last 2927
publication shall be at least eight days preceding the day for 2928
opening the bids. The bids shall contain the terms upon which the 2929
builder would propose to lease the building, structure, or other 2930
improvement to the state agency. The form of the bid approved by 2931
the department shall be used, and a bid is invalid and shall not 2932
be considered unless that form is used without change, alteration, 2933
or addition. Before submitting bids pursuant to this section, any 2934
builder shall comply with Chapter 153. of the Revised Code. 2935

(c) On the day and at the place named for receiving bids for 2936
entering into lease agreements with a state agency, the director 2937
of administrative services shall open the bids and shall publicly 2938
proceed immediately to tabulate the bids upon duplicate sheets. No 2939
lease agreement shall be entered into until the bureau of workers' 2940
compensation has certified that the person to be awarded the lease 2941
agreement has complied with Chapter 4123. of the Revised Code, 2942
until, if the builder submitting the lowest and best bid is a 2943
foreign corporation, the secretary of state has certified that the 2944
corporation is authorized to do business in this state, until, if 2945
the builder submitting the lowest and best bid is a person 2946
nonresident of this state, the person has filed with the secretary 2947
of state a power of attorney designating the secretary of state as 2948
its agent for the purpose of accepting service of summons in any 2949
action brought under Chapter 4123. of the Revised Code, and until 2950
the agreement is submitted to the attorney general and the 2951
attorney general's approval is certified thereon. Within thirty 2952
days after the day on which the bids are received, the department 2953
shall investigate the bids received and shall determine that the 2954
bureau and the secretary of state have made the certifications 2955
required by this section of the builder who has submitted the 2956
lowest and best bid. Within ten days of the completion of the 2957
investigation of the bids, the department shall award the lease 2958
agreement to the builder who has submitted the lowest and best bid 2959

and who has been certified by the bureau and secretary of state as 2960
required by this section. If bidding for the lease agreement has 2961
been conducted upon the basis of basic plans, specifications, 2962
bills of materials, and estimates of costs, upon the award to the 2963
builder the department, or the builder with the approval of the 2964
department, shall appoint an architect or engineer licensed in 2965
this state to prepare such further detailed plans, specifications, 2966
and bills of materials as are required to construct the building, 2967
structure, or improvement. The department shall adopt such rules 2968
as are necessary to give effect to this section. The department 2969
may reject any bid. Where there is reason to believe there is 2970
collusion or combination among bidders, the bids of those 2971
concerned therein shall be rejected. 2972

(11) To acquire by purchase, gift, devise, or grant and to 2973
transfer, lease, or otherwise dispose of all real property 2974
required to assist in the development of a conversion facility as 2975
defined in section 5709.30 of the Revised Code as that section 2976
existed before its repeal by Amended Substitute House Bill 95 of 2977
the 125th general assembly; 2978

(12) To lease for a period not to exceed forty years, 2979
notwithstanding any other division of this section, the 2980
state-owned property located at 408-450 East Town Street, 2981
Columbus, Ohio, formerly the state school for the deaf, to a 2982
developer in accordance with this section. "Developer," as used in 2983
this section, has the same meaning as in section 123.77 of the 2984
Revised Code. 2985

Such a lease shall be for the purpose of development of the 2986
land for use by senior citizens by constructing, altering, 2987
renovating, repairing, expanding, and improving the site as it 2988
existed on June 25, 1982. A developer desiring to lease the land 2989
shall prepare for submission to the department a plan for 2990
development. Plans shall include provisions for roads, sewers, 2991

water lines, waste disposal, water supply, and similar matters to 2992
meet the requirements of state and local laws. The plans shall 2993
also include provision for protection of the property by insurance 2994
or otherwise, and plans for financing the development, and shall 2995
set forth details of the developer's financial responsibility. 2996

The department may employ, as employees or consultants, 2997
persons needed to assist in reviewing the development plans. Those 2998
persons may include attorneys, financial experts, engineers, and 2999
other necessary experts. The department shall review the 3000
development plans and may enter into a lease if it finds all of 3001
the following: 3002

(a) The best interests of the state will be promoted by 3003
entering into a lease with the developer; 3004

(b) The development plans are satisfactory; 3005

(c) The developer has established the developer's financial 3006
responsibility and satisfactory plans for financing the 3007
development. 3008

The lease shall contain a provision that construction or 3009
renovation of the buildings, roads, structures, and other 3010
necessary facilities shall begin within one year after the date of 3011
the lease and shall proceed according to a schedule agreed to 3012
between the department and the developer or the lease will be 3013
terminated. The lease shall contain such conditions and 3014
stipulations as the director considers necessary to preserve the 3015
best interest of the state. Moneys received by the state pursuant 3016
to this lease shall be paid into the general revenue fund. The 3017
lease shall provide that at the end of the lease period the 3018
buildings, structures, and related improvements shall become the 3019
property of the state without cost. 3020

(13) To manage the use of space owned and controlled by the 3021
department by doing all of the following: 3022

(a) Biennially implementing, by state agency location, a census of agency employees assigned space; 3023
3024

(b) Periodically in the discretion of the director of administrative services: 3025
3026

(i) Requiring each state agency to categorize the use of space allotted to the agency between office space, common areas, storage space, and other uses, and to report its findings to the department; 3027
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(ii) Creating and updating a master space utilization plan for all space allotted to state agencies. The plan shall incorporate space utilization metrics. 3031
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(iii) Conducting a cost-benefit analysis to determine the effectiveness of state-owned buildings; 3034
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(iv) Assessing the alternatives associated with consolidating the commercial leases for buildings located in Columbus. 3036
3037

(c) Commissioning a comprehensive space utilization and capacity study in order to determine the feasibility of consolidating existing commercially leased space used by state agencies into a new state-owned facility. 3038
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(14) To adopt rules to ensure that energy efficiency and conservation is considered in the purchase of products and equipment, except motor vehicles, by any state agency, department, division, bureau, office, unit, board, commission, authority, quasi-governmental entity, or institution. The department may require minimum energy efficiency standards for purchased products and equipment based on federal testing and labeling if available or on standards developed by the department. When possible, the rules shall apply to the competitive selection of energy consuming systems, components, and equipment under Chapter 125. of the Revised Code. 3042
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(15) To ensure energy efficient and energy conserving	3053
purchasing practices by doing all of the following:	3054
(a) Identifying available energy efficiency and conservation	3055
opportunities;	3056
(b) Providing for interchange of information among purchasing	3057
agencies;	3058
(c) Identifying laws, policies, rules, and procedures that	3059
should be modified;	3060
(d) Monitoring experience with and the cost-effectiveness of	3061
this state's purchase and use of motor vehicles and of major	3062
energy-consuming systems, components, equipment, and products	3063
having a significant impact on energy consumption by the	3064
government;	3065
(e) Providing technical assistance and training to state	3066
employees involved in the purchasing process;	3067
(f) Working with the development services agency to make	3068
recommendations regarding planning and implementation of	3069
purchasing policies and procedures that are supportive of energy	3070
efficiency and conservation.	3071
(16) To require all state agencies, departments, divisions,	3072
bureaus, offices, units, commissions, boards, authorities,	3073
quasi-governmental entities, institutions, and state institutions	3074
of higher education to implement procedures to ensure that all of	3075
the passenger automobiles they acquire in each fiscal year, except	3076
for those passenger automobiles acquired for use in law	3077
enforcement or emergency rescue work, achieve a fleet average fuel	3078
economy of not less than the fleet average fuel economy for that	3079
fiscal year as the department shall prescribe by rule. The	3080
department shall adopt the rule prior to the beginning of the	3081
fiscal year, in accordance with the average fuel economy standards	3082
established by federal law for passenger automobiles manufactured	3083

during the model year that begins during the fiscal year. 3084

Each state agency, department, division, bureau, office, 3085
unit, commission, board, authority, quasi-governmental entity, 3086
institution, and state institution of higher education shall 3087
determine its fleet average fuel economy by dividing the total 3088
number of passenger vehicles acquired during the fiscal year, 3089
except for those passenger vehicles acquired for use in law 3090
enforcement or emergency rescue work, by a sum of terms, each of 3091
which is a fraction created by dividing the number of passenger 3092
vehicles of a given make, model, and year, except for passenger 3093
vehicles acquired for use in law enforcement or emergency rescue 3094
work, acquired during the fiscal year by the fuel economy measured 3095
by the administrator of the United States environmental protection 3096
agency, for the given make, model, and year of vehicle, that 3097
constitutes an average fuel economy for combined city and highway 3098
driving. 3099

As used in division (A)(16) of this section, "acquired" means 3100
leased for a period of sixty continuous days or more, or 3101
purchased. 3102

(17) To transfer, lease, or otherwise dispose of all the 3103
right, title, and interest of the state in real estate that is 3104
located in a qualified opportunity zone. 3105

If there were transactions made under this division during 3106
the previous calendar year, the department of administrative 3107
services shall, not later than the thirty-first day of January, 3108
submit a report to the general assembly. The report shall provide 3109
details about each transaction made under this division during the 3110
previous calendar year. 3111

As used in this division, "qualified opportunity zone" has 3112
the meaning defined in 26 U.S.C. 1400Z-1. 3113

(B) This section and section 125.02 of the Revised Code shall 3114

not interfere with any of the following: 3115

(1) The power of the adjutant general to purchase military 3116
supplies, or with the custody of the adjutant general of property 3117
leased, purchased, or constructed by the state and used for 3118
military purposes, or with the functions of the adjutant general 3119
as director of state armories; 3120

(2) The power of the director of transportation in acquiring 3121
rights-of-way for the state highway system, or the leasing of 3122
lands for division or resident district offices, or the leasing of 3123
lands or buildings required in the maintenance operations of the 3124
department of transportation, or the purchase of real property for 3125
garage sites or division or resident district offices, or in 3126
preparing plans and specifications for and constructing such 3127
buildings as the director may require in the administration of the 3128
department; 3129

(3) The power of the director of public safety and the 3130
registrar of motor vehicles to purchase or lease real property and 3131
buildings to be used solely as locations to which a deputy 3132
registrar is assigned pursuant to division (B) of section 4507.011 3133
of the Revised Code and from which the deputy registrar is to 3134
conduct the deputy registrar's business, the power of the director 3135
of public safety to purchase or lease real property and buildings 3136
to be used as locations for division or district offices as 3137
required in the maintenance of operations of the department of 3138
public safety, and the power of the superintendent of the state 3139
highway patrol in the purchase or leasing of real property and 3140
buildings needed by the patrol, to negotiate the sale of real 3141
property owned by the patrol, to rent or lease real property owned 3142
or leased by the patrol, and to make or cause to be made repairs 3143
to all property owned or under the control of the patrol; 3144

(4) The power of the division of liquor control in the 3145
leasing or purchasing of retail outlets and warehouse facilities 3146

for the use of the division; 3147

(5) The power of the director of development services to 3148
enter into leases of real property, buildings, and office space to 3149
be used solely as locations for the state's foreign offices to 3150
carry out the purposes of section 122.05 of the Revised Code; 3151

(6) The power of the director of environmental protection to 3152
enter into environmental covenants, to grant and accept easements, 3153
or to sell property pursuant to division (G) of section 3745.01 of 3154
the Revised Code; 3155

(7) The power of the department of public safety under 3156
section 5502.01 of the Revised Code to direct security measures 3157
and operations for the Vern Riffe center and the James A. Rhodes 3158
state office tower. The department of administrative services 3159
shall implement all security measures and operations at the Vern 3160
Riffe center and the James A. Rhodes state office tower as 3161
directed by the department of public safety. 3162

(C) Purchases for, and the custody and repair of, buildings 3163
under the management and control of the capitol square review and 3164
advisory board, the opportunities for Ohioans with disabilities 3165
agency, the bureau of workers' compensation, or the departments of 3166
public safety, job and family services, mental health and 3167
addiction services, developmental disabilities, and rehabilitation 3168
and correction; buildings of educational and benevolent 3169
institutions under the management and control of boards of 3170
trustees; and purchases or leases for, and the custody and repair 3171
of, office space used for the purposes of any agency of the 3172
legislative branch of state government are not subject to the 3173
control and jurisdiction of the department of administrative 3174
services. 3175

An agency of the legislative branch of state government that 3176
uses office space in a building under the management and control 3177

of the department of administrative services may exercise the 3178
agency's authority to improve the agency's office space as 3179
authorized under this division only if, upon review, the 3180
department of administrative services concludes the proposed 3181
improvements do not adversely impact the structural integrity of 3182
the building. 3183

If an agency of the legislative branch of state government, 3184
except the capitol square review and advisory board, so requests, 3185
the agency and the director of administrative services may enter 3186
into a contract under which the department of administrative 3187
services agrees to perform any services requested by the agency 3188
that the department is authorized under this section to perform. 3189
In performing such services, the department shall not use 3190
competitive selection. As used in this division, "competitive 3191
selection" has the meaning defined in section 125.01 of the 3192
Revised Code and includes any other type of competitive process 3193
for the selection of persons producing or dealing in the services 3194
to be provided. 3195

(D) Any instrument by which real property is acquired 3196
pursuant to this section shall identify the agency of the state 3197
that has the use and benefit of the real property as specified in 3198
section 5301.012 of the Revised Code. 3199

Sec. 123.21. (A) The Ohio facilities construction commission 3200
may perform any act and ensure the performance of any function 3201
necessary or appropriate to carry out the purposes of, and 3202
exercise the powers granted under this chapter or any other 3203
provision of the Revised Code, including any of the following: 3204

(1) Except as otherwise provided in section 123.211 of the 3205
Revised Code, prepare, or contract to be prepared, by licensed 3206
engineers or architects, surveys, general and detailed plans, 3207
specifications, bills of materials, and estimates of cost for any 3208

projects, improvements, or public buildings to be constructed by 3209
state agencies that may be authorized by legislative 3210
appropriations or any other funds made available therefor, 3211
provided that the construction of the projects, improvements, or 3212
public buildings is a statutory duty of the commission. This 3213
section does not require the independent employment of an 3214
architect or engineer as provided by section 153.01 of the Revised 3215
Code in the cases to which section 153.01 of the Revised Code 3216
applies. This section does not affect or alter the existing powers 3217
of the director of transportation. 3218

(2) Except as otherwise provided in section 123.211 of the 3219
Revised Code, have general supervision over the construction of 3220
any projects, improvements, or public buildings constructed for a 3221
state agency and over the inspection of materials prior to their 3222
incorporation into those projects, improvements, or buildings. 3223

(3) Except as otherwise provided in section 123.211 of the 3224
Revised Code, make contracts for and supervise the design and 3225
construction of any projects and improvements or the construction 3226
and repair of buildings under the control of a state agency. All 3227
such contracts may be based in whole or in part on the unit price 3228
or maximum estimated cost, with payment computed and made upon 3229
actual quantities or units. 3230

(4) Adopt, amend, and rescind rules pertaining to the 3231
administration of the construction of the public works of the 3232
state as required by law, in accordance with Chapter 119. of the 3233
Revised Code. 3234

(5) Contract with, retain the services of, or designate, and 3235
fix the compensation of, such agents, accountants, consultants, 3236
advisers, and other independent contractors as may be necessary or 3237
desirable to carry out the programs authorized under this chapter, 3238
or authorize the executive director to perform such powers and 3239
duties. 3240

(6) Receive and accept any gifts, grants, donations, and pledges, and receipts therefrom, to be used for the programs authorized under this chapter.

(7) Make and enter into all contracts, commitments, and agreements, and execute all instruments, necessary or incidental to the performance of its duties and the execution of its rights and powers under this chapter, or authorize the executive director to perform such powers and duties.

(8) Debar a contractor as provided in section 153.02 of the Revised Code.

(9) Enter into and administer cooperative agreements for cultural projects, as provided in sections 123.28 and 123.281 of the Revised Code.

(B) The commission shall appoint and fix the compensation of an executive director who shall serve at the pleasure of the commission. The executive director shall ~~exercise all powers that the commission possesses,~~ supervise the operations of the commission, and perform such other duties as delegated by the commission. The executive director also shall employ and fix the compensation of such employees as will facilitate the activities and purposes of the commission, who shall serve at the pleasure of the executive director. The employees of the commission are exempt from Chapter 4117. of the Revised Code and are not considered public employees as defined in section 4117.01 of the Revised Code. Any agreement entered into prior to July 1, 2012, between the office of collective bargaining and the exclusive representative for employees of the commission is binding and shall continue to have effect.

(C) The attorney general shall serve as the legal representative for the commission and may appoint other counsel as necessary for that purpose in accordance with section 109.07 of

the Revised Code. 3272

Sec. 124.181. (A) Except as provided in divisions (M) and (P) 3273
of this section, any employee paid in accordance with schedule B 3274
of section 124.15 or schedule E-1 of section 124.152 of the 3275
Revised Code is eligible for the pay supplements provided in this 3276
section upon application by the appointing authority 3277
substantiating the employee's qualifications for the supplement 3278
and with the approval of the director of administrative services 3279
except as provided in division (E) of this section. 3280

(B)(1) In computing any of the pay supplements provided in 3281
this section for an employee paid in accordance with schedule B of 3282
section 124.15 of the Revised Code, the classification salary base 3283
shall be the minimum hourly rate of the pay range, provided in 3284
that section, in which the employee is assigned at the time of 3285
computation. 3286

(2) In computing any of the pay supplements provided in this 3287
section for an employee paid in accordance with schedule E-1 of 3288
section 124.152 of the Revised Code, the classification salary 3289
base shall be the minimum hourly rate of the pay range, provided 3290
in that section, in which the employee is assigned at the time of 3291
computation. 3292

(C) The effective date of any pay supplement, except as 3293
provided in section 124.183 of the Revised Code or unless 3294
otherwise provided in this section, shall be determined by the 3295
director. 3296

(D) The director shall, by rule, establish standards 3297
regarding the administration of this section. 3298

(E)(1) Except as otherwise provided in this division, 3299
beginning on the first day of the pay period within which the 3300
employee completes five years of total service with the state 3301

government or any of its political subdivisions, each employee in 3302
positions paid in accordance with schedule B of section 124.15 of 3303
the Revised Code or in accordance with schedule E-1 of section 3304
124.152 of the Revised Code shall receive an automatic salary 3305
adjustment equivalent to two and one-half per cent of the 3306
classification salary base, to the nearest whole cent. Each 3307
employee shall receive thereafter an annual adjustment equivalent 3308
to one-half of one per cent of the employee's classification 3309
salary base, to the nearest whole cent, for each additional year 3310
of qualified employment until a maximum of ten per cent of the 3311
employee's classification salary base is reached. The granting of 3312
longevity adjustments shall not be affected by promotion, 3313
demotion, or other changes in classification held by the employee, 3314
nor by any change in pay range for the employee's class or grade. 3315
Longevity pay adjustments shall become effective at the beginning 3316
of the pay period within which the employee completes the 3317
necessary length of service, except that when an employee requests 3318
credit for prior service, the effective date of the prior service 3319
credit and of any longevity adjustment shall be the first day of 3320
the pay period following approval of the credit by the director of 3321
administrative services. No employee, other than an employee who 3322
submits proof of prior service within ninety days after the date 3323
of the employee's hiring, shall receive any longevity adjustment 3324
for the period prior to the director's approval of a prior service 3325
credit. Time spent on authorized leave of absence shall be counted 3326
for this purpose. 3327

(2) An employee who has retired in accordance with the 3328
provisions of any retirement system offered by the state and who 3329
is employed by the state or any political subdivision of the state 3330
on or after June 24, 1987, shall not have prior service with the 3331
state or any political subdivision of the state counted for the 3332
purpose of determining the amount of the salary adjustment 3333
provided under this division. 3334

(3) There shall be a moratorium on employees' receipt under 3335
this division of credit for service with the state government or 3336
any of its political subdivisions during the period from July 1, 3337
2003, through June 30, 2005. In calculating the number of years of 3338
total service under this division, no credit shall be included for 3339
service during the moratorium. The moratorium shall apply to the 3340
employees of the secretary of state, the auditor of state, the 3341
treasurer of state, and the attorney general, who are subject to 3342
this section unless the secretary of state, the auditor of state, 3343
the treasurer of state, or the attorney general decides to exempt 3344
the office's employees from the moratorium and so notifies the 3345
director of administrative services in writing on or before July 3346
1, 2003. 3347

If an employee is exempt from the moratorium, receives credit 3348
for a period of service during the moratorium, and takes a 3349
position with another entity in the state government or any of its 3350
political subdivisions, either during or after the moratorium, and 3351
if that entity's employees are or were subject to the moratorium, 3352
the employee shall continue to retain the credit. However, if the 3353
moratorium is in effect upon the taking of the new position, the 3354
employee shall cease receiving additional credit as long as the 3355
employee is in the position, until the moratorium expires. 3356

(F) When an exceptional condition exists that creates a 3357
temporary or a permanent hazard for one or more positions in a 3358
class paid in accordance with schedule B of section 124.15 of the 3359
Revised Code or in accordance with schedule E-1 of section 124.152 3360
of the Revised Code, a special hazard salary adjustment may be 3361
granted for the time the employee is subjected to the hazardous 3362
condition. All special hazard conditions shall be identified for 3363
each position and incidence from information submitted to the 3364
director on an appropriate form provided by the director and 3365
categorized into standard conditions of: some unusual hazard not 3366

common to the class; considerable unusual hazard not common to the 3367
class; and exceptional hazard not common to the class. 3368

(1) A hazardous salary adjustment of five per cent of the 3369
employee's classification salary base may be applied in the case 3370
of some unusual hazardous condition not common to the class for 3371
those hours worked, or a fraction of those hours worked, while the 3372
employee was subject to the unusual hazard condition. 3373

(2) A hazardous salary adjustment of seven and one-half per 3374
cent of the employee's classification salary base may be applied 3375
in the case of some considerable hazardous condition not common to 3376
the class for those hours worked, or a fraction of those hours 3377
worked, while the employee was subject to the considerable hazard 3378
condition. 3379

(3) A hazardous salary adjustment of ten per cent of the 3380
employee's classification salary base may be applied in the case 3381
of some exceptional hazardous condition not common to the class 3382
for those hours worked, or a fraction of those hours worked, when 3383
the employee was subject to the exceptional hazard condition. 3384

(4) Each claim for temporary hazard pay shall be submitted as 3385
a separate payment and shall be subject to an administrative audit 3386
by the director as to the extent and duration of the employee's 3387
exposure to the hazardous condition. 3388

(G) When a full-time employee whose salary or wage is paid 3389
directly by warrant of the director of budget and management and 3390
who also is eligible for overtime under the "Fair Labor Standards 3391
Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as amended, is 3392
ordered by the appointing authority to report back to work after 3393
termination of the employee's regular work schedule and the 3394
employee reports, the employee shall be paid for such time. The 3395
employee shall be entitled to four hours at the employee's total 3396
rate of pay or overtime compensation for the actual hours worked, 3397

whichever is greater. This division does not apply to work that is 3398
a continuation of or immediately preceding an employee's regular 3399
work schedule. 3400

(H) When a certain position or positions paid in accordance 3401
with schedule B of section 124.15 of the Revised Code or in 3402
accordance with schedule E-1 of section 124.152 of the Revised 3403
Code require the ability to speak or write a language other than 3404
English, a special pay supplement may be granted to attract 3405
bilingual individuals, to encourage present employees to become 3406
proficient in other languages, or to retain qualified bilingual 3407
employees. The bilingual pay supplement provided in this division 3408
may be granted in the amount of five per cent of the employee's 3409
classification salary base for each required foreign language and 3410
shall remain in effect as long as the bilingual requirement 3411
exists. 3412

(I) The director of administrative services may establish a 3413
shift differential for employees. The differential shall be paid 3414
to employees in positions working in other than the regular or 3415
first shift. In those divisions or agencies where only one shift 3416
prevails, no shift differential shall be paid regardless of the 3417
hours of the day that are worked. The director and the appointing 3418
authority shall designate which positions shall be covered by this 3419
division. 3420

(J) An appointing authority may assign an employee to work in 3421
a higher level position for a continuous period of more than two 3422
weeks but no more than two years. The employee's pay shall be 3423
established at a rate that is approximately four per cent above 3424
the employee's current base rate for the period the employee 3425
occupies the position, provided that this temporary assignment is 3426
approved by the director. Employees paid under this division shall 3427
continue to receive any of the pay supplements due them under 3428
other divisions of this section based on the step one base rate 3429

for their normal classification. 3430

(K) If a certain position, or positions, within a class paid 3431
in accordance with schedule B of section 124.15 of the Revised 3432
Code or in accordance with schedule E-1 of section 124.152 of the 3433
Revised Code are mandated by state or federal law or regulation or 3434
other regulatory agency or other certification authority to have 3435
special technical certification, registration, or licensing to 3436
perform the functions which are under the mandate, a special 3437
professional achievement pay supplement may be granted. This 3438
special professional achievement pay supplement shall not be 3439
granted when all incumbents in all positions in a class require a 3440
license as provided in the classification description published by 3441
the department of administrative services; to licensees where no 3442
special or extensive training is required; when certification is 3443
granted upon completion of a stipulated term of in-service 3444
training; when an appointing authority has required certification; 3445
or any other condition prescribed by the director. 3446

(1) Before this supplement may be applied, evidence as to the 3447
requirement must be provided by the agency for each position 3448
involved, and certification must be received from the director as 3449
to the director's concurrence for each of the positions so 3450
affected. 3451

(2) The professional achievement pay supplement provided in 3452
this division shall be granted in an amount up to ten per cent of 3453
the employee's classification salary base and shall remain in 3454
effect as long as the mandate exists. 3455

(L) Those employees assigned to teaching supervisory, 3456
principal, assistant principal, or superintendent positions who 3457
have attained a higher educational level than a basic bachelor's 3458
degree may receive an educational pay supplement to remain in 3459
effect as long as the employee's assignment and classification 3460
remain the same. 3461

(1) An educational pay supplement of two and one-half per cent of the employee's classification salary base may be applied upon the achievement of a bachelor's degree plus twenty quarter hours of postgraduate work. 3462
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(2) An educational pay supplement of an additional five per cent of the employee's classification salary base may be applied upon achievement of a master's degree. 3466
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(3) An educational pay supplement of an additional two and one-half per cent of the employee's classification salary base may be applied upon achievement of a master's degree plus thirty quarter hours of postgraduate work. 3469
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(4) An educational pay supplement of five per cent of the employee's classification salary base may be applied when the employee is performing as a master teacher. 3473
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(5) An educational pay supplement of five per cent of the employee's classification salary base may be applied when the employee is performing as a special education teacher. 3476
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(6) Those employees in teaching supervisory, principal, assistant principal, or superintendent positions who are responsible for specific extracurricular activity programs shall receive overtime pay for those hours worked in excess of their normal schedule, at their straight time hourly rate up to a maximum of five per cent of their regular base salary in any calendar year. 3479
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(M)(1) A state agency, board, or commission may establish a supplementary compensation schedule for those licensed physicians employed by the agency, board, or commission in positions requiring a licensed physician. The supplementary compensation schedule, together with the compensation otherwise authorized by this chapter, shall provide for the total compensation for these employees to range appropriately, but not necessarily uniformly, 3486
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for each classification title requiring a licensed physician, in 3493
accordance with a schedule approved by the state controlling 3494
board. The individual salary levels recommended for each such 3495
physician employed shall be approved by the director. 3496
Notwithstanding section 124.11 of the Revised Code, such personnel 3497
are in the unclassified civil service. 3498

(2) The director of administrative services may approve 3499
supplementary compensation for ~~the director of health~~ any 3500
administrative department head appointed by the governor under 3501
section 121.03 of the Revised Code, if the ~~director~~ administrative 3502
department head is a licensed physician, in accordance with a 3503
supplementary compensation schedule approved under division (M)(1) 3504
of this section or in accordance with another supplementary 3505
compensation schedule the director of administrative services 3506
considers appropriate. ~~The supplementary compensation shall not~~ 3507
~~exceed twenty per cent of the director of health's base rate of~~ 3508
~~pay.~~ 3509

(N) Notwithstanding sections 117.28, 117.30, 117.33, 117.36, 3510
117.42, and 131.02 of the Revised Code, the state shall not 3511
institute any civil action to recover and shall not seek 3512
reimbursement for overpayments made in violation of division (E) 3513
of this section or division (C) of section 9.44 of the Revised 3514
Code for the period starting after June 24, 1987, and ending on 3515
October 31, 1993. 3516

(O) Employees of the office of the treasurer of state who are 3517
exempt from collective bargaining coverage may be granted a merit 3518
pay supplement of up to one and one-half per cent of their step 3519
rate. The rate at which this supplement is granted shall be based 3520
on performance standards established by the treasurer of state. 3521
Any supplements granted under this division shall be administered 3522
on an annual basis. 3523

(P) Intermittent employees appointed under section 124.30 of 3524

the Revised Code are not eligible for the pay supplements provided 3525
by this section. 3526

Sec. 124.82. (A) Except as provided in division (D) of this 3527
section, the department of administrative services, in 3528
consultation with the superintendent of insurance, shall, in 3529
accordance with competitive selection procedures of Chapter 125. 3530
of the Revised Code, contract with an insurance company or a 3531
health plan in combination with an insurance company, authorized 3532
to do business in this state, for the issuance of a policy or 3533
contract of health, medical, hospital, dental, vision, or surgical 3534
benefits, or any combination of those benefits, covering state 3535
employees who are paid directly by warrant of the director of 3536
budget and management, including elected state officials. The 3537
department may fulfill its obligation under this division by 3538
exercising its authority under division (A)(2) of section 124.81 3539
of the Revised Code. 3540

(B) Except as provided in division (D) of this section, the 3541
department may, in addition, in consultation with the 3542
superintendent of insurance, negotiate and contract with health 3543
insuring corporations holding a certificate of authority under 3544
Chapter 1751. of the Revised Code, in their approved service areas 3545
only, for issuance of a contract or contracts of health care 3546
services, covering state employees who are paid directly by 3547
warrant of the director of budget and management, including 3548
elected state officials. The department may enter into contracts 3549
with one or more insurance carriers or health plans to provide the 3550
same plan of benefits, provided that: 3551

(1) The employee be permitted to exercise the option as to 3552
which plan the employee will select under division (A) or (B) of 3553
this section, at a time that shall be determined by the 3554
department; 3555

(2) The health insuring corporations do not refuse to accept 3556
the employee, or the employee and the employee's family, if the 3557
employee exercises the option to select care provided by the 3558
corporations; 3559

(3) The employee may choose participation in only one of the 3560
plans sponsored by the department; 3561

(4) The director of health examines and certifies to the 3562
department that the quality and adequacy of care rendered by the 3563
health insuring corporations meet at least the standards of care 3564
provided by hospitals and physicians in that employee's community, 3565
who would be providing such care as would be covered by a contract 3566
awarded under division (A) of this section. 3567

(C) All or any portion of the cost, premium, or charge for 3568
the coverage in divisions (A) and (B) of this section may be paid 3569
in such manner or combination of manners as the department 3570
determines and may include the proration of health care costs, 3571
premiums, or charges for part-time employees. 3572

(D) Notwithstanding divisions (A) and (B) of this section, 3573
the department may provide benefits equivalent to those that may 3574
be paid under a policy or contract issued by an insurance company 3575
or a health plan pursuant to division (A) or (B) of this section. 3576

(E) This section does not prohibit the state office of 3577
collective bargaining from entering into an agreement with an 3578
employee representative for the purposes of providing fringe 3579
benefits, including, but not limited to, hospitalization, surgical 3580
care, major medical care, disability, dental care, vision care, 3581
medical care, hearing aids, prescription drugs, group life 3582
insurance, sickness and accident insurance, group legal services 3583
or other benefits, or any combination of those benefits, to 3584
employees paid directly by warrant of the director of budget and 3585
management through a jointly administered trust fund. The 3586

employer's contribution for the cost of the benefit care shall be 3587
mutually agreed to in the collectively bargained agreement. The 3588
amount, type, and structure of fringe benefits provided under this 3589
division is subject to the determination of the board of trustees 3590
of the jointly administered trust fund. Notwithstanding any other 3591
provision of the Revised Code, competitive bidding does not apply 3592
to the purchase of fringe benefits for employees under this 3593
division when those benefits are provided through a jointly 3594
administered trust fund. 3595

(F) Members of state boards or commissions may be covered by 3596
any policy, contract, or plan of benefits or services described in 3597
division (A) or (B) of this section. Board or commission members 3598
who are appointed for a fixed term and who are compensated on a 3599
per meeting basis, or paid only for expenses, or receive a 3600
combination of per diem payments and expenses shall pay the entire 3601
amount of the premiums, costs, or charges for that coverage. 3602

Sec. 124.824. (A) As used in this section, "death benefit 3603
fund recipient" means any recipient of a death benefit paid under 3604
section 742.63 of the Revised Code except a parent who receives a 3605
death benefit paid under division (E) of that section. 3606

(B)(1) Except as otherwise provided under division (B)(3) of 3607
this section, a death benefit fund recipient may elect to 3608
participate in any health, medical, hospital, dental, surgical, or 3609
vision benefit the department of administrative services contracts 3610
for under section 124.82 of the Revised Code or otherwise provides 3611
for the benefit of state employees who are paid directly by 3612
warrant of the director of budget and management. Receiving 3613
benefits under this section does not make the death benefit fund 3614
recipient a state employee. A death benefit fund recipient who 3615
elects to participate in a benefit under this section shall ~~be 3616
both of the following:~~ 3617

~~(a) File file a notice with the ~~department~~ board of trustees of the Ohio police and fire pension fund of the death benefit fund recipient's election to participate that specifies the benefits or combination of benefits in which the recipient elects to participate.~~

~~(b) Pay to the ~~department~~ the percentage of the premium or cost for the applicable benefits that would be paid by a state employee who elects that coverage.~~

(2) A parent, guardian, custodian, or other person responsible for the care of a death benefit fund recipient who is under eighteen years of age or who is a surviving child entitled to extended benefits under division (H)(3) of section 742.63 of the Revised Code due to disability may file the election required by division (B)(1) of this section on the death benefit fund recipient's behalf.

(3) A death benefit fund recipient is ineligible to participate in a health, medical, hospital, dental, surgical, or vision benefit under division (B)(1) of this section if the recipient is eligible either of the following:

(a) An employee paid directly by warrant of the director of budget and management who is eligible to participate in those benefits pursuant to section 124.82 of the Revised Code;

(b) Eligible to enroll in the medicare program established by Title XVIII of the "Social Security Act," 79 Stat. 291 (1965), 42 U.S.C. 1395c, as amended.

(C) For each death benefit fund recipient who participates in health, medical, hospital, dental, surgical, or vision benefits under division (B) of this section, the ~~department~~ board of trustees shall pay the percentage of the premium or cost for the applicable benefits that would be paid by a state employer for a state employee who elects that coverage and shall withhold from

benefits paid to a death benefit fund recipient under section 3649
742.63 of the Revised Code the percentage of the premium or cost 3650
of those benefits that would be paid by a state employee. The 3651
board of trustees shall pay the department of administrative 3652
services the total cost of those benefits plus any applicable 3653
administrative costs, which shall not exceed two per cent of the 3654
total cost of the benefits provided under this section. The board 3655
of trustees shall not withhold from or charge to a death benefit 3656
fund recipient the amount of any administrative costs paid under 3657
this section. 3658

(D) The director of administrative services shall prescribe 3659
procedures for the administration of benefits for death benefit 3660
fund recipients under this section, including the development of 3661
required forms for death benefit fund recipients to enroll, 3662
disenroll, or re-enroll in benefits under this section. 3663

(E) The board of trustees ~~of the Ohio police and fire pension~~ 3664
~~fund~~ shall provide any information ~~to the department~~ that the 3665
department requires to provide benefits under this section to the 3666
department, a designated third-party administrator, or both, 3667
including information regarding the identities, ages, and family 3668
relationships of death benefit fund recipients. 3669

Sec. 125.01. As used in this chapter: 3670

(A) "Order" means a copy of a contract or a statement of the 3671
nature of a contemplated expenditure, a description of the 3672
property or supplies to be purchased or service to be performed, 3673
other than a service performed by officers and regular employees 3674
of the state, and per diem of the national guard, and the total 3675
sum of the expenditure to be made therefor, if the sum is fixed 3676
and ascertained, otherwise the estimated sum thereof, and an 3677
authorization to pay for the contemplated expenditure, signed by 3678
the person instructed and authorized to pay upon receipt of a 3679

proper invoice. 3680

(B) "Invoice" means an itemized listing showing delivery of 3681
the supplies or performance of the service described in the order, 3682
~~and the~~ including all of the following: 3683

(1) The date of the purchase or rendering of the service, ~~or~~ 3684
~~an~~ i 3685

(2) An itemization of the things done, material supplied, or 3686
labor furnished, ~~and the~~ i 3687

(3) The sum due pursuant to the contract or obligation. 3688

(C) "Products" means materials, manufacturer's supplies, 3689
merchandise, goods, wares, and foodstuffs. 3690

(D) "Produced" means the manufacturing, processing, mining, 3691
developing, and making of a thing into a new article with a 3692
distinct character in use through the application of input, within 3693
the state, of Ohio products, labor, skill, or other services. 3694
"Produced" does not include the mere assembling or putting 3695
together of non-Ohio products or materials. 3696

(E) "Ohio products" means products that are mined, excavated, 3697
produced, manufactured, raised, or grown in the state by a person 3698
where the input of Ohio products, labor, skill, or other services 3699
constitutes no less than twenty-five per cent of the manufactured 3700
cost. With respect to mined products, such products shall be mined 3701
or excavated in this state. 3702

(F) "Purchase" means to buy, rent, lease, lease purchase, or 3703
otherwise acquire supplies or services. "Purchase" also includes 3704
all functions that pertain to the obtaining of supplies or 3705
services, including description of requirements, selection and 3706
solicitation of sources, preparation and award of contracts, all 3707
phases of contract administration, and receipt and acceptance of 3708
the supplies and services and payment for them. 3709

(G) "Services" means the furnishing of labor, time, or effort 3710
by a person, not involving the delivery of a specific end product 3711
other than a report which, if provided, is merely incidental to 3712
the required performance. "Services" does not include services 3713
furnished pursuant to employment agreements or collective 3714
bargaining agreements. 3715

(H) "Supplies" means all property, including, but not limited 3716
to, equipment, materials, other tangible assets, and insurance, 3717
but excluding real property or an interest in real property. 3718

(I) "Competitive selection" means any of the following 3719
procedures for making purchases: 3720

(1) Competitive sealed bidding under section 125.07 of the 3721
Revised Code; 3722

(2) Competitive sealed proposals under section 125.071 of the 3723
Revised Code; 3724

(3) Reverse auctions under section 125.072 of the Revised 3725
Code. 3726

Sec. 125.14. (A) The director of administrative services 3727
shall allocate any proceeds from the transfer, sale, or lease of 3728
excess and surplus supplies in the following manner: 3729

(1) Except as otherwise provided in ~~division~~ divisions 3730
(A)(2), (3), and (4) of this section, the proceeds of such a 3731
transfer, sale, or lease shall be paid into the state treasury to 3732
the credit of the investment recovery fund, which is hereby 3733
created. 3734

(2) Except as otherwise provided in ~~division~~ divisions (A)~~(2)~~ 3735
(3) and (4) of this section, when supplies originally were 3736
purchased with funds from nongeneral revenue fund sources, the 3737
director shall determine what fund or account originally was used 3738
to purchase the supplies, and the credit for the proceeds from any 3739

transfer, sale, or lease of those supplies shall be transferred to 3740
that fund or account. ~~if~~ 3741

(3) The director shall dispose of the proceeds from the 3742
transfer, sale, or lease of excess and surplus vehicles that were 3743
originally purchased with moneys derived from the general revenue 3744
fund in accordance with division (H)(2) of section 125.832 of the 3745
Revised Code. 3746

(4) If the director cannot determine which fund or account 3747
originally was used to purchase the supplies, if the fund or 3748
account is no longer active, or if the proceeds from the transfer, 3749
sale, or lease of a unit of supplies are less than one hundred 3750
dollars or any larger amount the director may establish with the 3751
approval of the director of budget and management, then the 3752
proceeds from the transfer, sale, or lease of such supplies shall 3753
be paid into the state treasury to the credit of the investment 3754
recovery fund. 3755

(B) The investment recovery fund shall be used to pay for the 3756
operating expenses of the state surplus property program and of 3757
the federal surplus property program described in sections 125.84 3758
to 125.90 of the Revised Code. Any amounts in excess of these 3759
operating expenses shall periodically be transferred to the 3760
general revenue fund of the state. If proceeds paid into the 3761
investment recovery fund are insufficient to pay for the program's 3762
operating expenses, a service fee may be charged to state agencies 3763
to eliminate the deficit. 3764

(C) Proceeds from the sale of recyclable goods and materials 3765
shall be paid into the state treasury to the credit of the 3766
recycled materials fund, which is hereby created, except that the 3767
director of environmental protection, upon request, may grant an 3768
exemption from this requirement. The director shall administer the 3769
fund for the benefit of recycling programs in state agencies. 3770

Sec. 125.18. (A) There is hereby established the office of 3771
information technology within the department of administrative 3772
services. The office shall be under the supervision of a state 3773
chief information officer to be appointed by the director of 3774
administrative services and subject to removal at the pleasure of 3775
the director. The chief information officer is an assistant 3776
director of administrative services. 3777

(B) Under the direction of the director of administrative 3778
services, the state chief information officer shall lead, oversee, 3779
and direct state agency activities related to information 3780
technology development and use. In that regard, the state chief 3781
information officer shall do all of the following: 3782

(1) Coordinate and superintend statewide efforts to promote 3783
common use and development of technology by state agencies. The 3784
office of information technology shall establish policies and 3785
standards that govern and direct state agency participation in 3786
statewide programs and initiatives. 3787

(2) Establish policies and standards for the acquisition and 3788
use of common information technology by state agencies, including, 3789
but not limited to, hardware, software, technology services, and 3790
security, and the extension of the service life of information 3791
technology systems, with which state agencies shall comply; 3792

(3) Establish criteria and review processes to identify state 3793
agency information technology projects or purchases that require 3794
alignment or oversight. As appropriate, the department of 3795
administrative services shall provide the governor and the 3796
director of budget and management with notice and advice regarding 3797
the appropriate allocation of resources for those projects. The 3798
state chief information officer may require state agencies to 3799
provide, and may prescribe the form and manner by which they must 3800
provide, information to fulfill the state chief information 3801

officer's alignment and oversight role; 3802

(4) Establish policies and procedures for the security of 3803
personal information that is maintained and destroyed by state 3804
agencies; 3805

(5) Employ a chief information security officer who is 3806
responsible for the implementation of the policies and procedures 3807
described in division (B)(4) of this section and for coordinating 3808
the implementation of those policies and procedures in all of the 3809
state agencies; 3810

(6) Employ a chief privacy officer who is responsible for 3811
advising state agencies when establishing policies and procedures 3812
for the security of personal information and developing education 3813
and training programs regarding the state's security procedures; 3814

(7) Establish policies on the purchasing, use, and 3815
reimbursement for use of handheld computing and telecommunications 3816
devices by state agency employees; 3817

(8) Establish policies for the reduction of printing and the 3818
use of electronic records by state agencies; 3819

(9) Establish policies for the reduction of energy 3820
consumption by state agencies; 3821

(10) Compute the amount of revenue attributable to the 3822
amortization of all equipment purchases and capitalized systems 3823
from information technology service delivery and major information 3824
technology purchases, MARCS administration, enterprise 3825
applications, and the professions licensing system operating 3826
appropriation items and major computer purchases capital 3827
appropriation items that is recovered as part of the information 3828
technology services rates the department of administrative 3829
services charges and deposits into the information technology fund 3830
created in section 125.15 of the Revised Code, the user fees the 3831
department of administrative services charges and deposits in the 3832

MARCS administration fund created in section 4501.29 of the 3833
Revised Code, the rates the department of administrative services 3834
charges to benefiting agencies for the operation and management of 3835
information technology applications and deposits in the enterprise 3836
applications fund, and the rates the department of administrative 3837
services charges for the cost of ongoing maintenance of the 3838
professions licensing system and deposits in the professions 3839
licensing system fund. The enterprise applications fund is hereby 3840
created in the state treasury. 3841

(11) Regularly review and make recommendations regarding 3842
improving the infrastructure of the state's cybersecurity 3843
operations with existing resources and through partnerships 3844
between government, business, and institutions of higher 3845
education; 3846

(12) Assist, as needed, with general state efforts to grow 3847
the cybersecurity industry in this state. 3848

(C)(1) The chief information security officer shall assist 3849
each state agency with the development of an information 3850
technology security strategic plan and review that plan, and each 3851
state agency shall submit that plan to the state chief information 3852
officer. The chief information security officer may require that 3853
each state agency update its information technology security 3854
strategic plan annually as determined by the state chief 3855
information officer. 3856

(2) Prior to the implementation of any information technology 3857
data system, a state agency shall prepare or have prepared a 3858
privacy impact statement for that system. 3859

(D) When a state agency requests a purchase of information 3860
technology supplies or services under Chapter 125. of the Revised 3861
Code, the state chief information officer may review and reject 3862
the requested purchase for noncompliance with information 3863

technology direction, plans, policies, standards, or 3864
project-alignment criteria. 3865

(E) The office of information technology may operate 3866
technology services for state agencies in accordance with this 3867
chapter. 3868

Notwithstanding any provision of the Revised Code to the 3869
contrary, the office of information technology may assess a 3870
transaction fee on each license or registration issued as part of 3871
an electronic licensing system operated by the office in an amount 3872
determined by the office not to exceed three dollars and fifty 3873
cents. The transaction fee shall apply to all transactions, 3874
regardless of form, that immediately precede the issuance, 3875
renewal, reinstatement, reactivation of, or other activity that 3876
results in, a license or registration to operate as a regulated 3877
professional or entity. Each license or registration is a separate 3878
transaction to which a fee under this division applies. 3879
Notwithstanding any provision of the Revised Code to the contrary, 3880
if a fee is assessed under this section, no agency, board, or 3881
commission shall issue a license or registration unless a fee 3882
required by this division has been received. The director of 3883
administrative services may collect the fee or require a state 3884
agency, board, or commission for which the system is being 3885
operated to collect the fee. Amounts received under this division 3886
shall be deposited in or transferred to the professions licensing 3887
system fund created in division (I) of this section. 3888

(F) With the approval of the director of administrative 3889
services, the office of information technology may establish 3890
cooperative agreements with federal and local government agencies 3891
and state agencies that are not under the authority of the 3892
governor for the provision of technology services and the 3893
development of technology projects. 3894

(G) The office of information technology may operate a 3895

program to make information technology purchases. The director of 3896
administrative services may recover the cost of operating the 3897
program from all participating government entities by issuing 3898
intrastate transfer voucher billings for the procured technology 3899
or through any pass-through billing method agreed to by the 3900
director of administrative services, the director of budget and 3901
management, and the participating government entities that will 3902
receive the procured technology. 3903

If the director of administrative services chooses to recover 3904
the program costs through intrastate transfer voucher billings, 3905
the participating government entities shall process the intrastate 3906
transfer vouchers to pay for the cost. Amounts received under this 3907
section for the information technology purchase program shall be 3908
deposited to the credit of the information technology governance 3909
fund created in section 125.15 of the Revised Code. 3910

(H) Upon request from the director of administrative 3911
services, the director of budget and management may transfer cash 3912
from the information technology fund created in section 125.15 of 3913
the Revised Code, the MARCS administration fund created in section 3914
4501.29 of the Revised Code, the enterprise applications fund 3915
created in division (B)(10) of this section, or the professions 3916
licensing system fund created in division (I) of this section to 3917
the major information technology purchases fund in an amount not 3918
to exceed the amount computed under division (B)(10) of this 3919
section. The major information technology purchases fund is hereby 3920
created in the state treasury. 3921

(I) There is hereby created in the state treasury the 3922
professions licensing system fund. The fund shall be used to 3923
operate the electronic licensing system referenced in division (E) 3924
of this section. 3925

(J) As used in this section: 3926

(1) "Personal information" has the same meaning as in section 3927
149.45 of the Revised Code. 3928

(2) "State agency" means every organized body, office, or 3929
agency established by the laws of the state for the exercise of 3930
any function of state government, other than any state-supported 3931
institution of higher education, the office of the auditor of 3932
state, treasurer of state, secretary of state, or attorney 3933
general, the adjutant general's department, the bureau of workers' 3934
compensation, the industrial commission, the public employees 3935
retirement system, the Ohio police and fire pension fund, the 3936
state teachers retirement system, the school employees retirement 3937
system, the state highway patrol retirement system, the general 3938
assembly or any legislative agency, the capitol square review 3939
advisory board, or the courts or any judicial agency. 3940

Sec. 125.25. (A) The director of administrative services may 3941
debar a vendor from consideration for contract awards upon a 3942
finding based upon a reasonable belief that the vendor has done 3943
any of the following: 3944

(1) Abused the selection process by repeatedly withdrawing 3945
bids or proposals before purchase orders or contracts are issued 3946
or failing to accept orders based upon firm bids; 3947

(2) Failed to substantially perform a contract according to 3948
its terms, conditions, and specifications within specified time 3949
limits; 3950

(3) Failed to cooperate in monitoring contract performance by 3951
refusing to provide information or documents required in a 3952
contract, failed to respond to complaints to the vendor, or 3953
accumulated repeated justified complaints regarding performance of 3954
a contract; 3955

(4) Attempted to influence a public employee to breach 3956

ethical conduct standards or to influence a contract award;	3957
(5) Colluded to restrain competition by any means;	3958
(6) Been convicted of a criminal offense related to the application for or performance of any public or private contract, including, but not limited to, embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, and any other offense that directly reflects on the vendor's business integrity;	3959 3960 3961 3962 3963 3964
(7) Been convicted under state or federal antitrust laws;	3965
(8) Deliberately or willfully submitted false or misleading information in connection with the application for or performance of a public contract;	3966 3967 3968
(9) Violated any other responsible business practice or performed in an unsatisfactory manner as determined by the director;	3969 3970 3971
(10) Through the default of a contract or through other means had a determination of unresolved finding for recovery by the auditor of state under section 9.24 of the Revised Code;	3972 3973 3974
(11) Acted in such a manner as to be debarred from participating in a contract with any governmental agency.	3975 3976
(B) When the director reasonably believes that grounds for debarment exist, the director shall send the vendor a notice of proposed debarment indicating the grounds for the proposed debarment and the procedure for requesting a hearing on the proposed debarment. The hearing shall be conducted in accordance with Chapter 119. of the Revised Code. If the vendor does not respond with a request for a hearing in the manner specified in Chapter 119. of the Revised Code, the director shall issue the debarment decision without a hearing and shall notify the vendor of the decision by certified mail, return receipt requested.	3977 3978 3979 3980 3981 3982 3983 3984 3985 3986

(C) The director shall determine the length of the debarment 3987
period and may rescind the debarment at any time upon notification 3988
to the vendor. During the period of debarment, the vendor is not 3989
eligible to participate in any state contract. After the debarment 3990
period expires, the vendor ~~shall~~ may be eligible to be awarded 3991
contracts by state agencies if the vendor is not otherwise 3992
debarred. 3993

(D) The director, through the office of procurement services, 3994
shall maintain a list of all vendors currently debarred under this 3995
section. 3996

Sec. 125.832. (A) The department of administrative services 3997
is granted exclusive authority over the acquisition and management 3998
of all motor vehicles used by state agencies. In carrying out this 3999
authority, the department shall do both of the following: 4000

(1) Approve the purchase or lease of each motor vehicle for 4001
use by a state agency. The department shall decide if a motor 4002
vehicle shall be leased or purchased for that use. 4003

Except as otherwise provided in division (A)(1) of this 4004
section, on and after July 1, 2005, each state agency shall 4005
acquire all passenger motor vehicles under the department's master 4006
leasing program. If the department determines that acquisition 4007
under that program is not the most economical method and if the 4008
department and the state agency acquiring the passenger motor 4009
vehicle can provide economic justification for doing so, the 4010
department may approve the purchase, rather than the lease, of a 4011
passenger motor vehicle for the acquiring state agency. 4012

(2) Direct and approve all funds that are expended for the 4013
purchase, lease, repair, maintenance, registration, insuring, and 4014
other costs related to the possession and operation of motor 4015
vehicles for the use of state agencies. 4016

(B) The director of administrative services shall establish 4017
and operate a fleet management program. The director shall operate 4018
the program for purposes including, but not limited to, 4019
cost-effective acquisition, maintenance, management, analysis, and 4020
disposal of all motor vehicles owned or leased by the state. All 4021
state agencies shall comply with statewide fleet management 4022
policies and procedures established by the director for the 4023
program, including, but not limited to, motor vehicle assignments, 4024
additions of motor vehicles to fleets or motor vehicle 4025
replacements, motor vehicle fueling, and motor vehicle repairs. 4026

(C) The director shall establish and maintain a fleet 4027
reporting system and shall require state agencies to submit to the 4028
department information relative to state motor vehicles, including 4029
motor vehicles described in division (G)(2) of section 125.831 of 4030
the Revised Code, to be used in operating the fleet management 4031
program. State agencies shall provide to the department fleet data 4032
and other information, including, but not limited to, mileage and 4033
costs. The data and other information shall be submitted in 4034
formats and in a manner determined by the department. 4035

(D) All state agency purchases or leases of motor vehicles 4036
are subject to the prior approval of the director under division 4037
(A)(1) of this section. 4038

(E) State agencies that utilize state motor vehicles or pay 4039
mileage reimbursements to employees shall provide a fleet plan to 4040
the department as directed by the department. 4041

(F)(1) The fleets of state agencies that consist of one 4042
hundred or less vehicles on July 1, 2004, shall be managed by the 4043
department's fleet management program on a time schedule 4044
determined by the department, unless the state agency has received 4045
delegated authority as described in division (G) of this section. 4046

(2) The fleets of state agencies that consist of greater than 4047

one hundred motor vehicles, but less than five hundred motor vehicles, on July 1, 2005, also shall be managed by the department's fleet management program on a time schedule determined by the department, unless the state agency has received delegated authority as described in division (G) of this section.

(G)(1) The department may delegate any or all of its duties regarding fleet management to a state agency, if the state agency demonstrates to the satisfaction of the department both of the following:

(a) Capabilities to institute and manage a fleet management program, including, but not limited to, the presence of a certified fleet manager;

(b) Fleet management performance, as demonstrated by fleet data and other information submitted pursuant to annual reporting requirements and any other criteria the department considers necessary in evaluating the performance.

(2) The department may determine that a state agency is not in compliance with this section and direct that the agency's fleet management duties be transferred to the department.

(H) The proceeds derived from the disposition of any motor vehicles under this section shall be paid to whichever of the following applies:

(1) The fund that originally provided moneys for the purchase or lease of the motor vehicles;

(2) If the motor vehicles were originally purchased with moneys derived from the general revenue fund, the proceeds shall be deposited, in the director's discretion, into the state treasury to the credit of either the fleet management fund created by section 125.83 of the Revised Code or the investment recovery fund created by section 125.14 of the Revised Code. If the director deposits those proceeds to the credit of the investment

recovery fund, the director may transfer those proceeds to the 4079
credit of the fleet management fund. 4080

(I)(1) The department shall create and maintain a certified 4081
fleet manager program. 4082

(2) State agencies that have received delegated authority as 4083
described in division (G) of this section shall have a certified 4084
fleet manager. 4085

(J) The department annually shall prepare and submit a 4086
statewide fleet report to the governor, the speaker of the house 4087
of representatives, and the president of the senate. The report 4088
shall be submitted not later than the thirty-first day of January 4089
following the end of each fiscal year. It may include, but is not 4090
limited to, the numbers and types of motor vehicles, their 4091
mileage, miles per gallon, and cost per mile, mileage 4092
reimbursements, accident and insurance data, and information 4093
regarding compliance by state agencies having delegated authority 4094
under division (G) of this section with applicable fleet 4095
management requirements. 4096

(K) The director shall adopt rules for implementing the fleet 4097
management program that are consistent with recognized best 4098
practices. The program shall be supported by reasonable fee 4099
charges for the services provided. The director shall collect 4100
these fees and deposit them into the state treasury to the credit 4101
for the fleet management fund created by section 125.83 of the 4102
Revised Code. The setting and collection of fees under this 4103
division is not subject to any restriction imposed by law upon the 4104
director's or the department's authority to set or collect fees. 4105

(L) The director also shall adopt rules that prohibit, except 4106
in very limited circumstances, the exclusive assignment of 4107
state-owned, leased, or pooled motor vehicles to state employees 4108
and that prohibit the reimbursement under section 126.31 of the 4109

Revised Code of state employees who use their own motor vehicles 4110
for any mileage they incur above an amount that the department 4111
shall determine annually unless reimbursement for the excess 4112
mileage is approved by the department in accordance with standards 4113
for that approval the director shall establish in those rules. 4114
Beginning on September 26, 2003, no state-owned, leased, or pooled 4115
motor vehicle shall be personally assigned as any form of 4116
compensation or benefit of state employment, and no state-owned, 4117
leased, or pooled motor vehicle shall be assigned to an employee 4118
solely for commuting to and from home and work. 4119

(M) The director shall do both of the following: 4120

(1) Implement to the greatest extent possible the 4121
recommendations from the 2002 report entitled "Administrative 4122
Analysis of the Ohio Fleet Management Program" in connection with 4123
the authority granted to the department by this section; 4124

(2) Attempt to reduce the number of passenger vehicles used 4125
by state agencies during the fiscal years ending on June 30, 2004, 4126
and June 30, 2005. 4127

(N) Each state agency shall reimburse the department for all 4128
costs incurred in the assignment of motor vehicles to the state 4129
agency. 4130

(O) The director shall do all of the following in managing 4131
the fleet management program: 4132

(1) Determine how motor vehicles will be maintained, insured, 4133
operated, financed, and licensed; 4134

(2) Pursuant to the formula in division (O)(3) of this 4135
section, annually establish the minimum number of business miles 4136
per year an employee of a state agency must drive in order to 4137
qualify for approval by the department to receive a motor vehicle 4138
for business use; 4139

(3) Establish the minimum number of business miles per year 4140
at an amount that results when the annual motor vehicle cost is 4141
divided by the amount that is the reimbursement rate per mile 4142
minus the amount that is the sum of the fuel cost, the operating 4143
cost, and the insurance cost. As used in this division: 4144

(a) "Annual motor vehicle cost" means the price of a motor 4145
vehicle divided by the number of years an average motor vehicle is 4146
used. 4147

(b) "Fuel cost" means the average price per gallon of motor 4148
fuel divided by the miles per gallon fuel efficiency of a motor 4149
vehicle. 4150

(c) "Insurance cost" means the cost of insuring a motor 4151
vehicle per year divided by the number of miles an average motor 4152
vehicle is driven per year. 4153

(d) "Operating cost" means the maintenance cost of a motor 4154
vehicle per year divided by the product resulting when the number 4155
of miles an average motor vehicle is driven per year is multiplied 4156
by the number of years an average motor vehicle is used. 4157

(e) "Reimbursement rate per mile" means the reimbursement per 4158
mile rate for travel expenses as provided by rule of the director 4159
of budget and management adopted under division (B) of section 4160
126.31 of the Revised Code. 4161

Sec. 126.48. (A) Except as provided in division (B) of this 4162
section, any ~~preliminary or final~~ internal audit report ~~of an~~ 4163
~~internal audit's findings and recommendations which is~~ produced by 4164
the office of internal audit in the office of budget and 4165
management and all work papers of the internal audit are 4166
confidential and are not public records under section 149.43 of 4167
the Revised Code until the final report of an internal audit's 4168
findings and recommendations is submitted to the state audit 4169

committee, the governor, and the director of the state agency 4170
involved. 4171

(B) The following are not public records under section 149.43 4172
of the Revised Code: 4173

(1) An internal audit report or work paper that meets the 4174
definition of a security record or infrastructure record under 4175
section 149.433 of the Revised Code; 4176

(2) Any information derived from a state tax return or state 4177
tax return information as permitted to be used by the office of 4178
internal audit under section 5703.21 of the Revised Code. 4179

(3) Any record or document necessary for the performance of 4180
an internal audit received by the office of internal audit under 4181
division (C) of section 126.45 of the Revised Code, that is 4182
otherwise exempt from disclosure under state or federal law. 4183

Sec. 126.60. (A) There is hereby created in the state 4184
treasury the H2Ohio fund consisting of money credited to it and 4185
any donations, gifts, bequests, and other money received for 4186
deposit in the fund. All investment earnings of the fund shall be 4187
credited to the fund. All money credited or deposited in the fund 4188
shall be used for any of the following purposes: 4189

(1) Awarding or allocating grants or money, issuing loans, or 4190
making purchases for the development and implementation of 4191
projects and programs, including remediation projects, that are 4192
designed to address water quality priorities; 4193

(2) Funding cooperative research, data gathering and 4194
monitoring, and demonstration projects related to water quality 4195
priorities; 4196

(3) Encouraging cooperation with and among leaders from state 4197
legislatures, state agencies, political subdivisions, business and 4198
industry, labor, agriculture, environmental organizations, and 4199

water conservation districts; 4200

(4) Other purposes, policies, programs, and priorities 4201
identified by the Ohio Lake Erie commission in coordination with 4202
state agencies or boards responsible for water protection and 4203
water management, provided that the purposes, policies, programs, 4204
and priorities align with a statewide strategic vision and 4205
comprehensive periodic water protection and restoration strategy. 4206

(B) Not later than August 31, 2020, and annually thereafter, 4207
the Ohio Lake Erie commission, in coordination with state agencies 4208
or boards responsible for water protection and water management, 4209
shall do both of the following: 4210

(1) Prepare a report of the activities that were undertaken 4211
with respect to the fund during the immediately preceding fiscal 4212
year, including the revenues and expenses of the fund for the 4213
preceding fiscal year; 4214

(2) Submit the report to the general assembly and to the 4215
governor. 4216

Sec. 127.14. The controlling board may, at the request of any 4217
state agency or the director of budget and management, authorize, 4218
with respect to the provisions of any appropriation act: 4219

(A) Transfers of all or part of an appropriation within but 4221
not between state agencies, except such transfers as the director 4222
of budget and management is authorized by law to make, provided 4223
that no transfer shall be made by the director for the purpose of 4224
effecting new or changed levels of program service not authorized 4225
by the general assembly; 4226

(B) Transfers of all or part of an appropriation from one 4227
fiscal year to another; 4228

(C) Transfers of all or part of an appropriation within or 4229

between state agencies made necessary by administrative 4230
reorganization or by the abolition of an agency or part of an 4231
agency; 4232

(D) Transfers of all or part of cash balances in excess of 4233
needs from any fund of the state to the general revenue fund or to 4234
such other fund of the state to which the money would have been 4235
credited in the absence of the fund from which the transfers are 4236
authorized to be made, except that the controlling board may not 4237
authorize such transfers from the accrued leave liability fund, 4238
auto registration distribution fund, local motor vehicle license 4239
tax fund, budget stabilization fund, building improvement fund, 4240
development bond retirement fund, facilities establishment fund, 4241
gasoline excise tax fund, general revenue fund, higher education 4242
improvement fund, highway improvement bond retirement fund, 4243
highway capital improvement fund, highway operating fund, horse 4244
racing tax fund, improvements bond retirement fund, public library 4245
fund, liquor control fund, local government fund, local 4246
transportation improvement program fund, medicaid reserve fund, 4247
mental health facilities improvement fund, Ohio fairs fund, parks 4248
and recreation improvement fund, public improvements bond 4249
retirement fund, school district income tax fund, state agency 4250
facilities improvement fund, public safety - highway purposes 4251
fund, state lottery fund, undivided liquor permit fund, Vietnam 4252
conflict compensation bond retirement fund, volunteer fire 4253
fighters' dependents fund, ~~waterways safety fund, wildlife fund,~~ 4254
workers' compensation fund, or any fund not specified in this 4255
division that the director of budget and management determines to 4256
be a bond fund or bond retirement fund; 4257

(E) Transfers of all or part of those appropriations included 4258
in the emergency purposes account of the controlling board; 4259

(F) Temporary transfers of all or part of an appropriation or 4260
other moneys into and between existing funds, or new funds, as may 4261

be established by law when needed for capital outlays for which 4262
notes or bonds will be issued; 4263

(G) Transfer or release of all or part of an appropriation to 4264
a state agency requiring controlling board approval of such 4265
transfer or release as provided by law; 4266

(H) Temporary transfer of funds included in the emergency 4267
purposes appropriation of the controlling board. Such temporary 4268
transfers may be made subject to conditions specified by the 4269
controlling board at the time temporary transfers are authorized. 4270
No transfers shall be made under this division for the purpose of 4271
effecting new or changed levels of program service not authorized 4272
by the general assembly. 4273

As used in this section, "request" means an application by a 4274
state agency or the director of budget and management seeking some 4275
action by the controlling board. 4276

When authorizing the transfer of all or part of an 4277
appropriation under this section, the controlling board may 4278
authorize the transfer to an existing appropriation item and the 4279
creation of and transfer to a new appropriation item. 4280

Whenever there is a transfer of all or part of funds included 4281
in the emergency purposes appropriation by the controlling board, 4282
pursuant to division (E) of this section, the state agency or the 4283
director of budget and management receiving such transfer shall 4284
keep a detailed record of the use of the transferred funds. At the 4285
earliest scheduled meeting of the controlling board following the 4286
accomplishment of the purposes specified in the request originally 4287
seeking the transfer, or following the total expenditure of the 4288
transferred funds for the specified purposes, the state agency or 4289
the director of budget and management shall submit a report on the 4290
expenditure of such funds to the board. The portion of any 4291
appropriation so transferred which is not required to accomplish 4292

the purposes designated in the original request to the controlling 4293
board shall be returned to the proper appropriation of the 4294
controlling board at this time. 4295

Notwithstanding any provisions of law providing for the 4296
deposit of revenues received by a state agency to the credit of a 4297
particular fund in the state treasury, whenever there is a 4298
temporary transfer of funds included in the emergency purposes 4299
appropriation of the controlling board pursuant to division (H) of 4300
this section, revenues received by any state agency receiving such 4301
a temporary transfer of funds shall, as directed by the 4302
controlling board, be transferred back to the emergency purposes 4303
appropriation. 4304

The board may delegate to the director of budget and 4305
management authority to approve transfers among items of 4306
appropriation under division (A) of this section. 4307

Sec. 131.35. (A) With respect to ~~the federal funds revenue~~ 4308
received into any fund of the state ~~from which transfers may be~~ 4309
~~made under, except for those funds listed in~~ division (D) of 4310
section 127.14 of the Revised Code: 4311

(1) No state agency may make expenditures of any federal 4312
~~funds revenue~~, whether ~~such funds are the revenue is~~ advanced 4313
prior to expenditure or as reimbursement, unless such expenditures 4314
are made pursuant to specific appropriations of the general 4315
assembly, are authorized by the controlling board pursuant to 4316
division (A)(5) of this section, or are authorized by an executive 4317
order issued in accordance with section 107.17 of the Revised 4318
Code, and until an allotment has been approved by the director of 4319
budget and management. All federal ~~funds revenue~~ received by a 4320
state agency shall be reported to the director within fifteen days 4321
of the receipt of ~~such funds the revenue~~ or the notification of 4322
award, whichever occurs first. The director shall prescribe the 4323

forms and procedures to be used when reporting the receipt of 4324
federal ~~funds~~ revenue. 4325

(2) If the federal ~~funds~~ revenue received ~~are~~ is greater than 4326
the amount of ~~such funds~~ the revenue appropriated by the general 4327
assembly for a specific purpose, the total appropriation of 4328
federal and state funds for such purpose shall remain at the 4329
amount designated by the general assembly, except that the 4330
expenditure of federal ~~funds~~ revenue received in excess of such 4331
specific appropriation may be authorized by the controlling board, 4332
subject to division (D) of this section. 4333

(3) To the extent that the expenditure of excess federal 4334
~~funds~~ revenue is authorized, the controlling board may transfer a 4335
like amount of general revenue fund appropriation authority from 4336
the affected agency to the emergency purposes appropriation of the 4337
controlling board, if such action is permitted under federal 4338
regulations. 4339

(4) Additional funds may be created by the controlling board 4340
to receive revenues not anticipated in an appropriations act for 4341
the biennium in which such new revenues are received. Subject to 4342
division (D) of this section, expenditures from such additional 4343
funds may be authorized by the controlling board, but such 4344
authorization shall not extend beyond the end of the biennium in 4345
which such funds are created. 4346

(5) Controlling board authorization for a state agency to 4347
make an expenditure of federal ~~funds~~ revenue constitutes authority 4348
for the agency to participate in the federal program providing the 4349
~~funds~~ revenue, and the agency is not required to obtain an 4350
executive order under section 107.17 of the Revised Code to 4351
participate in the federal program. 4352

(B) With respect to nonfederal ~~funds~~ revenue received into 4353
~~the waterways safety fund, the wildlife fund, and any fund of the~~ 4354

state ~~from which transfers may be made under~~, except for any other 4355
fund listed in division (D) of section 127.14 of the Revised Code: 4356

(1) No state agency may make expenditures of any ~~such funds~~ 4357
of the revenue unless the expenditures are made pursuant to 4358
specific appropriations of the general assembly. 4359

(2) If the ~~receipts~~ revenue received into any fund ~~are~~ is 4360
greater than the amount appropriated, the appropriation for that 4361
fund shall remain at the amount designated by the general assembly 4362
or, subject to division (D) of this section, as increased and 4363
approved by the controlling board. 4364

(3) Additional funds may be created by the controlling board 4365
to receive revenues not anticipated in an appropriations act for 4366
the biennium in which such new revenues are received. Subject to 4367
division (D) of this section, expenditures from such additional 4368
funds may be authorized by the controlling board, but such 4369
authorization shall not extend beyond the end of the biennium in 4370
which such funds are created. 4371

(C) The controlling board shall not authorize more than ten 4372
per cent of additional spending from the occupational licensing 4373
and regulatory fund, created in section 4743.05 of the Revised 4374
Code, in excess of any appropriation made by the general assembly 4375
to a licensing agency except an appropriation for costs related to 4376
the examination or reexamination of applicants for a license. As 4377
used in this division, "licensing agency" and "license" have the 4378
same meanings as in section 4745.01 of the Revised Code. 4379

(D) The amount of any expenditure authorized under division 4380
(A)(2) or (4) or (B)(2) or (3) of this section for a specific or 4381
related purpose or item in any fiscal year shall not exceed an 4382
amount greater than one-half of one per cent of the general 4383
revenue fund appropriations for that fiscal year. 4384

Sec. 141.04. (A) The annual salaries of the chief justice of 4385
the supreme court and of the justices and judges named in this 4386
section payable from the state treasury are as follows: 4387

(1) For the chief justice of the supreme court, the following 4388
amounts effective in the following years: 4389

(a) Beginning January 1, 2018, one hundred seventy-four 4390
thousand seven hundred dollars; 4391

(b) Beginning January 1, 2019, one hundred eighty-three 4392
thousand four hundred fifty dollars; 4393

(c) Beginning January 1, 2020, and in each calendar year 4394
thereafter through calendar year 2028 beginning on the first day 4395
of January, the annual compensation amount shall be increased by 4396
one and three-quarters per cent. 4397

(2) For the justices of the supreme court, the following 4398
amounts effective in the following years: 4399

(a) Beginning January 1, 2018, one hundred sixty-four 4400
thousand dollars; 4401

(b) Beginning January 1, 2019, one hundred seventy-two 4402
thousand two hundred dollars; 4403

(c) Beginning January 1, 2020, and in each calendar year 4404
thereafter through calendar year 2028 beginning on the first day 4405
of January, the annual compensation amount shall be increased by 4406
one and three-quarters per cent. 4407

(3) For the judges of the courts of appeals, the following 4408
amounts effective in the following years: 4409

(a) Beginning January 1, 2018, one hundred fifty-two thousand 4410
eight hundred fifty dollars; 4411

(b) Beginning January 1, 2019, one hundred sixty thousand 4412
five hundred dollars; 4413

(c) Beginning January 1, 2020, and in each calendar year 4414
thereafter through calendar year 2028 beginning on the first day 4415
of January, the annual compensation amount shall be increased by 4416
one and three-quarters per cent. 4417

(4) For the judges of the courts of common pleas, the 4418
following amounts effective in the following years, reduced by an 4419
amount equal to the annual compensation paid to that judge from 4420
the county treasury pursuant to section 141.05 of the Revised 4421
Code: 4422

(a) Beginning January 1, 2018, one hundred forty thousand 4423
five hundred fifty dollars; 4424

(b) Beginning January 1, 2019, one hundred forty-seven 4425
thousand six hundred dollars; 4426

(c) Beginning January 1, 2020, and in each calendar year 4427
thereafter through calendar year 2028 beginning on the first day 4428
of January, the annual compensation amount shall be increased by 4429
one and three-quarters per cent. 4430

(5) For the full-time judges of a municipal court or the 4431
part-time judges of a municipal court of a territory having a 4432
population of more than fifty thousand, the following amounts 4433
effective in the following years, reduced by an amount equal to 4434
the annual compensation paid to that judge pursuant to division 4435
(B)(1)(a) of section 1901.11 of the Revised Code from municipal 4436
corporations and counties: 4437

(a) Beginning January 1, 2018, one hundred thirty-two 4438
thousand one hundred fifty dollars; 4439

(b) Beginning January 1, 2019, one hundred thirty-eight 4440
thousand eight hundred dollars; 4441

(c) Beginning January 1, 2020, and in each calendar year 4442
thereafter through calendar year 2028 beginning on the first day 4443

of January, the annual compensation amount shall be increased by 4444
one and three-quarters per cent. 4445

(6) For judges of a municipal court designated as part-time 4446
judges by section 1901.08 of the Revised Code, other than 4447
part-time judges to whom division (A)(5) of this section applies, 4448
and for judges of a county court, the following amounts effective 4449
in the following years, reduced by an amount equal to the annual 4450
compensation paid to that judge pursuant to division (A) of 4451
section 1901.11 of the Revised Code from municipal corporations 4452
and counties or pursuant to division (A) of section 1907.16 of the 4453
Revised Code from counties: 4454

(a) Beginning January 1, 2018, seventy-six thousand fifty 4455
dollars; 4456

(b) Beginning January 1, 2019, seventy-nine thousand nine 4457
hundred dollars; 4458

(c) Beginning January 1, 2020, and in each calendar year 4459
thereafter through calendar year 2028 beginning on the first day 4460
of January, the annual compensation amount shall be increased by 4461
one and three-quarters per cent. 4462

(B) Except as provided in sections 1901.122 and 1901.123 of 4463
the Revised Code, except as otherwise provided in this division, 4464
and except for the compensation to which the judges described in 4465
division (A)(5) of this section are entitled pursuant to divisions 4466
(B)(1)(a) and (2) of section 1901.11 of the Revised Code, the 4467
annual salary of the chief justice of the supreme court and of 4468
each justice or judge listed in division (A) of this section shall 4469
be paid in equal monthly installments from the state treasury. If 4470
the chief justice of the supreme court or any justice or judge 4471
listed in division (A)(2), (3), or (4) of this section delivers a 4472
written request to be paid biweekly to the administrative director 4473
of the supreme court prior to the first day of January of any 4474

year, the annual salary of the chief justice or the justice or 4475
judge that is listed in division (A)(2), (3), or (4) of this 4476
section shall be paid, during the year immediately following the 4477
year in which the request is delivered to the administrative 4478
director of the supreme court, biweekly from the state treasury. 4479

(C) Upon the death of the chief justice or a justice of the 4480
supreme court during that person's term of office, an amount shall 4481
be paid in accordance with section 2113.04 of the Revised Code, or 4482
to that person's estate. The amount shall equal the amount of the 4483
salary that the chief justice or justice would have received 4484
during the remainder of the unexpired term or an amount equal to 4485
the salary of office for two years, whichever is less. 4486

(D) Neither the chief justice of the supreme court nor any 4487
justice or judge of the supreme court, the court of appeals, the 4488
court of common pleas, or the probate court shall hold any other 4489
office of trust or profit under the authority of this state or the 4490
United States. 4491

(E) In addition to the salaries payable pursuant to this 4492
section, the chief justice of the supreme court and the justices 4493
of the supreme court shall be entitled to a vehicle allowance of 4494
five hundred dollars per month, payable from the state treasury. 4495
The allowance shall be increased on the first day of January of 4496
each odd-numbered year by an amount equal to the percentage 4497
increase, if any, in the consumer price index for the immediately 4498
preceding twenty-four month period for which information is 4499
available. 4500

~~(F) On or before the first day of December of each year, the 4501
Ohio supreme court, through its chief administrator, shall notify 4502
the administrative judge of the Montgomery county municipal court, 4503
the board of county commissioners of Montgomery county, and the 4504
treasurer of the state of the yearly salary cost of five part time 4505
county court judges as of that date. If the total yearly salary 4506~~

~~costs of all of the judges of the Montgomery county municipal 4507
court as of the first day of December of that same year exceeds 4508
that amount, the administrative judge of the Montgomery county 4509
municipal court shall cause payment of the excess between those 4510
two amounts less any reduced amount paid for the health care costs 4511
of the Montgomery county municipal court judges in comparison to 4512
the health care costs of five part-time county court judges from 4513
the general special projects fund or the fund for a specific 4514
special project created pursuant to section 1901.26 of the Revised 4515
Code to the treasurer of Montgomery county and to the treasurer of 4516
the state in amounts proportional to the percentage of the 4517
salaries of the municipal court judges paid by the county and by 4518
the state. 4519~~

~~(G) As used in this section: 4520~~

~~(1) "Consumer price index" has the same meaning as in section 4521
101.27 of the Revised Code. 4522~~

~~(2) "Salary" does not include any portion of the cost, 4523
premium, or charge for health, medical, hospital, dental, or 4524
surgical benefits, or any combination of those benefits, covering 4525
the chief justice of the supreme court or a justice or judge named 4526
in this section and paid on the chief justice's or the justice's 4527
or judge's behalf by a governmental entity. 4528~~

Sec. 141.16. ~~(A) Any voluntarily retired judge, or any judge 4529
who is retired under Section 6 of Article IV, Ohio Constitution, 4530
may be assigned with the judge's consent, by the chief justice or 4531
acting chief justice of the supreme court, to active duty as a 4532
judge. While so serving, the judge shall be paid, from money 4533
appropriated for this purpose, the established compensation for 4534
such office, computed on a per diem basis, in addition to any 4535
retirement benefits to which the judge may be entitled. 4536~~

~~(B) Annually, on the first day of August, the administrative 4537~~

director of the ~~Ohio courts~~ supreme court shall issue a billing to 4538
the county treasurer of any county to which such a judge is 4539
assigned for reimbursement of the county's portion of the 4540
compensation previously paid by the state for the twelve-month 4541
period preceding the last day of June. The county's portion of the 4542
compensation shall be that part of each per diem paid by the state 4543
which is proportional to the county's share of the total 4544
compensation of a resident judge of such court. The county 4545
treasurer shall forward the payment within thirty days. 4546

(C)~~(1)~~ A retired assigned judge is eligible to receive a 4547
retired assigned judge payment if the retired assigned judge 4548
completes not less than one hundred hours of service in the 4549
preceding quarter as assigned by the chief justice or acting chief 4550
justice. The payment shall be seven hundred fifty dollars per 4551
quarter and shall be paid from money appropriated for this 4552
purpose. The payment is subject to any and all applicable taxes 4553
under local, state, and federal law. 4554

~~(2) Except as provided in division (C)(3) of this section,~~ 4555
~~the~~ The payment shall be paid within thirty days after the end of 4556
the quarter in which the one hundred hours is served. 4557

~~(3) In the case of a county operated municipal court, other~~ 4558
~~municipal court, or county court to which a judge was assigned,~~ 4559
~~payment shall be made within thirty days after receipt of the~~ 4560
~~quarterly request for reimbursement as required in division (B) of~~ 4561
~~section 1901.123 of the Revised Code.~~ 4562

(D) Division (C) of this section does not affect any right of 4563
a retired assigned judge to receive any allowance, annuity, 4564
pension, or other benefit vested pursuant to Chapter 145. of the 4565
Revised Code or other eligible retirement system pursuant to Ohio 4566
law. 4567

(E) As used in this section: 4568

(1) "Retired assigned judge" is a judge that is described in 4569
division (A) of this section. 4570

(2) "Quarter" is the preceding three-month period ending on 4571
the last day of the month of March, June, September, or December 4572
of each year. 4573

Sec. 149.11. (A) Any department, division, bureau, board, or 4574
commission of the state government issuing a report, pamphlet, 4575
document, or other publication intended for general public use and 4576
distribution, which publication is reproduced by duplicating 4577
processes ~~such as mimeograph, multigraph, planograph, rotaprint,~~ 4578
~~or multilith, or printed internally or~~ in print whether through a 4579
contract awarded to any person, company, or the state printing 4580
division of the department of administrative services, shall cause 4581
to be delivered to the state library ~~one hundred~~ fifty copies of 4582
the publication, subject to the provisions of section 125.42 of 4583
the Revised Code. 4584

(B) The state library board shall distribute the print 4585
publications so received as follows: 4586

~~(A)~~(1) Retain two copies in the state library; 4587

~~(B)~~(2) Send two copies to the document division of the 4588
library of congress; 4589

~~(C)~~(3) Send one copy to the Ohio history connection and to 4590
each public or college library in the state designated by the 4591
state library board to be a depository for state publications. In 4592
designating which libraries shall be depositories, the board shall 4593
select those libraries that can best preserve those publications 4594
and that are so located geographically as will make the 4595
publications conveniently accessible to residents in all areas of 4596
the state. 4597

~~(D)~~(4) Send one copy to each state in exchange for like 4598

publications of that state. 4599

(C) A department, division, bureau, board, or commission of 4600
the state government shall notify the state library of the 4601
availability of documents or other publications, intended for 4602
general public use and distribution, which are made available 4603
electronically on its internet web site. The state library shall 4604
retain electronic publications in the state library digital 4605
archive and provide permanent access and records to each public or 4606
college library in the state designated by the state library board 4607
to be a depository for state publications. 4608

(D) The print publications described in division (A) of this 4609
section and the electronic publications described in division (C) 4610
of this section shall be considered already prepared and available 4611
for inspection, and, subject to applicable copyright protections, 4612
reproduction by any person at all reasonable times during regular 4613
business hours at the state library and each library designated as 4614
a depository for state publications. 4615

(E) The provisions of this section do not apply to any 4616
publication of the general assembly or to the publications 4617
described in sections 149.07, 149.08, 149.091, and 149.17 of the 4618
Revised Code, except that the secretary of state shall forward to 4619
the document division of the library of congress two copies of all 4620
journals, two copies of the session laws as provided for in 4621
section 149.091 of the Revised Code, and two copies of all 4622
appropriation laws in separate form. 4623

Sec. 153.02. (A) The executive director of the Ohio 4624
facilities construction commission, may debar a contractor from 4625
contract awards for public improvements as referred to in section 4626
153.01 of the Revised Code or for projects as defined in section 4627
3318.01 of the Revised Code, upon proof that the contractor has 4628
done any of the following: 4629

- (1) Defaulted on a contract requiring the execution of a takeover agreement as set forth in division (B) of section 153.17 of the Revised Code; 4630
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4632
- (2) Knowingly failed during the course of a contract to maintain the coverage required by the bureau of workers' compensation; 4633
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4635
- (3) Knowingly failed during the course of a contract to maintain the contractor's drug-free workplace program as required by the contract; 4636
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- (4) Knowingly failed during the course of a contract to maintain insurance required by the contract or otherwise by law, resulting in a substantial loss to the owner, as owner is referred to in section 153.01 of the Revised Code, or to the commission and school district board, as provided in division (F) of section 3318.08 of the Revised Code; 4639
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- (5) Misrepresented the firm's qualifications in the selection process set forth in sections 153.65 to 153.71 or section 3318.10 of the Revised Code; 4645
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- (6) Been convicted of a criminal offense related to the application for or performance of any public or private contract, including, but not limited to, embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, and any other offense that directly reflects on the contractor's business integrity; 4648
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- (7) Been convicted of a criminal offense under state or federal antitrust laws; 4654
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- (8) Deliberately or willfully submitted false or misleading information in connection with the application for or performance of a public contract; 4656
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4658
- (9) Been debarred from bidding on or participating in a 4659

contract with any state or federal agency. 4660

(B) When the executive director debar a contractor that is a 4661
partnership, association, or corporation, the executive director 4662
also may debar any partner of the partnership or any officer or 4663
director of the association or corporation, as applicable. 4664

(C) When the executive director reasonably believes that 4665
grounds for debarment exist, the executive director shall send the 4666
contractor a notice of proposed debarment indicating the grounds 4667
for the proposed debarment and the procedure for requesting a 4668
hearing on the proposed debarment. The hearing shall be conducted 4669
in accordance with Chapter 119. of the Revised Code. If the 4670
contractor does not respond with a request for a hearing in the 4671
manner specified in Chapter 119. of the Revised Code, the 4672
executive director shall issue the debarment decision without a 4673
hearing and shall notify the contractor of the decision by 4674
certified mail, return receipt requested. 4675

(D) The executive director shall determine the length of the 4676
debarment period and may rescind the debarment at any time upon 4677
notification to the contractor. During the period of debarment, 4678
the contractor is not eligible to bid for or participate in any 4679
contract for a public improvement as referred to in section 153.01 4680
of the Revised Code or for a project as defined in section 3318.01 4681
of the Revised Code. After the debarment period expires, the 4682
contractor ~~shall~~ may be eligible to bid for and participate in 4683
such contracts if the vendor is not otherwise debarred. 4684

(E) The executive director shall maintain a list of all 4685
contractors currently debarred under this section. Any 4686
governmental entity awarding a contract for construction of a 4687
public improvement or project may use a contractor's presence on 4688
the debarment list to determine whether a contractor is 4689
responsible or best under section 9.312 or any other section of 4690
the Revised Code in the award of a contract. 4691

(F) As used in this section, "contractor" means a 4692
construction contracting business, a subcontractor of a 4693
construction contracting business, a supplier of materials, or a 4694
manufacturer of materials. 4695

Sec. 166.01. As used in this chapter: 4696

(A) "Allowable costs" means all or part of the costs of 4697
project facilities, eligible projects, eligible innovation 4698
projects, eligible research and development projects, eligible 4699
advanced energy projects, or eligible logistics and distribution 4700
projects, including costs of acquiring, constructing, 4701
reconstructing, rehabilitating, renovating, enlarging, improving, 4702
equipping, or furnishing project facilities, eligible projects, 4703
eligible innovation projects, eligible research and development 4704
projects, eligible advanced energy projects, or eligible logistics 4705
and distribution projects, site clearance and preparation, 4706
supplementing and relocating public capital improvements or 4707
utility facilities, designs, plans, specifications, surveys, 4708
studies, and estimates of costs, expenses necessary or incident to 4709
determining the feasibility or practicability of assisting an 4710
eligible project, an eligible innovation project, an eligible 4711
research and development project, an eligible advanced energy 4712
project, or an eligible logistics and distribution project, or 4713
providing project facilities or facilities related to an eligible 4714
project, an eligible innovation project, an eligible research and 4715
development project, an eligible advanced energy project, or an 4716
eligible logistics and distribution project, architectural, 4717
engineering, and legal services fees and expenses, the costs of 4718
conducting any other activities as part of a voluntary action, and 4719
such other expenses as may be necessary or incidental to the 4720
establishment or development of an eligible project, an eligible 4721
innovation project, an eligible research and development project, 4722
an eligible advanced energy project, or an eligible logistics and 4723

distribution project, and reimbursement of moneys advanced or 4724
applied by any governmental agency or other person for allowable 4725
costs. 4726

(B) "Allowable innovation costs" includes allowable costs of 4727
eligible innovation projects and, in addition, includes the costs 4728
of research and development of eligible innovation projects; 4729
obtaining or creating any requisite software or computer hardware 4730
related to an eligible innovation project or the products or 4731
services associated therewith; testing (including, without 4732
limitation, quality control activities necessary for initial 4733
production), perfecting, and marketing of such products and 4734
services; creating and protecting intellectual property related to 4735
an eligible innovation project or any products or services related 4736
thereto, including costs of securing appropriate patent, 4737
trademark, trade secret, trade dress, copyright, or other form of 4738
intellectual property protection for an eligible innovation 4739
project or related products and services; all to the extent that 4740
such expenditures could be capitalized under then-applicable 4741
generally accepted accounting principles; and the reimbursement of 4742
moneys advanced or applied by any governmental agency or other 4743
person for allowable innovation costs. 4744

(C) "Eligible innovation project" includes an eligible 4745
project, including any project facilities associated with an 4746
eligible innovation project and, in addition, includes all 4747
tangible and intangible property related to a new product or 4748
process based on new technology or the creative application of 4749
existing technology, including research and development, product 4750
or process testing, quality control, market research, and related 4751
activities, that is to be acquired, established, expanded, 4752
remodeled, rehabilitated, or modernized for industry, commerce, 4753
distribution, or research, or any combination thereof, the 4754
operation of which, alone or in conjunction with other eligible 4755

projects, eligible innovation projects, or innovation property, 4756
will create new jobs or preserve existing jobs and employment 4757
opportunities and improve the economic welfare of the people of 4758
the state. 4759

(D) "Eligible project" means project facilities to be 4760
acquired, established, expanded, remodeled, rehabilitated, or 4761
modernized for industry, commerce, distribution, or research, or 4762
any combination thereof, the operation of which, alone or in 4763
conjunction with other facilities, will create new jobs or 4764
preserve existing jobs and employment opportunities and improve 4765
the economic welfare of the people of the state. "Eligible 4766
project" includes, without limitation, a voluntary action. For 4767
purposes of this division, "new jobs" does not include existing 4768
jobs transferred from another facility within the state, and 4769
"existing jobs" includes only those existing jobs with work places 4770
within the municipal corporation or unincorporated area of the 4771
county in which the eligible project is located. 4772

"Eligible project" does not include project facilities to be 4773
acquired, established, expanded, remodeled, rehabilitated, or 4774
modernized for industry, commerce, distribution, or research, or 4775
any combination of industry, commerce, distribution, or research, 4776
if the project facilities consist solely of 4777
point-of-final-purchase retail facilities. If the project 4778
facilities consist of both point-of-final-purchase retail 4779
facilities and nonretail facilities, only the portion of the 4780
project facilities consisting of nonretail facilities is an 4781
eligible project. If a warehouse facility is part of a 4782
point-of-final-purchase retail facility and supplies only that 4783
facility, the warehouse facility is not an eligible project. 4784
Catalog distribution facilities are not considered 4785
point-of-final-purchase retail facilities for purposes of this 4786
paragraph, and are eligible projects. 4787

(E) "Eligible research and development project" means an 4788
eligible project, including project facilities, comprising, 4789
within, or related to, a facility or portion of a facility at 4790
which research is undertaken for the purpose of discovering 4791
information that is technological in nature and the application of 4792
which is intended to be useful in the development of a new or 4793
improved product, process, technique, formula, or invention, a new 4794
product or process based on new technology, or the creative 4795
application of existing technology. 4796

(F) "Financial assistance" means inducements under division 4797
(B) of section 166.02 of the Revised Code, loan guarantees under 4798
section 166.06 of the Revised Code, and direct loans under section 4799
166.07 of the Revised Code. 4800

(G) "Governmental action" means any action by a governmental 4801
agency relating to the establishment, development, or operation of 4802
an eligible project, eligible innovation project, eligible 4803
research and development project, eligible advanced energy 4804
project, or eligible logistics and distribution project, and 4805
project facilities that the governmental agency acting has 4806
authority to take or provide for the purpose under law, including, 4807
but not limited to, actions relating to contracts and agreements, 4808
zoning, building, permits, acquisition and disposition of 4809
property, public capital improvements, utility and transportation 4810
service, taxation, employee recruitment and training, and liaison 4811
and coordination with and among governmental agencies. 4812

(H) "Governmental agency" means the state and any state 4813
department, division, commission, institution or authority; a 4814
municipal corporation, county, or township, and any agency 4815
thereof, and any other political subdivision or public corporation 4816
or the United States or any agency thereof; any agency, 4817
commission, or authority established pursuant to an interstate 4818
compact or agreement; and any combination of the above. 4819

(I) "Innovation financial assistance" means inducements under 4820
division (B) of section 166.12 of the Revised Code, innovation 4821
Ohio loan guarantees under section 166.15 of the Revised Code, and 4822
innovation Ohio loans under section 166.16 of the Revised Code. 4823

(J) "Innovation Ohio loan guarantee reserve requirement" 4824
means, at any time, with respect to innovation loan guarantees 4825
made under section 166.15 of the Revised Code, a balance in the 4826
innovation Ohio loan guarantee fund equal to the greater of twenty 4827
per cent of the then-outstanding principal amount of all 4828
outstanding innovation loan guarantees made pursuant to section 4829
166.15 of the Revised Code or fifty per cent of the principal 4830
amount of the largest outstanding guarantee made pursuant to 4831
section 166.15 of the Revised Code. 4832

(K) "Innovation property" includes property and also includes 4833
software, inventory, licenses, contract rights, goodwill, 4834
intellectual property, including without limitation, patents, 4835
patent applications, trademarks and service marks, and trade 4836
secrets, and other tangible and intangible property, and any 4837
rights and interests in or connected to the foregoing. 4838

(L) "Loan guarantee reserve requirement" means, at any time, 4839
with respect to loan guarantees made under section 166.06 of the 4840
Revised Code, a balance in the loan guarantee fund equal to the 4841
greater of twenty per cent of the then-outstanding principal 4842
amount of all outstanding guarantees made pursuant to section 4843
166.06 of the Revised Code or fifty per cent of the principal 4844
amount of the largest outstanding guarantee made pursuant to 4845
section 166.06 of the Revised Code. 4846

(M) "Person" means any individual, firm, partnership, 4847
association, corporation, or governmental agency, and any 4848
combination thereof. 4849

(N) "Project facilities" means buildings, structures, and 4850

other improvements, and equipment and other property, excluding 4851
small tools, supplies, and inventory, and any one, part of, or 4852
combination of the above, comprising all or part of, or serving or 4853
being incidental to, an eligible project, an eligible innovation 4854
project, an eligible research and development project, an eligible 4855
advanced energy project, or an eligible logistics and distribution 4856
project, including, but not limited to, public capital 4857
improvements. 4858

(O) "Property" means real and personal property and interests 4859
therein. 4860

(P) "Public capital improvements" means capital improvements 4861
or facilities that any governmental agency has authority to 4862
acquire, pay the costs of, own, maintain, or operate, or to 4863
contract with other persons to have the same done, including, but 4864
not limited to, highways, roads, streets, water and sewer 4865
facilities, railroad and other transportation facilities, and air 4866
and water pollution control and solid waste disposal facilities. 4867
For purposes of this division, "air pollution control facilities" 4868
includes, without limitation, solar, geothermal, biofuel, biomass, 4869
wind, hydro, wave, and other advanced energy projects as defined 4870
in section 3706.25 of the Revised Code. 4871

(Q) "Research and development financial assistance" means 4872
inducements under section 166.17 of the Revised Code, research and 4873
development loans under section 166.21 of the Revised Code, and 4874
research and development tax credits under sections 5733.352 and 4875
5747.331 of the Revised Code. 4876

(R) "Targeted innovation industry sectors" means industry 4877
sectors involving the production or use of advanced materials, 4878
instruments, controls and electronics, power and propulsion, 4879
biosciences, and information technology, or such other sectors as 4880
may be designated by the director of development services. 4881

(S) "Voluntary action" means a voluntary action, as defined 4882
in section 3746.01 of the Revised Code, that is conducted under 4883
the voluntary action program established in Chapter 3746. of the 4884
Revised Code. 4885

(T) "Project financing obligations" means obligations issued 4886
pursuant to section 166.08 of the Revised Code other than 4887
obligations for which the bond proceedings provide that bond 4888
service charges shall be paid from receipts of the state 4889
representing gross profit on the sale of spirituous liquor as 4890
referred to in division (B)(4) of section 4310.10 of the Revised 4891
Code. 4892

(U) "Regional economic development entity" means an entity 4893
that is under contract with the director to administer a loan 4894
program under this chapter in a particular area of this state. 4895

~~(V) "Advanced energy research and development fund" means the 4896
advanced energy research and development fund created in section 4897
3706.27 of the Revised Code. 4898~~

~~(W) "Advanced energy research and development taxable fund" 4899
means the advanced energy research and development taxable fund 4900
created in section 3706.27 of the Revised Code. 4901~~

~~(X)~~ "Eligible advanced energy project" means an eligible 4902
project that is an "advanced energy project" as defined in section 4903
3706.25 of the Revised Code. 4904

~~(Y)~~(W) "Eligible logistics and distribution project" means an 4905
eligible project, including project facilities, to be acquired, 4906
established, expanded, remodeled, rehabilitated, or modernized for 4907
transportation logistics and distribution infrastructure purposes. 4908
As used in this division, "transportation logistics and 4909
distribution infrastructure purposes" means promoting, providing 4910
for, and enabling improvements to the ground, air, and water 4911
transportation infrastructure comprising the transportation system 4912

in this state, including, without limitation, highways, streets, 4913
roads, bridges, railroads carrying freight, and air and water 4914
ports and port facilities, and all related supporting facilities. 4915

~~(Z)~~(X) "Department of development" means the development 4916
services agency and "director of development" means the director 4917
of development services. 4918

Sec. 169.06. (A) Before the first day of November of each 4919
year immediately following the calendar year in which the filing 4920
of reports is required by section 169.03 of the Revised Code, the 4921
director of commerce shall cause notice to be published once in an 4922
English language newspaper of general circulation in the county in 4923
this state in which is located the last known address of any 4924
person to be named in the notice required by this section. The 4925
notice may be published in print or electronic format. If no 4926
address is listed, the notice shall be published in the county in 4927
which the holder of the unclaimed funds has its principal place of 4928
business within this state; or if the holder has no principal 4929
place of business within this state, publication shall be made as 4930
the director determines most effective. If the address is outside 4931
this state, notice shall be published in a newspaper of general 4932
circulation in the county or parish of any state in the United 4933
States in which such last known address is located. If the last 4934
known address is in a foreign country, publication shall be made 4935
as the director determines most effective. 4936

If the name of the owner is not available, the director may 4937
publish notice by class, identifying number, or as the director 4938
determines most effective. 4939

(B) The published notice shall be entitled "Notice of Names 4940
of Persons Appearing to be Owners of Unclaimed Funds," and shall 4941
contain: 4942

(1) The names in alphabetical order and last known addresses, 4943

if any, of each person appearing from the records of the holder to 4944
be the owner of unclaimed funds of a value of fifty dollars or 4945
more and entitled to notice as specified in division (A) of this 4946
section; 4947

(2) A statement that information concerning the amount of the 4948
funds and any necessary information concerning the presentment of 4949
a claim therefor may be obtained by any persons possessing a 4950
property interest in the unclaimed funds by addressing an inquiry 4951
to the director. 4952

(C) With respect to items of unclaimed funds each having a 4953
value of ten dollars or more, the director shall have available in 4954
~~his~~ the director's office during business hours an alphabetical 4955
list of owners and where a holder is a person providing life 4956
insurance coverage, beneficiaries, and their last known addresses, 4957
if any, whose funds are being held by the state pursuant to this 4958
chapter. 4959

(D) The director may give any additional notice ~~he~~ using any 4960
electronic or print medium that the director deems necessary to 4961
inform the owner of the whereabouts of ~~his~~ the owner's funds. 4962

Sec. 173.04. (A) As used in this section, ~~"respite:~~ 4963

(1) "Respite care" means short-term, temporary care or 4964
supervision provided to a person who has ~~Alzheimer's disease~~ 4965
dementia in the absence of the person who normally provides that 4966
care or supervision. 4967

(2) "Dementia" includes Alzheimer's disease or other 4968
dementia. 4969

(B) Through the internet web site maintained by the 4970
department of aging, the director of aging shall disseminate 4971
~~Alzheimer's disease~~ dementia training materials for licensed 4972
physicians, registered nurses, licensed practical nurses, 4973

administrators of health care programs, social workers, and other 4974
health care and social service personnel who participate or assist 4975
in the care or treatment of persons who have ~~Alzheimer's disease~~ 4976
dementia. The training materials disseminated through the web site 4977
may be developed by the director or obtained from other sources. 4978

(C) To the extent funds are available, the director shall 4979
administer respite care programs and other supportive services for 4980
persons who have ~~Alzheimer's disease~~ dementia and their families 4981
or care givers. Respite care programs shall be approved by the 4982
director and shall be provided for the following purposes: 4983

(1) Giving persons who normally provide care or supervision 4984
for a person who has ~~Alzheimer's disease~~ dementia relief from the 4985
stresses and responsibilities that result from providing such 4986
care; 4987

(2) Preventing or reducing inappropriate institutional care 4988
and enabling persons who have ~~Alzheimer's disease~~ dementia to 4989
remain at home as long as possible. 4990

(D) The director may provide services under this section to 4991
persons with ~~Alzheimer's disease~~ dementia and their families 4992
regardless of the age of the persons with ~~Alzheimer's disease~~ 4993
dementia. 4994

(E) The director may adopt rules in accordance with Chapter 4995
119. of the Revised Code governing respite care programs and other 4996
supportive services, the distribution of funds, and the purpose 4997
for which funds may be utilized under this section. 4998

Sec. 173.27. (A) As used in this section: 4999

(1) "Applicant" means a person who is under final 5000
consideration for employment by a responsible party in a 5001
full-time, part-time, or temporary position that involves 5002
providing ombudsman services to residents and recipients. 5003

"Applicant" includes a person who is under final consideration for employment as the state long-term care ombudsman or the head of a regional long-term care ombudsman program. "Applicant" does not include a person seeking to provide ombudsman services to residents and recipients as a volunteer without receiving or expecting to receive any form of remuneration other than reimbursement for actual expenses.

(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

(3) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.

(4) "Employee" means a person employed by a responsible party in a full-time, part-time, or temporary position that involves providing ombudsman services to residents and recipients. "Employee" includes the person employed as the state long-term care ombudsman and a person employed as the head of a regional long-term care ombudsman program. "Employee" does not include a person who provides ombudsman services to residents and recipients as a volunteer without receiving or expecting to receive any form of remuneration other than reimbursement for actual expenses.

(5) "Responsible party" means the following:

(a) In the case of an applicant who is under final consideration for employment as the state long-term care ombudsman or the person employed as the state long-term care ombudsman, the director of aging;

(b) In the case of any other applicant who is under final consideration for employment with the state long-term care ombudsman program or any other employee of the state long-term care ombudsman program, the state long-term care ombudsman;

(c) In the case of an applicant who is under final

consideration for employment with a regional long-term care 5035
ombudsman program (including as the head of the regional program) 5036
or an employee of a regional long-term care ombudsman program 5037
(including the head of a regional program), the regional long-term 5038
care ombudsman program. 5039

(B) A responsible party may not employ an applicant or 5040
continue to employ an employee in a position that involves 5041
providing ombudsman services to residents and recipients if any of 5042
the following apply: 5043

(1) A review of the databases listed in division (D) of this 5044
section reveals any of the following: 5045

(a) That the applicant or employee is included in one or more 5046
of the databases listed in divisions (D)(1) to (5) of this 5047
section; 5048

(b) That there is in the state nurse aide registry 5049
established under section 3721.32 of the Revised Code a statement 5050
detailing findings by the director of health that the applicant or 5051
employee abused, neglected, or exploited a long-term care facility 5052
or residential care facility resident or misappropriated property 5053
of such a resident; 5054

(c) That the applicant or employee is included in one or more 5055
of the databases, if any, specified in rules adopted under this 5056
section and the rules prohibit the responsible party from 5057
employing an applicant or continuing to employ an employee 5058
included in such a database in a position that involves providing 5059
ombudsman services to residents and recipients. 5060

(2) After the applicant or employee is provided, pursuant to 5061
division (E)(2)(a) of this section, a copy of the form prescribed 5062
pursuant to division (C)(1) of section 109.572 of the Revised Code 5063
and the standard impression sheet prescribed pursuant to division 5064
(C)(2) of that section, the applicant or employee fails to 5065

complete the form or provide the applicant's or employee's 5066
fingerprint impressions on the standard impression sheet. 5067

(3) Unless the applicant or employee meets standards 5068
specified in rules adopted under this section, the applicant or 5069
employee is found by a criminal records check required by this 5070
section to have been convicted of, pleaded guilty to, or been 5071
found eligible for intervention in lieu of conviction for a 5072
disqualifying offense. 5073

(C) A responsible party or a responsible party's designee 5074
shall inform each applicant of both of the following at the time 5075
of the applicant's initial application for employment in a 5076
position that involves providing ombudsman services to residents 5077
and recipients: 5078

(1) That a review of the databases listed in division (D) of 5079
this section will be conducted to determine whether the 5080
responsible party is prohibited by division (B)(1) of this section 5081
from employing the applicant in the position; 5082

(2) That, unless the database review reveals that the 5083
applicant may not be employed in the position, a criminal records 5084
check of the applicant will be conducted and the applicant is 5085
required to provide a set of the applicant's fingerprint 5086
impressions as part of the criminal records check. 5087

(D) As a condition of any applicant's being employed by a 5088
responsible party in a position that involves providing ombudsman 5089
services to residents and recipients, the responsible party or 5090
designee shall conduct a database review of the applicant in 5091
accordance with rules adopted under this section. If rules adopted 5092
under this section so require, the responsible party or designee 5093
shall conduct a database review of an employee in accordance with 5094
the rules as a condition of the responsible party continuing to 5095
employ the employee in a position that involves providing 5096

ombudsman services to residents and recipients. A database review 5097
shall determine whether the applicant or employee is included in 5098
any of the following: 5099

(1) The excluded parties list system that is maintained by 5100
the United States general services administration pursuant to 5101
subpart 9.4 of the federal acquisition regulation and available at 5102
the federal web site known as the system for award management; 5103

(2) The list of excluded individuals and entities maintained 5104
by the office of inspector general in the United States department 5105
of health and human services pursuant to section 1128 of the 5106
"Social Security Act," 94 Stat. 2619 (1980), 42 U.S.C. 1320a-7, as 5107
amended, and section 1156 of the "Social Security Act," 96 Stat. 5108
388 (1982), 42 U.S.C. 1320c-5, as amended; 5109

(3) The registry of developmental disabilities employees 5110
established under section 5123.52 of the Revised Code; 5111

(4) The internet-based sex offender and child-victim offender 5112
database established under division (A)(11) of section 2950.13 of 5113
the Revised Code; 5114

(5) The internet-based database of inmates established under 5115
section 5120.66 of the Revised Code; 5116

(6) The state nurse aide registry established under section 5117
3721.32 of the Revised Code; 5118

(7) Any other database, if any, specified in rules adopted 5119
under this section. 5120

(E)(1) As a condition of any applicant's being employed by a 5121
responsible party in a position that involves providing ombudsman 5122
services to residents and recipients, the responsible party or 5123
designee shall request that the superintendent of the bureau of 5124
criminal identification and investigation conduct a criminal 5125
records check of the applicant. If rules adopted under this 5126

section so require, the responsible party or designee shall 5127
request that the superintendent conduct a criminal records check 5128
of an employee at times specified in the rules as a condition of 5129
the responsible party continuing to employ the employee in a 5130
position that involves providing ombudsman services to residents 5131
and recipients. However, the responsible party or designee is not 5132
required to request the criminal records check of the applicant or 5133
employee if the responsible party is prohibited by division (B)(1) 5134
of this section from employing the applicant or continuing to 5135
employ the employee in a position that involves providing 5136
ombudsman services to residents and recipients. If an applicant or 5137
employee for whom a criminal records check request is required by 5138
this section does not present proof of having been a resident of 5139
this state for the five-year period immediately prior to the date 5140
the criminal records check is requested or provide evidence that 5141
within that five-year period the superintendent has requested 5142
information about the applicant or employee from the federal 5143
bureau of investigation in a criminal records check, the 5144
responsible party or designee shall request that the 5145
superintendent obtain information from the federal bureau of 5146
investigation as part of the criminal records check. Even if an 5147
applicant or employee for whom a criminal records check request is 5148
required by this section presents proof of having been a resident 5149
of this state for the five-year period, the responsible party or 5150
designee may request that the superintendent include information 5151
from the federal bureau of investigation in the criminal records 5152
check. 5153

(2) A responsible party or designee shall do all of the 5154
following: 5155

(a) Provide to each applicant and employee for whom a 5156
criminal records check request is required by this section a copy 5157
of the form prescribed pursuant to division (C)(1) of section 5158

109.572 of the Revised Code and a standard impression sheet 5159
prescribed pursuant to division (C)(2) of that section; 5160

(b) Obtain the completed form and standard impression sheet 5161
from the applicant or employee; 5162

(c) Forward the completed form and standard impression sheet 5163
to the superintendent. 5164

(3) A responsible party shall pay to the bureau of criminal 5165
identification and investigation the fee prescribed pursuant to 5166
division (C)(3) of section 109.572 of the Revised Code for each 5167
criminal records check the responsible party or the responsible 5168
party's designee requests under this section. The responsible 5169
party may charge an applicant a fee not exceeding the amount the 5170
responsible party pays to the bureau under this section if the 5171
responsible party or designee notifies the applicant at the time 5172
of initial application for employment of the amount of the fee. 5173

(F)(1) A responsible party may employ conditionally an 5174
applicant for whom a criminal records check is required by this 5175
section prior to obtaining the results of the criminal records 5176
check if both of the following apply: 5177

(a) The responsible party is not prohibited by division 5178
(B)(1) of this section from employing the applicant in a position 5179
that involves providing ombudsman services to residents and 5180
recipients; 5181

(b) The responsible party or designee requests the criminal 5182
records check in accordance with division (E) of this section ~~not~~ 5183
~~later than five business days after~~ before conditionally employing 5184
the applicant ~~begins conditional employment.~~ 5185

(2) A responsible party shall terminate the employment of an 5186
applicant employed conditionally under division (F)(1) of this 5187
section if the results of the criminal records check, other than 5188
the results of any request for information from the federal bureau 5189

of investigation, are not obtained within the period ending sixty 5190
days after the date the request for the criminal records check is 5191
made. Regardless of when the results of the criminal records check 5192
are obtained, if the results indicate that the applicant has been 5193
convicted of, pleaded guilty to, or been found eligible for 5194
intervention in lieu of conviction for a disqualifying offense, 5195
the responsible party shall terminate the applicant's employment 5196
unless the applicant meets standards specified in rules adopted 5197
under this section that permit the responsible party to employ the 5198
applicant and the responsible party chooses to employ the 5199
applicant. Termination of employment under this division shall be 5200
considered just cause for discharge for purposes of division 5201
(D)(2) of section 4141.29 of the Revised Code if the applicant 5202
makes any attempt to deceive the responsible party or designee 5203
about the applicant's criminal record. 5204

(G) The report of any criminal records check conducted 5205
pursuant to a request made under this section is not a public 5206
record for the purposes of section 149.43 of the Revised Code and 5207
shall not be made available to any person other than the 5208
following: 5209

(1) The applicant or employee who is the subject of the 5210
criminal records check or the applicant's or employee's 5211
representative; 5212

(2) The responsible party or designee; 5213

(3) In the case of a criminal records check conducted for an 5214
applicant who is under final consideration for employment with a 5215
regional long-term care ombudsman program (including as the head 5216
of the regional program) or an employee of a regional long-term 5217
care ombudsman program (including the head of a regional program), 5218
the state long-term care ombudsman or a representative of the 5219
office of the state long-term care ombudsman program who is 5220
responsible for monitoring the regional program's compliance with 5221

this section;	5222
(4) A court, hearing officer, or other necessary individual involved in a case dealing with any of the following:	5223 5224
(a) A denial of employment of the applicant or employee;	5225
(b) Employment or unemployment benefits of the applicant or employee;	5226 5227
(c) A civil or criminal action regarding the medicaid program or a program the department of aging administers.	5228 5229
(H) In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by an applicant or employee who a responsible party employs in a position that involves providing ombudsman services to residents and recipients, all of the following shall apply:	5230 5231 5232 5233 5234 5235
(1) If the responsible party employed the applicant or employee in good faith and reasonable reliance on the report of a criminal records check requested under this section, the responsible party shall not be found negligent solely because of its reliance on the report, even if the information in the report is determined later to have been incomplete or inaccurate.	5236 5237 5238 5239 5240 5241
(2) If the responsible party employed the applicant in good faith on a conditional basis pursuant to division (F) of this section, the responsible party shall not be found negligent solely because it employed the applicant prior to receiving the report of a criminal records check requested under this section.	5242 5243 5244 5245 5246
(3) If the responsible party in good faith employed the applicant or employee because the applicant or employee meets standards specified in rules adopted under this section, the responsible party shall not be found negligent solely because the applicant or employee has been convicted of, pleaded guilty to, or	5247 5248 5249 5250 5251

been found eligible for intervention in lieu of conviction for a 5252
disqualifying offense. 5253

(I) The state long-term care ombudsman may not act as the 5254
director of aging's designee for the purpose of this section. The 5255
head of a regional long-term care ombudsman program may not act as 5256
the regional program's designee for the purpose of this section if 5257
the head is the employee for whom a database review or criminal 5258
records check is being conducted. 5259

(J) The director of aging shall adopt rules in accordance 5260
with Chapter 119. of the Revised Code to implement this section. 5261

(1) The rules may do the following: 5262

(a) Require employees to undergo database reviews and 5263
criminal records checks under this section; 5264

(b) If the rules require employees to undergo database 5265
reviews and criminal records checks under this section, exempt one 5266
or more classes of employees from the requirements; 5267

(c) For the purpose of division (D)(7) of this section, 5268
specify other databases that are to be checked as part of a 5269
database review conducted under this section. 5270

(2) The rules shall specify all of the following: 5271

(a) The procedures for conducting database reviews under this 5272
section; 5273

(b) If the rules require employees to undergo database 5274
reviews and criminal records checks under this section, the times 5275
at which the database reviews and criminal records checks are to 5276
be conducted; 5277

(c) If the rules specify other databases to be checked as 5278
part of the database reviews, the circumstances under which a 5279
responsible party is prohibited from employing an applicant or 5280
continuing to employ an employee who is found by a database review 5281

to be included in one or more of those databases; 5282

(d) Standards that an applicant or employee must meet for a 5283
responsible party to be permitted to employ the applicant or 5284
continue to employ the employee in a position that involves 5285
providing ombudsman services to residents and recipients if the 5286
applicant or employee is found by a criminal records check 5287
required by this section to have been convicted of, pleaded guilty 5288
to, or been found eligible for intervention in lieu of conviction 5289
for a disqualifying offense. 5290

Sec. 173.38. (A) As used in this section: 5291

(1) "Applicant" means a person who is under final 5292
consideration for employment with a responsible party in a 5293
full-time, part-time, or temporary direct-care position or is 5294
referred to a responsible party by an employment service for such 5295
a position. "Applicant" does not include a person being considered 5296
for a direct-care position as a volunteer. 5297

(2) "Area agency on aging" has the same meaning as in section 5298
173.14 of the Revised Code. 5299

(3) "Chief administrator of a responsible party" includes a 5300
consumer when the consumer is a responsible party. 5301

(4) "Community-based long-term care services" means 5302
community-based long-term care services, as defined in section 5303
173.14 of the Revised Code, that are provided under a program the 5304
department of aging administers. 5305

(5) "Consumer" means an individual who receives 5306
community-based long-term care services. 5307

(6) "Criminal records check" has the same meaning as in 5308
section 109.572 of the Revised Code. 5309

(7)(a) "Direct-care position" means an employment position in 5310
which an employee has either or both of the following: 5311

(i) In-person contact with one or more consumers;	5312
(ii) Access to one or more consumers' personal property or records.	5313 5314
(b) "Direct-care position" does not include a person whose sole duties are transporting individuals under Chapter 306. of the Revised Code.	5315 5316 5317
(8) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.	5318 5319 5320
(9) "Employee" means a person employed by a responsible party in a full-time, part-time, or temporary direct-care position and a person who works in such a position due to being referred to a responsible party by an employment service. "Employee" does not include a person who works in a direct-care position as a volunteer.	5321 5322 5323 5324 5325 5326
(10) "PASSPORT administrative agency" has the same meaning as in section 173.42 of the Revised Code.	5327 5328
(11) "Provider" has the same meaning as in section 173.39 of the Revised Code.	5329 5330
(12) "Responsible party" means the following:	5331
(a) An area agency on aging in the case of either of the following:	5332 5333
(i) A person who is an applicant because the person is under final consideration for employment with the agency in a full-time, part-time, or temporary direct-care position or is referred to the agency by an employment service for such a position;	5334 5335 5336 5337
(ii) A person who is an employee because the person is employed by the agency in a full-time, part-time, or temporary direct-care position or works in such a position due to being referred to the agency by an employment service.	5338 5339 5340 5341

(b) A PASSPORT administrative agency in the case of either of 5342
the following: 5343

(i) A person who is an applicant because the person is under 5344
final consideration for employment with the agency in a full-time, 5345
part-time, or temporary direct-care position or is referred to the 5346
agency by an employment service for such a position; 5347

(ii) A person who is an employee because the person is 5348
employed by the agency in a full-time, part-time, or temporary 5349
direct-care position or works in such a position due to being 5350
referred to the agency by an employment service. 5351

(c) A provider in the case of either of the following: 5352

(i) A person who is an applicant because the person is under 5353
final consideration for employment with the provider in a 5354
full-time, part-time, or temporary direct-care position or is 5355
referred to the provider by an employment service for such a 5356
position; 5357

(ii) A person who is an employee because the person is 5358
employed by the provider in a full-time, part-time, or temporary 5359
direct-care position or works in such a position due to being 5360
referred to the provider by an employment service. 5361

(d) A subcontractor in the case of either of the following: 5362

(i) A person who is an applicant because the person is under 5363
final consideration for employment with the subcontractor in a 5364
full-time, part-time, or temporary direct-care position or is 5365
referred to the subcontractor by an employment service for such a 5366
position; 5367

(ii) A person who is an employee because the person is 5368
employed by the subcontractor in a full-time, part-time, or 5369
temporary direct-care position or works in such a position due to 5370
being referred to the subcontractor by an employment service. 5371

(e) A consumer in the case of either of the following: 5372

(i) A person who is an applicant because the person is under 5373
final consideration for employment with the consumer in a 5374
full-time, part-time, or temporary direct-care position for which 5375
the consumer, as the employer of record, is to direct the person 5376
in the provision of community-based long-term care services the 5377
person is to provide the consumer or is referred to the consumer 5378
by an employment service for such a position; 5379

(ii) A person who is an employee because the person is 5380
employed by the consumer in a full-time, part-time, or temporary 5381
direct-care position for which the consumer, as the employer of 5382
record, directs the person in the provision of community-based 5383
long-term care services the person provides to the consumer or who 5384
works in such a position due to being referred to the consumer by 5385
an employment service. 5386

(13) "Subcontractor" has the meaning specified in rules 5387
adopted under this section. 5388

(14) "Volunteer" means a person who serves in a direct-care 5389
position without receiving or expecting to receive any form of 5390
remuneration other than reimbursement for actual expenses. 5391

(15) "Waiver agency" has the same meaning as in section 5392
5164.342 of the Revised Code. 5393

(B) This section does not apply to any individual who is 5394
subject to a database review or criminal records check under 5395
section 173.381 or 3701.881 of the Revised Code or to any 5396
individual who is subject to a criminal records check under 5397
section 3721.121 of the Revised Code. ~~If a provider or 5398
subcontractor also is a waiver agency, the provider or 5399
subcontractor may provide for applicants and employees to undergo 5400
database reviews and criminal records checks in accordance with 5401
section 5164.342 of the Revised Code rather than this section. 5402~~

(C) No responsible party shall employ an applicant or 5403
continue to employ an employee in a direct-care position if any of 5404
the following apply: 5405

(1) A review of the databases listed in division (E) of this 5406
section reveals any of the following: 5407

(a) That the applicant or employee is included in one or more 5408
of the databases listed in divisions (E)(1) to (5) of this 5409
section; 5410

(b) That there is in the state nurse aide registry 5411
established under section 3721.32 of the Revised Code a statement 5412
detailing findings by the director of health that the applicant or 5413
employee abused, neglected, or exploited a long-term care facility 5414
or residential care facility resident or misappropriated property 5415
of such a resident; 5416

(c) That the applicant or employee is included in one or more 5417
of the databases, if any, specified in rules adopted under this 5418
section and the rules prohibit the responsible party from 5419
employing an applicant or continuing to employ an employee 5420
included in such a database in a direct-care position. 5421

(2) After the applicant or employee is provided, pursuant to 5422
division (F)(2)(a) of this section, a copy of the form prescribed 5423
pursuant to division (C)(1) of section 109.572 of the Revised Code 5424
and the standard impression sheet prescribed pursuant to division 5425
(C)(2) of that section, the applicant or employee fails to 5426
complete the form or provide the applicant's or employee's 5427
fingerprint impressions on the standard impression sheet. 5428

(3) Unless the applicant or employee meets standards 5429
specified in rules adopted under this section, the applicant or 5430
employee is found by a criminal records check required by this 5431
section to have been convicted of, pleaded guilty to, or been 5432
found eligible for intervention in lieu of conviction for a 5433

disqualifying offense. 5434

(D) Except as provided by division (G) of this section, the 5435
chief administrator of a responsible party shall inform each 5436
applicant of both of the following at the time of the applicant's 5437
initial application for employment or referral to the responsible 5438
party by an employment service for a direct-care position: 5439

(1) That a review of the databases listed in division (E) of 5440
this section will be conducted to determine whether the 5441
responsible party is prohibited by division (C)(1) of this section 5442
from employing the applicant in the direct-care position; 5443

(2) That, unless the database review reveals that the 5444
applicant may not be employed in the direct-care position, a 5445
criminal records check of the applicant will be conducted and the 5446
applicant is required to provide a set of the applicant's 5447
fingerprint impressions as part of the criminal records check. 5448

(E) As a condition of employing any applicant in a 5449
direct-care position, the chief administrator of a responsible 5450
party shall conduct a database review of the applicant in 5451
accordance with rules adopted under this section. If rules adopted 5452
under this section so require, the chief administrator of a 5453
responsible party shall conduct a database review of an employee 5454
in accordance with the rules as a condition of continuing to 5455
employ the employee in a direct-care position. However, a chief 5456
administrator is not required to conduct a database review of an 5457
applicant or employee if division (G) of this section applies. A 5458
database review shall determine whether the applicant or employee 5459
is included in any of the following: 5460

(1) The excluded parties list system that is maintained by 5461
the United States general services administration pursuant to 5462
subpart 9.4 of the federal acquisition regulation and available at 5463
the federal web site known as the system for award management; 5464

(2) The list of excluded individuals and entities maintained 5465
by the office of inspector general in the United States department 5466
of health and human services pursuant to the "Social Security 5467
Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5; 5468

(3) The registry of developmental disabilities employees 5469
established under section 5123.52 of the Revised Code; 5470

(4) The internet-based sex offender and child-victim offender 5471
database established under division (A)(11) of section 2950.13 of 5472
the Revised Code; 5473

(5) The internet-based database of inmates established under 5474
section 5120.66 of the Revised Code; 5475

(6) The state nurse aide registry established under section 5476
3721.32 of the Revised Code; 5477

(7) Any other database, if any, specified in rules adopted 5478
under this section. 5479

(F)(1) As a condition of employing any applicant in a 5480
direct-care position, the chief administrator of a responsible 5481
party shall request that the superintendent of the bureau of 5482
criminal identification and investigation conduct a criminal 5483
records check of the applicant. If rules adopted under this 5484
section so require, the chief administrator of a responsible party 5485
shall request that the superintendent conduct a criminal records 5486
check of an employee at times specified in the rules as a 5487
condition of continuing to employ the employee in a direct-care 5488
position. However, the chief administrator is not required to 5489
request the criminal records check of the applicant or employee if 5490
division (G) of this section applies or the responsible party is 5491
prohibited by division (C)(1) of this section from employing the 5492
applicant or continuing to employ the employee in a direct-care 5493
position. If an applicant or employee for whom a criminal records 5494
check request is required by this section does not present proof 5495

of having been a resident of this state for the five-year period 5496
immediately prior to the date the criminal records check is 5497
requested or provide evidence that within that five-year period 5498
the superintendent has requested information about the applicant 5499
or employee from the federal bureau of investigation in a criminal 5500
records check, the chief administrator shall request that the 5501
superintendent obtain information from the federal bureau of 5502
investigation as part of the criminal records check. Even if an 5503
applicant or employee for whom a criminal records check request is 5504
required by this section presents proof of having been a resident 5505
of this state for the five-year period, the chief administrator 5506
may request that the superintendent include information from the 5507
federal bureau of investigation in the criminal records check. 5508

(2) The chief administrator shall do all of the following: 5509

(a) Provide to each applicant and employee for whom a 5510
criminal records check request is required by this section a copy 5511
of the form prescribed pursuant to division (C)(1) of section 5512
109.572 of the Revised Code and a standard impression sheet 5513
prescribed pursuant to division (C)(2) of that section; 5514

(b) Obtain the completed form and standard impression sheet 5515
from the applicant or employee; 5516

(c) Forward the completed form and standard impression sheet 5517
to the superintendent. 5518

(3) A responsible party shall pay to the bureau of criminal 5519
identification and investigation the fee prescribed pursuant to 5520
division (C)(3) of section 109.572 of the Revised Code for each 5521
criminal records check the responsible party requests under this 5522
section. A responsible party may charge an applicant a fee not 5523
exceeding the amount the responsible party pays to the bureau 5524
under this section if both of the following apply: 5525

(a) The responsible party notifies the applicant at the time 5526

of initial application for employment of the amount of the fee and 5527
that, unless the fee is paid, the applicant will not be considered 5528
for employment. 5529

(b) The medicaid program does not pay the responsible party 5530
for the fee it pays to the bureau under this section. 5531

(G) Divisions (D) to (F) of this section do not apply with 5532
regard to an applicant or employee if the applicant or employee is 5533
referred to a responsible party by an employment service that 5534
supplies full-time, part-time, or temporary staff for direct-care 5535
positions and both of the following apply: 5536

(1) The chief administrator of the responsible party receives 5537
from the employment service confirmation that a review of the 5538
databases listed in division (E) of this section was conducted of 5539
the applicant or employee. 5540

(2) The chief administrator of the responsible party receives 5541
from the employment service, applicant, or employee a report of 5542
the results of a criminal records check of the applicant or 5543
employee that has been conducted by the superintendent within the 5544
one-year period immediately preceding the following: 5545

(a) In the case of an applicant, the date of the applicant's 5546
referral by the employment service to the responsible party; 5547

(b) In the case of an employee, the date by which the 5548
responsible party would otherwise have to request a criminal 5549
records check of the employee under division (F) of this section. 5550

(H)(1) A responsible party may employ conditionally an 5551
applicant for whom a criminal records check request is required by 5552
this section prior to obtaining the results of the criminal 5553
records check if the responsible party is not prohibited by 5554
division (C)(1) of this section from employing the applicant in a 5555
direct-care position and either of the following applies: 5556

(a) The chief administrator of the responsible party requests 5557
the criminal records check in accordance with division (F) of this 5558
section ~~not later than five business days after~~ before 5559
conditionally employing the applicant ~~begins conditional~~ 5560
~~employment.~~ 5561

(b) The applicant is referred to the responsible party by an 5562
employment service, the employment service or the applicant 5563
provides the chief administrator of the responsible party a letter 5564
that is on the letterhead of the employment service, the letter is 5565
dated and signed by a supervisor or another designated official of 5566
the employment service, and the letter states all of the 5567
following: 5568

(i) That the employment service has requested the 5569
superintendent to conduct a criminal records check regarding the 5570
applicant; 5571

(ii) That the requested criminal records check is to include 5572
a determination of whether the applicant has been convicted of, 5573
pleaded guilty to, or been found eligible for intervention in lieu 5574
of conviction for a disqualifying offense; 5575

(iii) That the employment service has not received the 5576
results of the criminal records check as of the date set forth on 5577
the letter; 5578

(iv) That the employment service promptly will send a copy of 5579
the results of the criminal records check to the chief 5580
administrator of the responsible party when the employment service 5581
receives the results. 5582

(2) If a responsible party employs an applicant conditionally 5583
pursuant to division (H)(1)(b) of this section, the employment 5584
service, on its receipt of the results of the criminal records 5585
check, promptly shall send a copy of the results to the chief 5586
administrator of the responsible party. 5587

(3) A responsible party that employs an applicant 5588
conditionally pursuant to division (H)(1)(a) or (b) of this 5589
section shall terminate the applicant's employment if the results 5590
of the criminal records check, other than the results of any 5591
request for information from the federal bureau of investigation, 5592
are not obtained within the period ending sixty days after the 5593
date the request for the criminal records check is made. 5594
Regardless of when the results of the criminal records check are 5595
obtained, if the results indicate that the applicant has been 5596
convicted of, pleaded guilty to, or been found eligible for 5597
intervention in lieu of conviction for a disqualifying offense, 5598
the responsible party shall terminate the applicant's employment 5599
unless the applicant meets standards specified in rules adopted 5600
under this section that permit the responsible party to employ the 5601
applicant and the responsible party chooses to employ the 5602
applicant. Termination of employment under this division shall be 5603
considered just cause for discharge for purposes of division 5604
(D)(2) of section 4141.29 of the Revised Code if the applicant 5605
makes any attempt to deceive the responsible party about the 5606
applicant's criminal record. 5607

(I) The report of any criminal records check conducted 5608
pursuant to a request made under this section is not a public 5609
record for the purposes of section 149.43 of the Revised Code and 5610
shall not be made available to any person other than the 5611
following: 5612

(1) The applicant or employee who is the subject of the 5613
criminal records check or the applicant's or employee's 5614
representative; 5615

(2) The chief administrator of the responsible party 5616
requesting the criminal records check or the administrator's 5617
representative; 5618

(3) The administrator of any other facility, agency, or 5619

program that provides community-based long-term care services that 5620
is owned or operated by the same entity that owns or operates the 5621
responsible party that requested the criminal records check; 5622

(4) The employment service that requested the criminal 5623
records check; 5624

(5) The director of aging or a person authorized by the 5625
director to monitor a responsible party's compliance with this 5626
section; 5627

(6) The medicaid director and the staff of the department of 5628
medicaid who are involved in the administration of the medicaid 5629
program if any of the following apply: 5630

(a) In the case of a criminal records check requested by a 5631
provider or subcontractor, the provider or subcontractor also is a 5632
waiver agency; 5633

(b) In the case of a criminal records check requested by an 5634
employment service, the employment service makes the request for 5635
an applicant or employee the employment service refers to a 5636
provider or subcontractor that also is a waiver agency; 5637

(c) The criminal records check is requested by a consumer who 5638
is acting as a responsible party. 5639

(7) A court, hearing officer, or other necessary individual 5640
involved in a case dealing with any of the following: 5641

(a) A denial of employment of the applicant or employee; 5642

(b) Employment or unemployment benefits of the applicant or 5643
employee; 5644

(c) A civil or criminal action regarding the medicaid program 5645
or a program the department of aging administers. 5646

(J) In a tort or other civil action for damages that is 5647
brought as the result of an injury, death, or loss to person or 5648
property caused by an applicant or employee who a responsible 5649

party employs in a direct-care position, all of the following 5650
shall apply: 5651

(1) If the responsible party employed the applicant or 5652
employee in good faith and reasonable reliance on the report of a 5653
criminal records check requested under this section, the 5654
responsible party shall not be found negligent solely because of 5655
its reliance on the report, even if the information in the report 5656
is determined later to have been incomplete or inaccurate. 5657

(2) If the responsible party employed the applicant in good 5658
faith on a conditional basis pursuant to division (H) of this 5659
section, the responsible party shall not be found negligent solely 5660
because it employed the applicant prior to receiving the report of 5661
a criminal records check requested under this section. 5662

(3) If the responsible party in good faith employed the 5663
applicant or employee because the applicant or employee meets 5664
standards specified in rules adopted under this section, the 5665
responsible party shall not be found negligent solely because the 5666
applicant or employee has been convicted of, pleaded guilty to, or 5667
been found eligible for intervention in lieu of conviction for a 5668
disqualifying offense. 5669

(K) The director of aging shall adopt rules in accordance 5670
with Chapter 119. of the Revised Code to implement this section. 5671

(1) The rules may do the following: 5672

(a) Require employees to undergo database reviews and 5673
criminal records checks under this section; 5674

(b) If the rules require employees to undergo database 5675
reviews and criminal records checks under this section, exempt one 5676
or more classes of employees from the requirements; 5677

(c) For the purpose of division (E)(7) of this section, 5678
specify other databases that are to be checked as part of a 5679

database review conducted under this section. 5680

(2) The rules shall specify all of the following: 5681

(a) The meaning of the term "subcontractor"; 5682

(b) The procedures for conducting database reviews under this 5683
section; 5684

(c) If the rules require employees to undergo database 5685
reviews and criminal records checks under this section, the times 5686
at which the database reviews and criminal records checks are to 5687
be conducted; 5688

(d) If the rules specify other databases to be checked as 5689
part of the database reviews, the circumstances under which a 5690
responsible party is prohibited from employing an applicant or 5691
continuing to employ an employee who is found by a database review 5692
to be included in one or more of those databases; 5693

(e) Standards that an applicant or employee must meet for a 5694
responsible party to be permitted to employ the applicant or 5695
continue to employ the employee in a direct-care position if the 5696
applicant or employee is found by a criminal records check 5697
required by this section to have been convicted of, pleaded guilty 5698
to, or been found eligible for intervention in lieu of conviction 5699
for a disqualifying offense. 5700

Sec. 173.391. (A) Subject to section 173.381 of the Revised 5701
Code, the department of aging or its designee shall do all of the 5702
following in accordance with Chapter 119. of the Revised Code: 5703

(1) Certify a provider to provide community-based long-term 5704
care services under a program the department administers if the 5705
provider satisfies the requirements for certification established 5706
by rules adopted under division (B) of this section and pays the 5707
fee, if any, established by rules adopted under division (G) of 5708
this section; 5709

(2) When required to do so by rules adopted under division	5710
(B) of this section, take one or more of the following	5711
disciplinary actions against a provider certified under division	5712
(A)(1) of this section:	5713
(a) Issue a written warning;	5714
(b) Require the submission of a plan of correction or	5715
evidence of compliance with requirements identified by the	5716
department;	5717
(c) Suspend referrals;	5718
(d) Remove clients;	5719
(e) Impose a fiscal sanction such as a civil monetary penalty	5720
or an order that unearned funds be repaid;	5721
(f) Suspend the certification;	5722
(g) Revoke the certification;	5723
(h) Impose another sanction.	5724
(3) Except as provided in division (E) of this section, hold	5725
hearings when there is a dispute between the department or its	5726
designee and a provider concerning actions the department or its	5727
designee takes regarding a decision not to certify the provider	5728
under division (A)(1) of this section or a disciplinary action	5729
under divisions (A)(2)(e) to (h) of this section.	5730
(B) The director of aging shall adopt rules in accordance	5731
with Chapter 119. of the Revised Code establishing certification	5732
requirements and standards for determining which type of	5733
disciplinary action to take under division (A)(2) of this section	5734
in individual situations. The rules shall establish procedures for	5735
all of the following:	5736
(1) Ensuring that providers comply with sections 173.38 and	5737
173.381 of the Revised Code;	5738

(2) Evaluating the services provided by the providers to ensure that the services are provided in a quality manner advantageous to the individual receiving the services;

(3) In a manner consistent with section 173.381 of the Revised Code, determining when to take disciplinary action under division (A)(2) of this section and which disciplinary action to take;

(4) Determining what constitutes another sanction for purposes of division (A)(2)(h) of this section.

(C) The procedures established in rules adopted under division (B)(2) of this section shall require that all of the following be considered as part of an evaluation described in division (B)(2) of this section:

(1) The provider's experience and financial responsibility;

(2) The provider's ability to comply with standards for the community-based long-term care services that the provider provides under a program the department administers;

(3) The provider's ability to meet the needs of the individuals served;

(4) Any other factor the director considers relevant.

(D) The rules adopted under division (B)(3) of this section shall specify that the reasons disciplinary action may be taken under division (A)(2) of this section include good cause, including misfeasance, malfeasance, nonfeasance, confirmed abuse or neglect, financial irresponsibility, or other conduct the director determines is injurious, or poses a threat, to the health or safety of individuals being served.

(E) Subject to division (F) of this section, the department is not required to hold hearings under division (A)(3) of this section if any of the following conditions apply:

(1) Rules adopted by the director of aging pursuant to this chapter require the provider to be a party to a provider agreement; hold a license, certificate, or permit; or maintain a certification, any of which is required or issued by a state or federal government entity other than the department of aging, and either of the following is the case:

(a) The provider agreement has not been entered into or the license, certificate, permit, or certification has not been obtained or maintained.

(b) The provider agreement, license, certificate, permit, or certification has been denied, revoked, not renewed, or suspended or has been otherwise restricted.

(2) The provider's certification under this section has been denied, suspended, or revoked for any of the following reasons:

(a) A government entity of this state, other than the department of aging, has terminated or refused to renew any of the following held by, or has denied any of the following sought by, a provider: a provider agreement, license, certificate, permit, or certification. Division (E)(2)(a) of this section applies regardless of whether the provider has entered into a provider agreement in, or holds a license, certificate, permit, or certification issued by, another state.

(b) The provider or a principal owner or manager of the provider who provides direct care has entered a guilty plea for, or has been convicted of, an offense materially related to the medicaid program.

(c) A principal owner or manager of the provider who provides direct care has entered a guilty plea for, been convicted of, or been found eligible for intervention in lieu of conviction for an offense listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code, but only if the provider,

principal owner, or manager does not meet standards specified by 5800
the director in rules adopted under section 173.38 of the Revised 5801
Code. 5802

(d) The department or its designee is required by section 5803
173.381 of the Revised Code to deny or revoke the provider's 5804
certification. 5805

(e) The United States department of health and human services 5806
has taken adverse action against the provider and that action 5807
impacts the provider's participation in the medicaid program. 5808

(f) The provider has failed to enter into or renew a provider 5809
agreement with the PASSPORT administrative agency, as that term is 5810
defined in section 173.42 of the Revised Code, that administers 5811
programs on behalf of the department of aging in the region of the 5812
state in which the provider is certified to provide services. 5813

(g) The provider has not billed or otherwise submitted a 5814
claim to the department for payment under the medicaid program in 5815
at least two years. 5816

(h) The provider denied or failed to provide the department 5817
or its designee access to the provider's facilities during the 5818
provider's normal business hours for purposes of conducting an 5819
audit or structural compliance review. 5820

(i) The provider has ceased doing business. 5821

(j) The provider has voluntarily relinquished its 5822
certification for any reason. 5823

(3) The provider's provider agreement with the department of 5824
medicaid has been suspended under ~~division (C) of section 5164.37~~ 5825
5164.36 of the Revised Code. 5826

(4) The provider's provider agreement with the department of 5827
medicaid is denied or revoked because the provider or its owner, 5828
officer, authorized agent, associate, manager, or employee has 5829

been convicted of an offense that caused the provider agreement to 5830
be suspended under section ~~5164.37~~ 5164.36 of the Revised Code. 5831

(F) If the department does not hold hearings when any 5832
condition described in division (E) of this section applies, the 5833
department ~~may~~ shall send a notice to the provider describing a 5834
decision not to certify the provider under division (A)(1) of this 5835
section or the disciplinary action the department ~~proposes to take~~ 5836
is taking under ~~division~~ divisions (A)(2)(e) to (h) of this 5837
section. The notice shall be sent to the provider's address that 5838
is on record with the department and may be sent by regular mail. 5839

(G) The director of aging may adopt rules in accordance with 5840
Chapter 119. of the Revised Code establishing a fee to be charged 5841
by the department of aging or its designee for certification 5842
issued under this section. 5843

~~All fees~~ (H) Any amounts collected by the department or its 5844
designee under this section shall be deposited in the state 5845
treasury to the credit of the provider certification fund, which 5846
is hereby created. Money credited to the fund shall be used to pay 5847
for community-based long-term care services, administrative costs 5848
associated with provider certification under this section, and 5849
administrative costs related to the publication of the Ohio 5850
long-term care consumer guide. 5851

Sec. 183.18. (A) Ohio's public health priorities trust fund 5852
is hereby created in the state treasury. All investment earnings 5853
of the fund shall be credited to the fund. Notwithstanding any 5854
conflicting provision of the Revised Code, the director of budget 5855
and management may credit to the fund any money received by the 5856
state, director of health, or department of health as part of a 5857
settlement agreement relating to a pressing public health issue. 5858

(B) Money credited to the fund shall be used by the director 5859
of health for the following purposes: 5860

~~(A) Minority health programs, on which not less than
twenty five per cent of the annual appropriations from the trust
fund shall be expended;~~

~~(B) Enforcing section 2927.02 of the Revised Code;~~

~~(C) Alcohol and drug abuse treatment and prevention programs,
including programs for adult and juvenile offenders in state
institutions and aftercare programs;~~

~~(D) A non entitlement program funded through the department
of health to provide emergency assistance consisting of
medication, oxygen, or both to seniors whose health has been
adversely affected by tobacco use and whose income does not exceed
one hundred per cent of the federal poverty guidelines, on which
five per cent of the annual appropriations from the trust fund
shall be expended. However, if federal funding becomes available
for this purpose, the department shall utilize the federal funding
and the appropriations from the trust fund shall be used for the
other purposes authorized by this section. If the federal program
requires seniors described by this division to pay a premium or
copayment to obtain medication or oxygen, the director of health
shall recommend to the general assembly whether this division's
set aside of five per cent of the appropriations from the trust
fund should be used to pay such premiums or copayments. As used in
this division, "federal poverty guidelines" has the same meaning
as in section 5101.46 of the Revised Code.~~

~~(E) Partial reimbursement, on a county basis, of hospitals,
free medical clinics, and similar organizations or programs that
provide free, uncompensated care to the general public, and of
counties that pay private entities to provide such care using
revenue from a property tax levied at least in part for that
purpose (1) To conduct public health awareness and educational
campaigns;~~

(2) To address any pressing public health issue identified by the director or described in the state health improvement plan or a successor document prepared for the department of health; 5892
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(3) To implement and administer innovative public health programs and prevention strategies; 5895
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(4) To improve the population health of Ohio. 5897

The director may collaborate with one or more nonprofit entities, including a public health foundation, to meet the requirements of division (B) of this section. 5898
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~~All investment earnings of the fund shall be credited to the fund.~~ 5901
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Sec. 183.33. No money shall be appropriated or transferred 5903
from the general revenue fund to the law enforcement improvements 5904
trust fund, southern Ohio agricultural and community development 5905
foundation endowment fund, ~~Ohio's public health priorities trust~~ 5906
~~fund,~~ biomedical research and technology transfer trust fund, 5907
~~education facilities trust fund,~~ or education technology trust 5908
fund. 5909

Sec. 307.631. (A) A board of county commissioners may appoint a health commissioner of the board of health of a city or general health district that is entirely or partially located in the county in which the board of county commissioners is located to establish a drug overdose fatality review committee to review drug overdose deaths and opioid-involved deaths occurring in the county. 5910
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(B) The boards of county commissioners of two or more counties may, by adopting a joint resolution passed by a majority of the members of each participating board of county commissioners, create a regional drug overdose fatality review committee to review drug overdose deaths and opioid-involved 5917
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deaths occurring in participating counties. The joint resolution 5922
shall appoint, for each county participating as part of the 5923
regional review committee, one health commissioner from a board of 5924
health of a city or general health district located at least in 5925
part in each county. The health commissioners appointed shall 5926
select one of their number as the health commissioner to establish 5927
the regional review committee. 5928

(C) In any county that, on the effective date of this 5929
section, has a body that is acting as a drug overdose fatality 5930
review committee and is comprised of the members described in 5931
division (A)(1) of section 307.632 of the Revised Code, including 5932
a public health official or designee, the board of county 5933
commissioners of that county, in lieu of having a health 5934
commissioner establish a drug overdose fatality review committee, 5935
may appoint that body to function as the drug overdose fatality 5936
review committee for the county. The body shall have the same 5937
duties, obligations, and protections as a drug overdose fatality 5938
review committee appointed by a health commissioner. The board of 5939
county commissioners or an individual designated by the board 5940
shall convene the body as required by section 307.633 of the 5941
Revised Code. 5942

Sec. 307.632. (A)(1) If a health commissioner establishes a 5943
drug overdose fatality review committee as described in division 5944
(A) of section 307.631 of the Revised Code, the commissioner shall 5945
select five members to serve on the review committee along with 5946
the commissioner. The review committee shall consist of the 5947
following: 5948

(a) The county coroner or designee; 5949

(b) The chief of police of a police department in the county 5950
or the county sheriff or a designee of the chief or sheriff; 5951

(c) A public health official or designee; 5952

(d) The executive director of the board of alcohol, drug addiction, and mental health services for the county or designee; 5953
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(e) A physician who is authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery. 5955
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(2) If a health commissioner establishes a drug overdose fatality review committee as described in division (B) of section 307.631 of the Revised Code, the commissioner shall select five members to serve on the review committee along with the commissioner. The review committee shall consist of the following: 5958
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(a) A county coroner or designee; 5963

(b) The chief of police of a police department or a sheriff or a designee of the chief or sheriff; 5964
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(c) A public health official or designee; 5966

(d) The executive director of a board of alcohol, drug addiction, and mental health services or designee; 5967
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(e) A physician who is authorized under Chapter 4731. of the Revised Code to practice of medicine and surgery or osteopathic medicine and surgery. The members described in division (A)(2)(a) to (d) of this section shall be representatives from the most populous county served by the committee. 5969
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(B) The majority of the members of a review committee may invite additional members to serve on the committee. The additional members invited under this division shall serve for a period of time determined by a majority of the members described in division (A) of this section. Each additional member shall have the same authority, duties, and responsibilities as members described in division (A) of this section. 5974
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(C) A vacancy in a drug overdose review committee shall be filled in the same manner as the original appointment. If the 5981
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health commissioner who made the original appointment as described 5983
in division (A) of this section is no longer serving in that 5984
capacity, a successor of the commissioner shall fill the vacancy. 5985

(D) A drug overdose fatality review committee member shall 5986
not receive any compensation for, and shall not be paid for any 5987
expenses incurred pursuant to, fulfilling the member's duties on 5988
the committee unless compensation for, or payment for expenses 5989
incurred pursuant to, those duties is received pursuant to a 5990
member's regular employment. 5991

Sec. 307.633. If a drug overdose fatality review committee is 5992
established under section 307.631 of the Revised Code, the board 5993
of county commissioners, or if a regional drug overdose fatality 5994
review committee is established, the group of health commissioners 5995
appointed to select the health commissioner to establish the 5996
regional review committee, shall designate either the health 5997
commissioner that establishes the review committee or a 5998
representative of the health commissioner to convene meetings and 5999
be the chairperson of the review committee. 6000

Sec. 307.634. The purpose of a drug overdose fatality review 6001
committee established under section 307.631 of the Revised Code is 6002
to decrease the incidence of preventable overdose deaths by doing 6003
all of the following: 6004

(A) Promoting cooperation, collaboration, and communication 6005
between all groups, professions, agencies, or entities engaged in 6006
drug abuse prevention, education, or treatment efforts; 6007

(B) Maintaining a comprehensive database of all overdose 6008
deaths that occur in the county or region served by the review 6009
committee in order to develop an understanding of the causes and 6010
incidence of those deaths; 6011

(C) Recommending and developing plans for implementing local 6012

service and program changes and changes to the groups, 6013
professions, agencies, or entities that serve local residents that 6014
might prevent overdose deaths; 6015

(D) Providing the department of health with aggregate data, 6016
trends, and patterns concerning overdose deaths. 6017

Sec. 307.635. A drug overdose fatality review committee may 6018
not conduct a review of a death while an investigation of the 6019
death or prosecution of a person for causing the death is pending 6020
unless the prosecuting attorney agrees to allow the review. The 6021
law enforcement agency conducting the criminal investigation, on 6022
the conclusion of the investigation, and the prosecuting attorney 6023
prosecuting the case, on the conclusion of the prosecution, shall 6024
notify the chairperson of the review committee of the conclusion. 6025

Sec. 307.636. (A) A drug overdose fatality review committee 6026
shall establish a system for collecting and maintaining 6027
information necessary for the review of drug overdose or 6028
opioid-involved deaths in the county or region. In an effort to 6029
ensure confidentiality, each committee shall do all of the 6030
following: 6031

(1) Maintain all records in a secure location; 6032

(2) Develop security measures to prevent unauthorized access 6033
to records containing information that could reasonably identify 6034
any person; 6035

(3) Develop a system for storing, processing, indexing, 6036
retrieving, and destroying information obtained in the course of 6037
reviewing a drug overdose or opioid-involved death. 6038

(B) For each drug overdose or opioid-involved death reviewed 6039
by a committee, the committee shall collect all of the following: 6040

(1) Demographic information of the deceased, including age, 6041

sex, race, and ethnicity; 6042

(2) The year in which the death occurred; 6043

(3) The geographic location of the death; 6044

(4) The cause of death; 6045

(5) Any factors contributing to the death; 6046

(6) Any other information the committee considers relevant. 6047

(C) By the first day of April of each year, the person 6048
convening a drug overdose fatality review committee shall prepare 6049
and submit to the Ohio department of health in the manner and 6050
format prescribed by the department a report that includes all of 6051
the following information for the previous calendar year: 6052

(1) The total number of drug overdose or opioid-involved 6053
deaths in the county or region; 6054

(2) The total number of drug overdose or opioid-involved 6055
deaths reviewed by the committee; 6056

(3) A summary of demographic information for the deaths 6057
reviewed, including age, sex, race, and ethnicity; 6058

(4) A summary of any trends or patterns identified by the 6059
committee. 6060

The report shall specify the number of drug overdose or 6061
opioid-involved deaths that were not reviewed during the previous 6062
calendar year. 6063

The report shall include recommendations for actions that 6064
might prevent other deaths, as well as any other information the 6065
review board determines should be included. 6066

(D) Reports prepared under division (C) of this section shall 6067
be considered public records under section 149.43 of the Revised 6068
Code. 6069

Sec. 307.637. (A) Notwithstanding section 3701.243 and any other section of the Revised Code pertaining to confidentiality, any individual, law enforcement agency, or other public or private entity that provided services to a person whose death is being reviewed by a drug overdose fatality review committee, on the request of the review committee, shall submit to the review committee a summary sheet of information.

(1) With respect to a request made to a health care entity, the summary sheet shall contain only information available and reasonably drawn from the person's medical record created by the health care entity.

(2) With respect to a request made to any other individual or entity, the summary sheet shall contain only information available and reasonably drawn from any record involving the person to which the individual or entity has access.

(3) On the request of the review committee, an individual or entity may, at the individual or entity's discretion, make any additional information, documents, or reports available to the review committee.

(B) Notwithstanding division (A) of this section, no person, entity, law enforcement agency, or prosecuting attorney shall provide any information regarding the death of a person to a drug overdose fatality review committee while an investigation of the death or prosecution of a person for causing the death is pending unless the prosecuting attorney has agreed pursuant to section 307.635 of the Revised Code to allow review of the death.

Sec. 307.638. (A) An individual or public or private entity providing information, documents, or reports to a drug overdose fatality review committee is immune from any civil liability for injury, death, or loss to person or property that otherwise might

be incurred or imposed as a result of providing the information, 6100
documents, or reports to the review committee. 6101

(B) Each member of a review committee is immune from any 6102
civil liability for injury, death, or loss to person or property 6103
that might otherwise be incurred or imposed as a result of the 6104
member's participation on the review committee. 6105

Sec. 307.639. Any information, document, or report presented 6106
to a drug overdose fatality review committee, all statements made 6107
by review committee members during meetings of the review 6108
committee, all work products of the review committee, and data 6109
submitted by the review committee to the department of health, 6110
other than the report prepared pursuant to section 307.636 of the 6111
Revised Code, are confidential and shall be used by the review 6112
committee, its members, and the department of health only in the 6113
exercise of the proper functions of the review committee and the 6114
department. 6115

Sec. 321.24. (A) On or before the fifteenth day of February, 6116
in each year, the county treasurer shall settle with the county 6117
auditor for all taxes and assessments that the treasurer has 6118
collected on the general duplicate of real and public utility 6119
property at the time of making the settlement. If the county 6120
treasurer has made or will make advance payments to the several 6121
taxing districts of current year unpaid taxes under section 6122
321.341 of the Revised Code before collecting them, the county 6123
treasurer shall take the advance payments into account for 6124
purposes of the settlement with the county auditor under this 6125
division. 6126

(B) On or before the thirtieth day of June, in each year, the 6127
treasurer shall settle with the auditor for all advance payments 6128
of general personal and classified property taxes that the 6129

treasurer has received at the time of making the settlement. 6130

(C) On or before the tenth day of August, in each year, the 6131
treasurer shall settle with the auditor for all taxes and 6132
assessments that the treasurer has collected on the general 6133
duplicates of real and public utility property at the time of 6134
making such settlement, not included in the preceding February 6135
settlement. If the county treasurer has made or will make advance 6136
payments to the several taxing districts of the current year 6137
delinquent taxes under section 321.341 of the Revised Code before 6138
collecting them, the county treasurer shall take the advance 6139
payments into account for purposes of the settlement with the 6140
county auditor under this division. 6141

(D) On or before the thirty-first day of October, in each 6142
year, the treasurer shall settle with the auditor for all taxes 6143
that the treasurer has collected on the general personal and 6144
classified property duplicates, and for all advance payments of 6145
general personal and classified property taxes, not included in 6146
the preceding June settlement, that the treasurer has received at 6147
the time of making such settlement. 6148

(E) In the event the time for the payment of taxes is 6149
extended, pursuant to section 323.17 of the Revised Code, the date 6150
on or before which settlement for the taxes so extended must be 6151
made, as herein prescribed, shall be deemed to be extended for a 6152
like period of time. At each such settlement, the auditor shall 6153
allow to the treasurer, on the moneys received or collected and 6154
accounted for by the treasurer, the treasurer's fees, at the rate 6155
or percentage allowed by law, at a full settlement of the 6156
treasurer. 6157

(F) Within thirty days after the day of each settlement of 6158
taxes required under divisions (A) and (C) of this section, the 6159
treasurer shall certify to the tax commissioner any adjustments 6160
that have been made to the amount certified previously pursuant to 6161

section 319.302 of the Revised Code and that the settlement has
been completed. Upon receipt of such certification, the
commissioner shall provide for payment to the county treasurer
from the general revenue fund of an amount equal to one-half of
the amount certified by the treasurer in the preceding tax year
under section 319.302 of the Revised Code, less the sum of (1)
one-half of the amount computed for all taxing districts in that
county for the current fiscal year under section 5703.80 of the
Revised Code for crediting to the property tax administration fund
and (2) any reduction required by the commissioner under division
(D) of section 718.83 of the Revised Code. Such payment shall be
credited upon receipt to the county's undivided income tax fund,
and the county auditor shall transfer to the county general fund
from the amount thereof the total amount of all fees and charges
which the auditor and treasurer would have been authorized to
receive had such section not been in effect and that amount had
been levied and collected as taxes. The county auditor shall
distribute the amount remaining among the various taxing districts
in the county as if it had been levied, collected, and settled as
real property taxes. The amount distributed to each taxing
district shall be reduced by the total of the amounts computed for
the district under section 5703.80 of the Revised Code, but the
reduction shall not exceed the amount that otherwise would be
distributed to the taxing district under this division. The amount
distributed to a taxing district shall account for any reduction
required by the commissioner under division (D) of section 718.83
of the Revised Code. The tax commissioner shall make available to
taxing districts such information as is sufficient for a taxing
district to be able to determine the amount of the reduction in
its distribution under this section.

(G)(1) Within thirty days after the day of the settlement
required in division (D) of this section, the county treasurer
shall notify the tax commissioner that the settlement has been

completed. Upon receipt of that notification, the commissioner 6195
shall provide for payment to the county treasurer from the general 6196
revenue fund of an amount equal to the amount certified under 6197
former section 319.311 of the Revised Code and paid in the state's 6198
fiscal year 2003 multiplied by the percentage specified in 6199
division (G)(2) of this section. The payment shall be credited 6200
upon receipt to the county's undivided income tax fund, and the 6201
county auditor shall distribute the amount thereof among the 6202
various taxing districts of the county as if it had been levied, 6203
collected, and settled as personal property taxes. The amount 6204
received by a taxing district under this division shall be 6205
apportioned among its funds in the same proportion as the current 6206
year's personal property taxes are apportioned. 6207

(2) Payments required under division (G)(1) of this section 6208
shall be made at the following percentages of the amount certified 6209
under former section 319.311 of the Revised Code and paid under 6210
division (G)(1) of this section in the state's fiscal year 2003: 6211

- (a) In fiscal year 2004, ninety per cent; 6212
- (b) In fiscal year 2005, eighty per cent; 6213
- (c) In fiscal year 2006, sixty-four per cent; 6214
- (d) In fiscal year 2007, forty per cent; 6215
- (e) In fiscal year 2008, thirty-two per cent; 6216
- (f) In fiscal year 2009, sixteen per cent. 6217

After fiscal year 2009, no payments shall be made under 6218
division (G)(1) of this section. 6219

(H)(1) On or before the fifteenth day of April each year, the 6220
county treasurer shall settle with the county auditor for all 6221
manufactured home taxes that the county treasurer has collected on 6222
the manufactured home tax duplicate at the time of making the 6223
settlement. 6224

(2) On or before the fifteenth day of September each year, 6225
the county treasurer shall settle with the county auditor for all 6226
remaining manufactured home taxes that the county treasurer has 6227
collected on the manufactured home tax duplicate at the time of 6228
making the settlement. 6229

(3) If the time for payment of such taxes is extended under 6230
section 4503.06 of the Revised Code, the time for making the 6231
settlement as prescribed by divisions (H)(1) and (2) of this 6232
section is extended for a like period of time. 6233

(I) On or before the second Monday in September of each year, 6234
the county treasurer shall certify to the tax commissioner the 6235
total amount by which the manufactured home taxes levied in that 6236
year were reduced pursuant to section 319.302 of the Revised Code. 6237
Within ninety days after the receipt of such certification, the 6238
commissioner shall provide for payment to the county treasurer 6239
from the general revenue fund of an amount equal to the amount 6240
certified by the treasurer. Such payment shall be credited upon 6241
receipt to the county's undivided income tax fund, and the county 6242
auditor shall transfer to the county general fund from the amount 6243
thereof the total amount of all fees and charges that the auditor 6244
and treasurer would have been authorized to receive had such 6245
section not been in effect and that amount had been levied and 6246
collected as manufactured home taxes. The county auditor shall 6247
distribute the amount remaining among the various taxing districts 6248
in the county as if it had been levied, collected, and settled as 6249
manufactured home taxes. 6250

Sec. 341.34. (A) As used in this section, "building or 6251
structure" includes, but is not limited to, a modular unit, 6252
building, or structure and a movable unit, building, or structure. 6253

(B)(1) The board of county commissioners of any county, by 6254
resolution, may dedicate and permit the use, as a minimum security 6255

jail, of any vacant or abandoned public building or structure 6256
owned by the county that has not been dedicated to or is not then 6257
in use for any county or other public purpose, or any building or 6258
structure rented or leased by the county. The board of county 6259
commissioners of any county, by resolution, also may dedicate and 6260
permit the use, as a minimum security jail, of any building or 6261
structure purchased by or constructed by or for the county. 6262
Subject to divisions (B)(3) and (C) of this section, upon the 6263
effective date of such a resolution, the specified building or 6264
structure shall be used, in accordance with this section, for the 6265
confinement of persons who meet one of the following conditions: 6266

(a) The person is sentenced to a term of imprisonment for a 6267
traffic violation or a misdemeanor or is sentenced to a 6268
residential sanction in the jail for a felony of the fourth or 6269
fifth degree pursuant to sections 2929.11 to 2929.19 of the 6270
Revised Code, and the jail administrator or the jail 6271
administrator's designee has classified the person as a minimal 6272
security risk. In determining the person's classification under 6273
this division, the administrator or designee shall consider all 6274
relevant factors, including, but not limited to, the person's 6275
escape risk and propensity for assaultive or violent behavior, 6276
based upon the person's prior and current behavior. 6277

(b) The person is charged with a traffic violation, a 6278
misdemeanor, or a felony of the fourth or fifth degree and has had 6279
bail set and has not been released on bail and is confined in a 6280
county or municipal jail pending trial, and the jail administrator 6281
or the jail administrator's designee has classified the person as 6282
a minimal security risk. In determining the person's 6283
classification under this division, the administrator or designee 6284
shall consider all relevant factors, including, but not limited 6285
to, the person's escape risk and propensity for assaultive or 6286
violent behavior, based upon the person's prior and current 6287

behavior. Nothing in this division authorizes the operation or 6288
management of a minimum security jail by a private entity. 6289

(c) The person is an inmate transferred by order of a judge 6290
of the sentencing court upon the request of the sheriff, 6291
administrator, jailer, or other person responsible for operating 6292
the jail other than a contractor as defined in section 9.06 of the 6293
Revised Code, who is named in the request as being suitable for 6294
confinement in a minimum security facility. 6295

(2) The board of county commissioners of any county, by 6296
resolution, may affiliate with one or more adjacent counties, or 6297
with one or more municipal corporations located within the county 6298
or within an adjacent county, and dedicate and permit the use, as 6299
a minimum security jail, of any vacant or abandoned public 6300
building or structure owned by any of the affiliating counties or 6301
municipal corporations that has not been dedicated to or is not 6302
then in use for any public purpose, or any building or structure 6303
rented or leased by any of the affiliating counties or municipal 6304
corporations. The board of county commissioners of any county, by 6305
resolution, also may affiliate with one or more adjacent counties 6306
or with one or more municipal corporations located within the 6307
county or within an adjacent county and dedicate and permit the 6308
use, as a minimum security jail, of any building or structure 6309
purchased by or constructed by or for any of the affiliating 6310
counties or municipal corporations. Any counties and municipal 6311
corporations that affiliate for purposes of this division shall 6312
enter into an agreement that establishes the responsibilities for 6313
the operation and for the cost of operation of the minimum 6314
security jail. Subject to divisions (B)(3) and (C) of this 6315
section, upon the effective date of a resolution adopted under 6316
this division, the specified building or structure shall be used, 6317
in accordance with this section, for the confinement of persons 6318
who meet one of the following conditions: 6319

(a) The person is sentenced to a term of imprisonment for a traffic violation, a misdemeanor, or a violation of an ordinance of any municipal corporation, or is sentenced to a residential sanction in the jail for a felony of the fourth or fifth degree pursuant to sections 2929.11 to 2929.19 of the Revised Code, and the jail administrator or the jail administrator's designee has classified the person as a minimal security risk. In determining the person's classification under this division, the administrator or designee shall consider all relevant factors, including, but not limited to, the person's escape risk and propensity for assaultive or violent behavior, based upon the person's prior and current behavior.

(b) The person is charged with a traffic violation, a misdemeanor, or a felony of the fourth or fifth degree and has had bail set and has not been released on bail and is confined in a county jail pending trial, and the jail administrator or the jail administrator's designee has classified the person as a minimal security risk. In determining the person's classification under this division, the administrator or designee shall consider all relevant factors, including, but not limited to, the person's escape risk and propensity for assaultive or violent behavior, based upon the person's prior and current behavior. Nothing in this division authorizes the operation or management of a minimum security jail by a private entity.

(c) The person is an inmate transferred by order of a judge of the sentencing court upon the request of the sheriff, administrator, jailer, or other person responsible for operating the jail other than a contractor as defined in section 9.06 of the Revised Code, who is named in the request as being suitable for confinement in a minimum security facility.

(3) No person shall be confined in a building or structure dedicated as a minimum security jail under division (B)(1) or (2)

of this section unless the judge who sentenced the person to the 6352
term of imprisonment for the traffic violation or the misdemeanor 6353
specifies that the term of imprisonment is to be served in that 6354
jail, and division (B)(1) or (2) of this section permits the 6355
confinement of the person in that jail or unless the judge who 6356
sentenced the person to the residential sanction for the felony 6357
specifies that the residential sanction is to be served in a jail, 6358
and division (B)(1) or (2) of this section permits the confinement 6359
of the person in that jail. If a rented or leased building or 6360
structure is so dedicated, the building or structure may be used 6361
as a minimum security jail only during the period that it is 6362
rented or leased by the county or by an affiliated county or 6363
municipal corporation. If a person convicted of a misdemeanor is 6364
confined to a building or structure dedicated as a minimum 6365
security jail under division (B)(1) or (2) of this section and the 6366
sheriff, administrator, jailer, or other person responsible for 6367
operating the jail other than a contractor as defined in section 6368
9.06 of the Revised Code determines that it would be more 6369
appropriate for the person so confined to be confined in another 6370
jail or workhouse facility, the sheriff, administrator, jailer, or 6371
other person may transfer the person so confined to a more 6372
appropriate jail or workhouse facility. 6373

(C) All of the following apply to a building or structure 6374
that is dedicated pursuant to division (B)(1) or (2) of this 6375
section for use as a minimum security jail: 6376

(1) To the extent that the use of the building or structure 6377
as a minimum security jail requires a variance from any county, 6378
municipal corporation, or township zoning regulations or 6379
ordinances, the variance shall be granted. 6380

(2) Except as provided in this section, the building or 6381
structure shall not be used to confine any person unless it is in 6382
substantial compliance with any applicable housing, fire 6383

prevention, sanitation, health, and safety codes, regulations, or standards. 6384
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(3) Unless such satisfaction or compliance is required under the standards described in division (C)(4) of this section, and notwithstanding any other provision of state or local law to the contrary, the building or structure need not satisfy or comply with any state or local building standard or code in order to be used to confine a person for the purposes specified in division (B) of this section. 6386
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(4) The building or structure shall not be used to confine any person unless it is in compliance with all minimum standards and minimum renovation, modification, and construction criteria for ~~minimum security~~ jails that have been proposed by the department of rehabilitation and correction, through its bureau of adult detention, under section 5120.10 of the Revised Code. 6393
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(5) The building or structure need not be renovated or modified into a secure detention facility in order to be used solely to confine a person for the purposes specified in divisions (B)(1)(a) or (b) and (B)(2)(a) or (b) of this section. 6399
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(6) The building or structure shall be used, equipped, furnished, and staffed in the manner necessary to provide adequate and suitable living, sleeping, food service or preparation, drinking, bathing and toilet, sanitation, and other necessary facilities, furnishings, and equipment. 6403
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(D) Except as provided in this section, a minimum security jail dedicated and used under this section shall be considered to be part of the jail, workhouse, or other correctional facilities of the county or the affiliated counties and municipal corporations for all purposes under the law. All persons confined in such a minimum security jail shall be and shall remain, in all respects, under the control of the county authority that has 6408
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responsibility for the management and operation of the jail, 6415
workhouse, or other correctional facilities of the county or, if 6416
it is operated by any affiliation of counties or municipal 6417
corporations, under the control of the specified county or 6418
municipal corporation with that authority, provided that, if the 6419
person was convicted of a felony and is serving a residential 6420
sanction in the facility, all provisions of law that pertain to 6421
persons convicted of a felony that would not by their nature 6422
clearly be inapplicable apply regarding the person. A minimum 6423
security jail dedicated and used under this section shall be 6424
managed and maintained in accordance with policies and procedures 6425
adopted by the board of county commissioners or the affiliated 6426
counties and municipal corporations governing the safe and 6427
healthful operation of the jail, the confinement and supervision 6428
of the persons sentenced to it, and their participation in work 6429
release or similar rehabilitation programs. In addition to other 6430
rules of conduct and discipline, the rights of ingress and egress 6431
of persons confined in a minimum security jail dedicated and used 6432
under this section shall be subject to reasonable restrictions. 6433
Every person confined in a minimum security jail dedicated and 6434
used under this section shall be given verbal and written 6435
notification, at the time of the person's admission to the jail, 6436
that purposely leaving, or purposely failing to return to, the 6437
jail without proper authority or permission constitutes the felony 6438
offense of escape. 6439

(E) If a person who has been convicted of or pleaded guilty 6440
to an offense is sentenced to a term of imprisonment or a 6441
residential sanction in a minimum security jail as described in 6442
division (B)(1)(a) or (B)(2)(a) of this section, or if a person is 6443
an inmate transferred to a minimum security jail by order of a 6444
judge of the sentencing court as described in division (B)(1)(c) 6445
or (B)(2)(c) of this section, at the time of reception and at 6446
other times the person in charge of the operation of the jail 6447

determines to be appropriate, the sheriff or other person in 6448
charge of the operation of the jail may cause the convicted 6449
offender to be examined and tested for tuberculosis, HIV 6450
infection, hepatitis, including but not limited to hepatitis A, B, 6451
and C, and other contagious diseases. The person in charge of the 6452
operation of the jail may cause a convicted offender in the jail 6453
who refuses to be tested or treated for tuberculosis, HIV 6454
infection, hepatitis, including but not limited to hepatitis A, B, 6455
and C, or another contagious disease to be tested and treated 6456
involuntarily. 6457

Sec. 718.83. (A) On or before the last day of each month, the 6458
tax commissioner shall certify to the director of budget and 6459
management the amount to be paid to each municipal corporation, 6460
based on amounts reported on annual returns and declarations of 6461
estimated tax under sections 718.85 and 718.88 of the Revised 6462
Code, less any amounts previously distributed and net of any audit 6463
adjustments made or refunds granted by the commissioner, for the 6464
~~calendar~~ calendar month preceding the month in which the 6465
certification is made. Not later than the fifth day of each month, 6466
the director shall provide for payment of the amount certified to 6467
each municipal corporation from the municipal ~~income~~ net profit 6468
tax fund, plus a pro rata share of any investment earnings 6469
accruing to the fund since the previous payment under this 6470
section, and minus any reduction required by the commissioner 6471
under division (D) of this section. Each municipal corporation's 6472
share of such earnings shall equal the proportion that the 6473
municipal corporation's certified tax payment is of the total 6474
taxes certified to all municipal corporations in that quarter. All 6475
investment earnings on money in the municipal ~~income~~ net profit 6476
tax fund shall be credited to that fund. 6477

(B) If the tax commissioner determines that the amount of tax 6478
paid by a taxpayer and distributed to a municipal corporation 6479

under this section for a taxable year exceeds the amount payable 6480
to that municipal corporation under sections 718.80 to 718.95 of 6481
the Revised Code after accounting for amounts remitted with the 6482
annual return and as estimated taxes, the commissioner shall 6483
proceed according to divisions (A) and (B) of section 5703.77 of 6484
the Revised Code. 6485

(C) If the amount of a municipal corporation's net 6486
distribution computed by the commissioner under division (A) of 6487
this section is less than zero, the commissioner may notify the 6488
municipal corporation of the deficiency. Within thirty days after 6489
receiving such a notice, the municipal corporation shall pay an 6490
amount equal to the deficiency to the treasurer of state. The 6491
treasurer of state shall credit any payment received under this 6492
division to the municipal net profit tax fund. 6493

(D) If a municipal corporation fails to make a timely payment 6494
required under division (C) of this section, the commissioner may 6495
recover the deficiency using any or all of the following options: 6496

(1) Deduct the amount of the deficiency from the next 6497
distribution to that municipal corporation under division (A) of 6498
this section or, if the amount of the deficiency exceeds the 6499
amount of such distribution, withhold such distributions entirely 6500
until the withheld amount equals the amount of the municipal 6501
corporation's deficiency; 6502

(2) Deduct the amount of the deficiency from the next payment 6503
to that municipal corporation under division (A) of section 6504
5745.05 of the Revised Code or, if the amount of the deficiency 6505
exceeds the amount of such distribution, withhold such 6506
distributions entirely until the withheld amount equals the amount 6507
of the municipal corporation's deficiency; 6508

(3) Deduct the amount of the deficiency from the municipal 6509
corporation's share of the next payment made by the commissioner 6510

under division (F) of section 321.24 of the Revised Code or, if 6511
the amount of the deficiency exceeds the amount of the municipal 6512
corporation's share of such payment, withhold the municipal 6513
corporation's share of the payments entirely until the withheld 6514
amount equals the amount of the municipal corporation's 6515
deficiency. 6516

(E) The total amount of payments and distributions withheld 6517
from a municipal corporation under division (D) of this section 6518
shall not exceed the unpaid portion of the municipal corporation's 6519
net distribution deficiency. All amounts withheld under division 6520
(D) of this section shall be credited to the municipal net profit 6521
tax fund. 6522

(F)(1) If the total amount in the municipal net profit tax 6523
fund, exclusive of amounts credited to the fund under Chapter 6524
5745. of the Revised Code, is insufficient to make all payments 6525
under division (A) of this section and section 718.91 of the 6526
Revised Code at the times the payments are to be made, the 6527
director shall transfer from the general revenue fund to the 6528
municipal net profit tax fund the difference between the total 6529
amount to be paid under those sections and the total amount in the 6530
municipal net profit tax fund, exclusive of amounts credited to 6531
the fund under Chapter 5745. of the Revised Code. 6532

(2) If a cash transfer is made from the general revenue fund 6533
to the municipal net profit tax fund under division (F)(1) of this 6534
section, the director and the commissioner shall jointly develop a 6535
plan to repay the general revenue fund as soon as the director and 6536
the commissioner deem practical. 6537

(G) The commissioner may adopt rules necessary to administer 6538
this section. 6539

Sec. 718.85. (A)(1) For each taxable year, every taxpayer 6540
shall file an annual return. Such return, along with the amount of 6541

tax shown to be due on the return less the amount paid for the 6542
taxable year under section 718.88 of the Revised Code, shall be 6543
submitted to the tax commissioner, on a form and in the manner 6544
prescribed by the commissioner, on or before the fifteenth day of 6545
the fourth month following the end of the taxpayer's taxable year. 6546

(2) If a taxpayer has multiple taxable years ending within 6547
one calendar year, the taxpayer shall aggregate the facts and 6548
figures necessary to compute the tax due under this chapter, in 6549
accordance with sections 718.81, 718.82, and, if applicable, 6550
718.86 of the Revised Code onto its annual return. 6551

(3) The remittance shall be made payable to the treasurer of 6552
state and in the form prescribed by the tax commissioner. If the 6553
amount payable with the tax return is ten dollars or less, no 6554
remittance is required. 6555

(B) The tax commissioner shall immediately forward to the 6556
treasurer of state all amounts the commissioner receives pursuant 6557
to sections 718.80 to 718.95 of the Revised Code. The treasurer 6558
shall credit ninety-nine and one-half per cent of such amounts to 6559
the municipal ~~income~~ net profit tax fund, which is hereby created 6560
in the state treasury, and the remainder to the municipal income 6561
tax administrative fund established under section 5745.03 of the 6562
Revised Code. 6563

(C)(1) Each return required to be filed under this section 6564
shall contain the signature of the taxpayer or the taxpayer's duly 6565
authorized agent and of the person who prepared the return for the 6566
taxpayer, and shall include the taxpayer's identification number. 6567
Each return shall be verified by a declaration under penalty of 6568
perjury. 6569

(2)(a) The tax commissioner may require a taxpayer to 6570
include, with each annual tax return, amended return, or request 6571
for refund filed with the commissioner under sections 718.80 to 6572

718.95 of the Revised Code, copies of any relevant documents or 6573
other information. 6574

(b) A taxpayer that files an annual tax return electronically 6575
through the Ohio business gateway or in another manner as 6576
prescribed by the tax commissioner shall either submit the 6577
documents required under this division electronically as 6578
prescribed at the time of filing or, if electronic submission is 6579
not available, mail the documents to the tax commissioner. The 6580
department of taxation shall publish a method of electronically 6581
submitting the documents required under this division on or before 6582
January 1, 2019. 6583

(3) After a taxpayer files a tax return, the tax commissioner 6584
may request, and the taxpayer shall provide, any information, 6585
statements, or documents required to determine and verify the 6586
taxpayer's municipal income tax. 6587

(D)(1)(a) Any taxpayer that has duly requested an automatic 6588
extension for filing the taxpayer's federal income tax return 6589
shall automatically receive an extension for the filing of a tax 6590
return with the commissioner under this section. The extended due 6591
date of the return shall be the fifteenth day of the tenth month 6592
after the last day of the taxable year to which the return 6593
relates. 6594

(b) A taxpayer that has not requested or received a six-month 6595
extension for filing the taxpayer's federal income tax return may 6596
request that the commissioner grant the taxpayer a six-month 6597
extension of the date for filing the taxpayer's municipal income 6598
tax return. If the commissioner receives the request on or before 6599
the date the municipal income tax return is due, the commissioner 6600
shall grant the taxpayer's extension request. 6601

(c) An extension of time to file under division (D)(1) of 6602
this section is not an extension of the time to pay any tax due 6603

unless the tax commissioner grants an extension of that date. 6604

(2) If the commissioner considers it necessary in order to 6605
ensure payment of a tax imposed in accordance with section 718.04 6606
of the Revised Code, the commissioner may require taxpayers to 6607
file returns and make payments otherwise than as provided in this 6608
section, including taxpayers not otherwise required to file annual 6609
returns. 6610

(E) Each return required to be filed in accordance with this 6611
section shall include a box that the taxpayer may check to 6612
authorize another person, including a tax return preparer who 6613
prepared the return, to communicate with the tax commissioner 6614
about matters pertaining to the return. The return or instructions 6615
accompanying the return shall indicate that by checking the box 6616
the taxpayer authorizes the commissioner to contact the preparer 6617
or other person concerning questions that arise during the 6618
examination or other review of the return and authorizes the 6619
preparer or other person only to provide the commissioner with 6620
information that is missing from the return, to contact the 6621
commissioner for information about the examination or other review 6622
of the return or the status of the taxpayer's refund or payments, 6623
and to respond to notices about mathematical errors, offsets, or 6624
return preparation that the taxpayer has received from the 6625
commissioner and has shown to the preparer or other person. 6626

(F) When income tax returns or other documents require the 6627
signature of a tax return preparer, the tax commissioner shall 6628
accept a facsimile or electronic version of such a signature in 6629
lieu of a manual signature. 6630

Sec. 718.90. (A) If any taxpayer required to file a return 6631
under section 718.80 to 718.95 of the Revised Code fails to file 6632
the return within the time prescribed, files an incorrect return, 6633
or fails to remit the full amount of the tax due for the period 6634

covered by the return, the tax commissioner may make an assessment 6635
against the taxpayer for any deficiency for the period for which 6636
the return or tax is due, based upon any information in the 6637
commissioner's possession. 6638

The tax commissioner shall not make or issue an assessment 6639
against a taxpayer more than three years after the later of the 6640
date the return subject to assessment was required to be filed or 6641
the date the return was filed. Such time limit may be extended if 6642
both the taxpayer and the commissioner consent in writing to the 6643
extension. Any such extension shall extend the three-year time 6644
limit in section 718.91 of the Revised Code for the same period of 6645
time. There shall be no bar or limit to an assessment against a 6646
taxpayer that fails to file a return subject to assessment as 6647
required by sections 718.80 to 718.95 of the Revised Code, or that 6648
files a fraudulent return. The commissioner shall give the 6649
taxpayer assessed written notice of the assessment as provided in 6650
section 5703.37 of the Revised Code. With the notice, the 6651
commissioner shall provide instructions on how to petition for 6652
reassessment and request a hearing on the petition. 6653

(B) Unless the taxpayer assessed files with the tax 6654
commissioner within sixty days after service of the notice of 6655
assessment, either personally or by certified mail, a written 6656
petition for reassessment signed by the authorized agent of the 6657
taxpayer assessed having knowledge of the facts, the assessment 6658
becomes final, and the amount of the assessment is due and payable 6659
from the taxpayer to the treasurer of state. The petition shall 6660
indicate the taxpayer's objections, but additional objections may 6661
be raised in writing if received by the commissioner prior to the 6662
date shown on the final determination. If the petition has been 6663
properly filed, the commissioner shall proceed under section 6664
5703.60 of the Revised Code. 6665

(C) After an assessment becomes final, if any portion of the assessment remains unpaid, including accrued interest, a certified copy of the tax commissioner's entry making the assessment final may be filed in the office of the clerk of the court of common pleas in the county in which the taxpayer has an office or place of business in this state, the county in which the taxpayer's statutory agent is located, or Franklin county.

Immediately upon the filing of the entry, the clerk shall enter a judgment against the taxpayer assessed in the amount shown on the entry. The judgment may be filed by the clerk in a loose-leaf book entitled "special judgments for municipal income taxes," and shall have the same effect as other judgments. Execution shall issue upon the judgment upon the request of the tax commissioner, and all laws applicable to sales on execution shall apply to sales made under the judgment.

If the assessment is not paid in its entirety within sixty days after the day the assessment was issued, the portion of the assessment consisting of tax due shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the day the commissioner issues the assessment until the assessment is paid or until it is certified to the attorney general for collection under section 131.02 of the Revised Code, whichever comes first. If the unpaid portion of the assessment is certified to the attorney general for collection, the entire unpaid portion of the assessment shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the date of certification until the date it is paid in its entirety. Interest shall be paid in the same manner as the tax and may be collected by issuing an assessment under this section.

(D) All money collected under this section shall be credited to the municipal ~~income~~ net profit tax fund and distributed to the municipal corporation to which the money is owed based on the

assessment issued under this section. 6698

(E) If the tax commissioner believes that collection of the 6699
tax will be jeopardized unless proceedings to collect or secure 6700
collection of the tax are instituted without delay, the 6701
commissioner may issue a jeopardy assessment against the taxpayer 6702
liable for the tax. Immediately upon the issuance of the jeopardy 6703
assessment, the commissioner shall file an entry with the clerk of 6704
the court of common pleas in the manner prescribed by division (C) 6705
of this section. Notice of the jeopardy assessment shall be served 6706
on the taxpayer assessed or the taxpayer's legal representative in 6707
the manner provided in section 5703.37 of the Revised Code within 6708
five days of the filing of the entry with the clerk. The total 6709
amount assessed is immediately due and payable, unless the 6710
taxpayer assessed files a petition for reassessment in accordance 6711
with division (B) of this section and provides security in a form 6712
satisfactory to the commissioner and in an amount sufficient to 6713
satisfy the unpaid balance of the assessment. Full or partial 6714
payment of the assessment does not prejudice the commissioner's 6715
consideration of the petition for reassessment. 6716

(F) Notwithstanding the fact that a petition for reassessment 6717
is pending, the taxpayer may pay all or a portion of the 6718
assessment that is the subject of the petition. The acceptance of 6719
a payment by the treasurer of state does not prejudice any claim 6720
for refund upon final determination of the petition. 6721

If upon final determination of the petition an error in the 6722
assessment is corrected by the tax commissioner, upon petition so 6723
filed or pursuant to a decision of the board of tax appeals or any 6724
court to which the determination or decision has been appealed, so 6725
that the amount due from the taxpayer under the corrected 6726
assessment is less than the portion paid, there shall be issued to 6727
the taxpayer, its assigns, or legal representative a refund in the 6728
amount of the overpayment as provided by section 718.91 of the 6729

Revised Code, with interest on that amount as provided by that 6730
section. 6731

Sec. 753.21. (A) As used in this section, "building or 6732
structure" includes, but is not limited to, a modular unit, 6733
building, or structure and a movable unit, building, or structure. 6734

(B)(1) The legislative authority of a municipal corporation, 6735
by ordinance, may dedicate and permit the use, as a minimum 6736
security jail, of any vacant or abandoned public building or 6737
structure owned by the municipal corporation that has not been 6738
dedicated to or is not then in use for any municipal or other 6739
public purpose, or any building or structure rented or leased by 6740
the municipal corporation. The legislative authority of a 6741
municipal corporation, by ordinance, also may dedicate and permit 6742
the use, as a minimum security jail, of any building or structure 6743
purchased by or constructed by or for the municipal corporation. 6744
Subject to divisions (B)(3) and (C) of this section, upon the 6745
effective date of such an ordinance, the specified building or 6746
structure shall be used, in accordance with this section, for the 6747
confinement of persons who meet one of the following conditions: 6748

(a) The person is sentenced to a term of imprisonment for a 6749
traffic violation, a misdemeanor, or a violation of a municipal 6750
ordinance and is under the jurisdiction of the municipal 6751
corporation or is sentenced to a residential sanction in the jail 6752
for a felony of the fourth or fifth degree pursuant to sections 6753
2929.11 to 2929.19 of the Revised Code, and the jail administrator 6754
or the jail administrator's designee has classified the person as 6755
a minimal security risk. In determining the person's 6756
classification under this division, the administrator or designee 6757
shall consider all relevant factors, including, but not limited 6758
to, the person's escape risk and propensity for assaultive or 6759
violent behavior, based upon the person's prior and current 6760

behavior. 6761

(b) The person is an inmate transferred by order of a judge 6762
of the sentencing court upon the request of the sheriff, 6763
administrator, jailer, or other person responsible for operating 6764
the jail other than a contractor as defined in section 9.06 of the 6765
Revised Code, who is named in the request as being suitable for 6766
confinement in a minimum security facility. 6767

(2) The legislative authority of a municipal corporation, by 6768
ordinance, may affiliate with the county in which it is located, 6769
with one or more counties adjacent to the county in which it is 6770
located, or with one or more municipal corporations located within 6771
the county in which it is located or within an adjacent county, 6772
and dedicate and permit the use, as a minimum security jail, of 6773
any vacant or abandoned public building or structure owned by any 6774
of the affiliating counties or municipal corporations that has not 6775
been dedicated to or is not then in use for any public purpose, or 6776
any building or structure rented or leased by any of the 6777
affiliating counties or municipal corporations. The legislative 6778
authority of a municipal corporation, by ordinance, also may 6779
affiliate with one or more counties adjacent to the county in 6780
which it is located or with one or more municipal corporations 6781
located within the county in which it is located or within an 6782
adjacent county and dedicate and permit the use, as a minimum 6783
security jail, of any building or structure purchased by or 6784
constructed by or for any of the affiliating counties or municipal 6785
corporations. Any counties and municipal corporations that 6786
affiliate for purposes of this division shall enter into an 6787
agreement that establishes the responsibilities for the operation 6788
and for the cost of operation of the minimum security jail. 6789
Subject to divisions (B)(3) and (C) of this section, upon the 6790
effective date of an ordinance adopted under this division, the 6791
specified building or structure shall be used, in accordance with 6792

this section, for the confinement of persons who meet one of the 6793
following conditions: 6794

(a) The person is sentenced to a term of imprisonment for a 6795
traffic violation, a misdemeanor, or a violation of an ordinance 6796
of a municipal corporation and is under the jurisdiction of any of 6797
the affiliating counties or municipal corporations or is sentenced 6798
to a residential sanction in the jail for a felony of the fourth 6799
or fifth degree pursuant to sections 2929.11 to 2929.19 of the 6800
Revised Code, and the jail administrator or the jail 6801
administrator's designee has classified the person as a minimal 6802
security risk. In determining the person's classification under 6803
this division, the administrator or designee shall consider all 6804
relevant factors, including, but not limited to, the person's 6805
escape risk and propensity for assaultive or violent behavior, 6806
based upon the person's prior and current behavior. 6807

(b) The person is an inmate transferred by order of a judge 6808
of the sentencing court upon the request of the sheriff, 6809
administrator, jailer, or other person responsible for operating 6810
the jail other than a contractor as defined in section 9.06 of the 6811
Revised Code, who is named in the request as being suitable for 6812
confinement in a minimum security facility. 6813

(3) No person shall be confined in a building or structure 6814
dedicated as a minimum security jail under division (B)(1) or (2) 6815
of this section unless the judge who sentenced the person to the 6816
term of imprisonment for the traffic violation or the misdemeanor 6817
specifies that the term of imprisonment is to be served in that 6818
jail, and division (B)(1) or (2) of this section permits the 6819
confinement of the person in that jail or unless the judge who 6820
sentenced the person to the residential sanction for the felony 6821
specifies that the residential sanction is to be served in a jail, 6822
and division (B)(1) or (2) of this section permits the confinement 6823
of the person in that jail. If a rented or leased building or 6824

structure is so dedicated, the building or structure may be used 6825
as a minimum security jail only during the period that it is 6826
rented or leased by the municipal corporation or by an affiliated 6827
county or municipal corporation. If a person convicted of a 6828
misdemeanor is confined to a building or structure dedicated as a 6829
minimum security jail under division (B)(1) or (2) of this section 6830
and the sheriff, administrator, jailer, or other person 6831
responsible for operating the jail other than a contractor as 6832
defined in division (H) of section 9.06 of the Revised Code 6833
determines that it would be more appropriate for the person so 6834
confined to be confined in another jail or workhouse facility, the 6835
sheriff, administrator, jailer, or other person may transfer the 6836
person so confined to a more appropriate jail or workhouse 6837
facility. 6838

(C) All of the following apply in relation to a building or 6839
structure that is dedicated pursuant to division (B)(1) or (2) of 6840
this section for use as a minimum security jail: 6841

(1) To the extent that the use of the building or structure 6842
as a minimum security jail requires a variance from any municipal 6843
corporation, county, or township zoning ordinances or regulations, 6844
the variance shall be granted. 6845

(2) Except as provided in this section, the building or 6846
structure shall not be used to confine any person unless it is in 6847
substantial compliance with any applicable housing, fire 6848
prevention, sanitation, health, and safety codes, regulations, or 6849
standards. 6850

(3) Unless such satisfaction or compliance is required under 6851
the standards described in division (C)(4) of this section, and 6852
notwithstanding any other provision of state or local law to the 6853
contrary, the building or structure need not satisfy or comply 6854
with any state or local building standard or code in order to be 6855
used to confine a person for the purposes specified in division 6856

(B) of this section. 6857

(4) The building or structure shall not be used to confine 6858
any person unless it is in compliance with all minimum standards 6859
and minimum renovation, modification, and construction criteria 6860
for ~~minimum security~~ jails that have been proposed by the 6861
department of rehabilitation and correction, through its bureau of 6862
adult detention, under section 5120.10 of the Revised Code. 6863

(5) The building or structure need not be renovated or 6864
modified into a secure detention facility in order to be used 6865
solely to confine a person for the purposes specified in divisions 6866
(B)(1)(a) and (B)(2)(a) of this section. 6867

(6) The building or structure shall be used, equipped, 6868
furnished, and staffed to provide adequate and suitable living, 6869
sleeping, food service or preparation, drinking, bathing and 6870
toilet, sanitation, and other necessary facilities, furnishings, 6871
and equipment. 6872

(D) Except as provided in this section, a minimum security 6873
jail dedicated and used under this section shall be considered to 6874
be part of the jail, workhouse, or other correctional facilities 6875
of the municipal corporation or the affiliated counties and 6876
municipal corporations for all purposes under the law. All persons 6877
confined in such a minimum security jail shall be and shall 6878
remain, in all respects, under the control of the authority of the 6879
municipal corporation that has responsibility for the management 6880
and operation of the jail, workhouse, or other correctional 6881
facilities of the municipal corporation or, if it is operated by 6882
any affiliation of counties or municipal corporations, under the 6883
control of the specified county or municipal corporation with that 6884
authority, provided that, if the person was convicted of a felony 6885
and is serving a residential sanction in the facility, all 6886
provisions of law that pertain to persons convicted of a felony 6887
that would not by their nature clearly be inapplicable apply 6888

regarding the person. A minimum security jail dedicated and used 6889
under this section shall be managed and maintained in accordance 6890
with policies and procedures adopted by the legislative authority 6891
of the municipal corporation or the affiliated counties and 6892
municipal corporations governing the safe and healthful operation 6893
of the jail, the confinement and supervision of the persons 6894
sentenced to it, and their participation in work release or 6895
similar rehabilitation programs. In addition to other rules of 6896
conduct and discipline, the rights of ingress and egress of 6897
persons confined in a minimum security jail dedicated and used 6898
under this section shall be subject to reasonable restrictions. 6899
Every person confined in a minimum security jail dedicated and 6900
used under this section shall be given verbal and written 6901
notification, at the time of the person's admission to the jail, 6902
that purposely leaving, or purposely failing to return to, the 6903
jail without proper authority or permission constitutes the felony 6904
offense of escape. 6905

(E) If a person who has been convicted of or pleaded guilty 6906
to an offense is sentenced to a term of imprisonment or a 6907
residential sanction in a minimum security jail as described in 6908
division (B)(1)(a) or (B)(2)(a) of this section, or if a person is 6909
an inmate transferred to a minimum security jail by order of a 6910
judge of the sentencing court as described in division (B)(1)(b) 6911
or (2)(b) of this section, at the time of reception and at other 6912
times the person in charge of the operation of the jail determines 6913
to be appropriate, the person in charge of the operation of the 6914
jail may cause the convicted offender to be examined and tested 6915
for tuberculosis, HIV infection, hepatitis, including but not 6916
limited to hepatitis A, B, and C, and other contagious diseases. 6917
The person in charge of the operation of the jail may cause a 6918
convicted offender in the jail who refuses to be tested or treated 6919
for tuberculosis, HIV infection, hepatitis, including but not 6920
limited to hepatitis A, B, and C, or another contagious disease to 6921

be tested and treated involuntarily. 6922

Sec. 939.07. (A)(1) The director of agriculture may propose 6923
to require corrective actions and assess a civil penalty against 6924
the owner or operator of agricultural land or an animal feeding 6925
operation if the director or the director's designee determines 6926
that the owner or operator is doing one of the following: 6927

(a) Not complying with a standard established in rules 6928
adopted under division (E)(1) of section 939.02 of the Revised 6929
Code; 6930

(b) Not operating in accordance with an approved operation 6931
and management plan that is developed under division (A) of 6932
section 939.03 of the Revised Code, with an operation and 6933
management plan developed by the director or the director's 6934
designee under section 939.02 of the Revised Code or by the 6935
supervisors of the applicable soil and water conservation district 6936
under section 940.06 of the Revised Code, or with an operation and 6937
management plan required by the director under division (A)(2) of 6938
this section; 6939

(c) Not complying with a standard established in rules 6940
adopted under division (E)(5)(a) of section 939.02 of the Revised 6941
Code; 6942

(d) Not operating in accordance with a composting plan that 6943
is approved in accordance with rules adopted under division 6944
(E)(5)(b) of section 939.02 of the Revised Code or required by the 6945
director under division (A)(2) of this section. 6946

(2) The director may include in the corrective actions a 6947
requirement that an owner or operator do one of the following: 6948

(a) Operate under an operation and management plan approved 6949
by the director or the director's designee under section 939.02 of 6950
the Revised Code; 6951

(b) If the owner or operator has failed to operate in accordance with an existing operation and management plan, operate in accordance with that plan;

(c) Prepare a composting plan in accordance with rules adopted under division (E)(5)(b) of section 939.02 of the Revised Code and operate in accordance with that plan;

(d) If the owner or operator has failed to operate in accordance with an existing composting plan, operate in accordance with that plan.

(3) The director may impose a civil penalty only if all of the following occur:

(a) The owner or operator is notified in writing of the deficiencies resulting in noncompliance, the actions that the owner or operator must take to correct the deficiencies, and the time period within which the owner or operator must correct the deficiencies and attain compliance.

(b) After the time period specified in the notice has elapsed, the director or the director's designee has inspected the agricultural land or animal feeding operation, determined that the owner or operator is still not in compliance, and issued a notice of an adjudication hearing.

(c) The director affords the owner or operator an opportunity for an adjudication hearing under Chapter 119. of the Revised Code to challenge the determination of the director or the director's designee that the owner or operator is not in compliance or the imposition of the civil penalty, or both. However, the owner or operator may waive the right to an adjudication hearing.

(4) If the opportunity for an adjudication hearing is waived or if, after an adjudication hearing, the director determines that noncompliance has occurred or is occurring, the director may issue an order requiring compliance and assess the civil penalty. The

order and the assessment of the civil penalty may be appealed in 6983
accordance with section 119.12 of the Revised Code. 6984

(5) A person who has violated rules adopted under division 6985
(E) of section 939.02 of the Revised Code shall pay a civil 6986
penalty in an amount established in rules adopted under that 6987
section. 6988

(B) The attorney general, upon the written request of the 6989
director, shall bring an action for an injunction in any court of 6990
competent jurisdiction against a person violating or threatening 6991
to violate rules adopted under division (E) of section 939.02 of 6992
the Revised Code or an order issued under division (A)(4) of this 6993
section. 6994

(C)(1) In lieu of imposing a civil penalty under division (A) 6995
of this section, the director may request the attorney general, in 6996
writing, to bring an action for a civil penalty in a court of 6997
competent jurisdiction against a person that has violated or is 6998
violating this chapter or a rule adopted under division (E) of 6999
section 939.02 of the Revised Code. 7000

(2) The civil penalty for which an action may be brought 7001
under division (C)(1) of this section shall not exceed ten 7002
thousand dollars per violation. Each day that a violation 7003
continues constitutes a separate violation. 7004

(D) In addition to any other penalties imposed under this 7005
section, the director may impose an administrative penalty against 7006
the owner or operator of agricultural land or an animal feeding 7007
operation if the director or the director's designee determines 7008
that the owner or operator is not in compliance with best 7009
management practices that are established in rules adopted under 7010
division (E) of section 939.02 of the Revised Code. The 7011
administrative penalty shall not exceed five thousand dollars. 7012

The director shall afford the owner or operator an 7013

opportunity for an adjudication hearing under Chapter 119. of the 7014
Revised Code to challenge the determination of the director or the 7015
director's designee under this division, the director's imposition 7016
of an administrative penalty under this division, or both. The 7017
determination and the imposition of the administrative penalty may 7018
be appealed in accordance with section 119.12 of the Revised Code. 7019

(E) Notwithstanding any other provision in this section, if 7020
the director determines that an emergency exists requiring 7021
immediate action to protect public health or safety or the 7022
environment, the director may issue an order, without notice or 7023
adjudication hearing, stating the existence of the emergency and 7024
requiring that action be taken that is necessary to address the 7025
emergency. The order shall take effect immediately. A person to 7026
whom the order is issued shall comply immediately, but on 7027
application to the director shall be afforded an adjudication 7028
hearing in accordance with Chapter 119. of the Revised Code as 7029
soon as possible, but not later than thirty days after the 7030
director's receipt of the application. Following the hearing, the 7031
director shall continue the order in effect, revoke it, or modify 7032
it. The order may be appealed in accordance with section 119.12 of 7033
the Revised Code. An emergency order shall not remain in effect 7034
for more than one hundred twenty days after its issuance. 7035

If a person to whom an order is issued does not comply with 7036
the order within a reasonable period of time as determined by the 7037
director, the director or the director's designee may enter on 7038
private or public lands to investigate and take action to 7039
mitigate, minimize, remove, or abate the conditions that are the 7040
subject of the order. 7041

(F) A person that is responsible for causing or allowing the 7042
unauthorized spill, release, or discharge of manure or residual 7043
farm products is liable to the director for the costs incurred in 7044
investigating, mitigating, minimizing, removing, or abating the 7045

spill, release, or discharge. Upon request of the director, the attorney general shall bring a civil action against the responsible person or persons to recover those costs.

(G) Money recovered under division (F) of this section and money collected from civil penalties assessed under this section shall be paid into the state treasury to the credit of the agricultural pollution abatement fund created in section 939.10 of the Revised Code.

(H) As used in this section, "noncompliance" means doing one of the actions specified in division (A)(1) of this section.

Sec. 1181.23. (A) The superintendent of financial institutions may require persons licensed or registered by the division of financial institutions to participate in a multistate licensing system.

(B)(1) If the superintendent requires use of a multistate licensing system, the superintendent may establish, by rule, regulation, or order, requirements as necessary to enable information required by existing statutes providing for licensing or registration to be submitted to the superintendent through the multistate licensing system.

(2) The superintendent shall not adopt a requirement in conflict with a provision of the Revised Code, but may add to existing requirements with regard to all of the following:

(a) The manner of obtaining required criminal history records, civil or administrative records, or credit history records;

(b) The payment of fees required for the use of the multistate licensing system;

(c) The setting or resetting as necessary of renewal or reporting dates;

(d) The amending of or surrendering of a license or registration. 7076
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(C) Any person engaged in activity that requires licensure or registration pursuant to this section shall utilize the multistate licensing system for the application for, renewal of, amendment to, or surrender of a license or registration, as well as for any other activity as the superintendent may require. Such a person shall pay all applicable charges to utilize the multistate licensing system. 7078
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(D) The superintendent is authorized to establish relationships or contacts with the multistate licensing system or other entities designated by the multistate licensing system to collect and maintain records and process transaction fees or other fees related to licensees and registrants. 7085
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(E) Any confidentiality or privilege arising under federal or state law with respect to any information or material provided to the multistate licensing system shall continue to apply to the information or material after the information or material is provided to the multistate licensing system. The information and material so provided may be released to any state or federal regulatory official with applicable oversight authority without the loss of confidentiality or privilege protections provided by federal law or the law of any state. 7090
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(F) The superintendent may use the documents, materials, or other information made available to the superintendent through the multistate licensing system in furtherance of any action brought by the superintendent. 7099
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Sec. 1321.73. (A) No person shall engage in the business of entering into or otherwise acquiring premium finance agreements in the state without first having obtained a license as a premium finance company from the division of financial institutions. 7103
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(B) The annual license fee shall be determined by the 7107
superintendent of financial institutions pursuant to section 7108
1321.20 of the Revised Code. Licenses may be renewed from year to 7109
year as of the first day of July of each year, or annually on a 7110
different date established by the superintendent pursuant to 7111
section 1181.23 of the Revised Code, upon payment of the fee. 7112

(C) The person to whom the license or the renewal thereof is 7113
issued shall file sworn answers, subject to the penalties of 7114
perjury, to such interrogatories as the division requires. The 7115
division may, at any time, require the applicant to fully disclose 7116
the identity of all stockholders, partners, officers, and 7117
employees, and it may, at its discretion, refuse to issue or renew 7118
a license in the name of any firm, partnership, or corporation if 7119
it is not satisfied that any officer, employee, stockholder, or 7120
partner thereof, who may materially influence the applicant's 7121
conduct, meets the standards provided by sections 1321.71 to 7122
1321.83 of the Revised Code. 7123

(D) Each applicant shall execute and file with the division 7124
proof that the applicant has a net worth of at least fifty 7125
thousand dollars, as determined in accordance with generally 7126
accepted accounting principles. The proof is subject to the 7127
approval of the division. 7128

Sec. 1349.43. (A) As used in this section, "loan officer," 7129
"mortgage broker," and "nonbank mortgage lender" have the same 7130
meanings as in section 1345.01 of the Revised Code. 7131

(B) The department of commerce shall establish and maintain 7132
an electronic database accessible through the internet that 7133
contains information on all of the following: 7134

(1) The enforcement actions taken by the superintendent of 7135
financial institutions for each violation of or failure to comply 7136
with any provision of Chapter 1322. of the Revised Code, upon 7137

final disposition of the action; 7138

(2) The enforcement actions taken by the attorney general 7139
under Chapter 1345. of the Revised Code against loan officers, 7140
mortgage brokers, and nonbank mortgage lenders, upon final 7141
disposition of each action; 7142

(3) All judgments by courts of this state, concerning which 7143
appellate remedies have been exhausted or lost by the expiration 7144
of the time for appeal, finding either of the following: 7145

(a) A violation of any provision of Chapter 1322. of the 7146
Revised Code; 7147

(b) That specific acts or practices by a loan officer, 7148
mortgage broker, or nonbank mortgage lender violate section 7149
1345.02, 1345.03, or 1345.031 of the Revised Code. 7150

(C) The attorney general shall notify the department of all 7151
enforcement actions and judgments described in divisions (B)(2) 7152
and (3)(b) of this section. 7153

(D) The department may adopt rules in accordance with Chapter 7154
119. of the Revised Code that are necessary to implement this 7155
section. 7156

(E) The electronic database maintained by the department in 7157
accordance with this section shall not include information that, 7158
pursuant to section 1322.36 of the Revised Code, is confidential. 7159

(F) The department may use the multistate licensing system 7160
authorized in section 1181.23 of the Revised Code to fulfill its 7161
obligations under this section. 7162

Sec. 1505.09. (A) There is hereby created in the state 7163
treasury the geological mapping fund, to be administered by the 7164
chief of the division of geological survey. Except as provided in 7165
division ~~(B)~~(C) of this section, the fund shall be used for both 7166
of the following purposes of performing: 7167

(1) Performing the necessary field, laboratory, and administrative tasks to map and make public reports on the geology, geologic hazards, and energy and mineral resources of the state;
(2) The administration of the oil and gas leasing commission created in section 1509.71 of the Revised Code. ~~The source~~
(B) The sources of money for the fund shall include, ~~but not be limited to,~~ the all of the following:
(1) The mineral severance tax as specified in section 5749.02 of the Revised Code ~~transfers;~~
(2) Transfers made to the fund in accordance with section 6111.046 of the Revised Code, ~~and the;~~
(3) Contributions that a person pays to the bureau of motor vehicles to obtain "Ohio geology" license plates under section 4503.515 of the Revised Code;
(4) The fees collected under rules adopted under section 1505.05 of the Revised Code. ~~The~~
The chief may seek federal or other money in addition to the mineral severance tax and fees to carry out the purposes of this section. If the chief receives federal money for the purposes of this section, the chief shall deposit that money into the state treasury to the credit of a fund created by the controlling board to carry out those purposes. ~~Other~~
Other money received by the chief for the purposes of this section in addition to the mineral severance tax, fees, and federal money shall be credited to the geological mapping fund.
~~(B)~~(C) Any money transferred to the geological mapping fund in accordance with section 6111.046 of the Revised Code shall be used by the chiefs of the divisions of mineral resources management, oil and gas resources management, geological survey,

and water resources in the department of natural resources for the 7198
purpose of executing their duties under sections 6111.043 to 7199
6111.047 of the Revised Code. 7200

(D) The director of natural resources shall use contributions 7201
from "Ohio geology" license plates deposited into the fund for 7202
both of the following purposes in order of preference: 7203

(1) To award grants to geology departments at state colleges 7204
and universities for graduate level research conducted at 7205
locations of geological interest in the state; 7206

(2) To provide materials such as rock and mineral kits to 7207
state elementary and secondary schools to assist students in the 7208
study of geology. 7209

The director shall award grants at least annually, but at the 7210
director's discretion, may award grants more frequently. 7211

Sec. ~~1533.09~~ 1533.06. Before the fifteenth day of March of 7212
each year, each wild animal permit holder shall file with the 7213
division of wildlife a written report of the permit holder's 7214
operations under the permit and the disposition of the specimens 7215
collected or possessed during the preceding calendar year on 7216
report blanks furnished by the chief of the division. Failure to 7217
file a report shall cause the permit to be forfeited as of the 7218
fifteenth day of March. Permits are not transferable. No permit 7219
holder or person collecting or possessing wild animals under 7220
authority of such a permit shall take, possess, or transport the 7221
wild animals for any purpose not specified in the permit. 7222

Conviction of a violation of this section, failure to carry a 7223
permit and exhibit it to any person requesting to see it as 7224
provided in section 1533.08 of the Revised Code, or the violation 7225
of any other law concerning wild animals constitutes a revocation 7226
and forfeiture of the permit involved. The former permit holder 7227

shall not be entitled to another permit for a period of one year 7228
from the date of the conviction. 7229

Sec. 1533.09. (A) The chief of the division of wildlife, with 7230
the approval of the director of natural resources and the wildlife 7231
council, may adopt rules in accordance with Chapter 119. of the 7232
Revised Code establishing fees, in lieu of the statutorily imposed 7233
fees, for all of the following: 7234

(1) Hunting licenses in accordance with section 1533.10 of 7235
the Revised Code; 7236

(2) Small game hunting licenses in accordance with section 7237
1533.10 of the Revised Code; 7238

(3) Deer and wild turkey permits in accordance with section 7239
1533.11 of the Revised Code; 7240

(4) Fur taker permits in accordance with section 1533.111 of 7241
the Revised Code; 7242

(5) Wetland habitat stamps in accordance with section 7243
1533.112 of the Revised Code; 7244

(6) Fishing licenses in accordance with section 1533.32 of 7245
the Revised Code; 7246

(7) Multi-year fishing and hunting licenses in accordance 7247
with section 1533.321 of the Revised Code. 7248

(B) The chief shall make rules adopted under this section 7249
available to the public and shall include a copy of current rules 7250
in any authorized compilation of the division lawbook. The rules 7251
must be under the seal of the division and bear the signature, or 7252
facsimile of the chief. 7253

Sec. 1533.10. (A) Except as provided in this section or 7254
division (A)(2) of section 1533.12 or section 1533.73 or 1533.731 7255
of the Revised Code, no person shall hunt any wild bird or wild 7256

quadrupled without a hunting license. Each day that any person 7257
hunts within the state without procuring such a license 7258
constitutes a separate offense. 7259

(B)(1) Except as otherwise provided in this section, division 7260
(A) of section 1533.12 of the Revised Code, or in rules adopted 7261
under section 1533.09 or division (B) of ~~that~~ section 1533.12 of 7262
the Revised Code, each applicant for a hunting license shall pay 7263
an annual fee for each annual license in accordance with the 7264
following schedule: 7265

Hunting license - resident	\$18.00	7266
Hunting license - nonresident, and that is not a 7267 resident of a reciprocal state, ages 18 and older	\$174.00	
Hunting license - nonresident, but that is a 7268 resident of a reciprocal state, ages 18 and older	\$18.00	
Apprentice hunting license - resident	\$18.00	7269
Apprentice hunting license - nonresident, and that 7270 <u>is</u> not a resident of a reciprocal state	\$174.00	
Apprentice hunting license - nonresident, but that 7271 is a resident of a reciprocal state	\$18.00	
Youth hunting license - resident and nonresident	\$9.00	7272
Apprentice youth hunting license - resident	\$9.00	7273
Senior hunting license - resident	\$9.00	7274
Apprentice senior hunting license - resident	\$9.00	7275

(2) Apprentice resident hunting licenses, apprentice youth 7276
hunting licenses, apprentice senior hunting licenses, and 7277
apprentice nonresident hunting licenses are subject to the 7278
requirements established under section 1533.102 of the Revised 7279
Code and rules adopted under it. 7280

(3) As used in division (B)(1) of this section: 7281

(a) "Youth" means an applicant who is under the age of 7282
eighteen years at the time of application for a ~~permit~~ license. 7283

(b) "Senior" means an applicant who is sixty-six years of age or older at the time of application for a ~~permit~~ license.

(c) "Reciprocal state" means a state that is a party to an agreement under section 1533.91 of the Revised Code.

(C) A resident of this state who owns lands in the state and the owner's children of any age and grandchildren under eighteen years of age may hunt on the lands without a hunting license. A resident of any other state who owns real property in this state, and the spouse and children living with the property owner, may hunt on that property without a license, provided that the state of residence of the real property owner allows residents of this state owning real property in that state, and the spouse and children living with the property owner, to hunt without a license. If the owner of land in this state is a limited liability company or a limited liability partnership that consists of three or fewer individual members or partners, as applicable, an individual member or partner who is a resident of this state and the member's or partner's children of any age and grandchildren under eighteen years of age may hunt on the land owned by the limited liability company or limited liability partnership without a hunting license. In addition, if the owner of land in this state is a trust that has a total of three or fewer trustees and beneficiaries, an individual who is a trustee or beneficiary and who is a resident of this state and the individual's children of any age and grandchildren under eighteen years of age may hunt on the land owned by the trust without a hunting license. The tenant and children of the tenant, residing on lands in the state, may hunt on them without a hunting license.

(D) The chief of the division of wildlife may issue a small game hunting license expiring three days from the effective date of the license to a nonresident of the state, the fee for which ~~shall be~~ is thirty-nine dollars unless otherwise provided in rules

adopted under section 1533.09 of the Revised Code. No person shall 7316
take or possess deer, wild turkeys, fur-bearing animals, ducks, 7317
geese, brant, or any nongame animal while possessing only a small 7318
game hunting license. ~~A~~ 7319

A small game hunting license or an apprentice nonresident 7320
hunting license does not authorize the taking or possessing of 7321
ducks, geese, or brant without having obtained, in addition to the 7322
small game hunting license or the apprentice nonresident hunting 7323
license, a wetlands habitat stamp as provided in section 1533.112 7324
of the Revised Code. A small game hunting license or an apprentice 7325
nonresident hunting license does not authorize the taking or 7326
possessing of deer, wild turkeys, or fur-bearing animals. A 7327
nonresident of the state who wishes to take or possess deer, wild 7328
turkeys, or fur-bearing animals in this state shall procure, 7329
respectively, a deer or wild turkey permit as provided in section 7330
1533.11 of the Revised Code or a fur taker permit as provided in 7331
section 1533.111 of the Revised Code in addition to a nonresident 7332
hunting license, an apprentice nonresident hunting license, a 7333
special youth hunting license, or an apprentice youth hunting 7334
license, as applicable, as provided in this section. 7335

(E) No person shall procure or attempt to procure a hunting 7336
license by fraud, deceit, misrepresentation, or any false 7337
statement. 7338

(F)(1) This section does not authorize the taking and 7339
possessing of deer or wild turkeys without first having obtained, 7340
in addition to the hunting license required by this section, a 7341
deer or wild turkey permit as provided in section 1533.11 of the 7342
Revised Code or the taking and possessing of ducks, geese, or 7343
brant without first having obtained, in addition to the hunting 7344
license required by this section, a wetlands habitat stamp as 7345
provided in section 1533.112 of the Revised Code. 7346

(2) This section does not authorize the hunting or trapping 7347

of fur-bearing animals without first having obtained, in addition 7348
to a hunting license required by this section, a fur taker permit 7349
as provided in section 1533.111 of the Revised Code. 7350

(G)(1) No hunting license shall be issued unless it is 7351
accompanied by a written explanation of the law in section 1533.17 7352
of the Revised Code and the penalty for its violation, including a 7353
description of terms of imprisonment and fines that may be 7354
imposed. 7355

(2) No hunting license, other than an apprentice hunting 7356
license, shall be issued unless the applicant presents to the 7357
agent authorized to issue the license a previously held hunting 7358
license or evidence of having held such a license in content and 7359
manner approved by the chief, a certificate of completion issued 7360
upon completion of a hunter education and conservation course 7361
approved by the chief, or evidence of equivalent training in 7362
content and manner approved by the chief. A previously held 7363
apprentice hunting license does not satisfy the requirement 7364
concerning the presentation of a previously held hunting license 7365
or evidence of it. 7366

(3) No person shall issue a hunting license, except an 7367
apprentice hunting license, to any person who fails to present the 7368
evidence required by this section. No person shall purchase or 7369
obtain a hunting license, other than an apprentice hunting 7370
license, without presenting to the issuing agent the evidence 7371
required by this section. Issuance of a hunting license in 7372
violation of the requirements of this section is an offense by 7373
both the purchaser of the illegally obtained hunting license and 7374
the clerk or agent who issued the hunting license. Any hunting 7375
license issued in violation of this section is void. 7376

(H) The chief, with approval of the wildlife council, shall 7377
adopt rules prescribing a hunter education and conservation course 7378
for first-time hunting license buyers, other than buyers of 7379

apprentice hunting licenses, and for volunteer instructors. The 7380
course shall consist of subjects including, but not limited to, 7381
hunter safety and health, use of hunting implements, hunting 7382
tradition and ethics, the hunter and conservation, the law in 7383
section 1533.17 of the Revised Code along with the penalty for its 7384
violation, including a description of terms of imprisonment and 7385
fines that may be imposed, and other law relating to hunting. 7386
Authorized personnel of the division or volunteer instructors 7387
approved by the chief shall conduct such courses with such 7388
frequency and at such locations throughout the state as to 7389
reasonably meet the needs of license applicants. The chief shall 7390
issue a certificate of completion to each person who successfully 7391
completes the course and passes an examination prescribed by the 7392
chief. 7393

Sec. 1533.11. (A)(1) Except as provided in this section or 7394
section 1533.731 of the Revised Code, no person shall hunt deer on 7395
lands of another without first obtaining an annual deer permit. 7396
Except as provided in this section, no person shall hunt wild 7397
turkeys on lands of another without first obtaining an annual wild 7398
turkey permit. A deer or wild turkey permit is valid during the 7399
hunting license year in which the permit is purchased. Except as 7400
provided in rules adopted under section 1533.09 or division (B) of 7401
~~that~~ section 1533.731 of the Revised Code, each applicant for a 7402
deer or wild turkey permit shall pay an annual fee for each permit 7403
in accordance with the following schedule: 7404

Deer permit - resident	\$23.00	7405
	<u>\$30.00</u>	
Deer permit - nonresident, all ages	\$74.00	7406
Youth deer permit - resident <u>and nonresident</u>	\$11.50	7407
	<u>\$15.00</u>	
Senior deer permit - resident	\$11.50	7408
Wild turkey permit - resident	\$23.00	7409

	<u>\$30.00</u>	
Wild turkey permit - nonresident, all ages	\$28.00	7410
	<u>\$37.00</u>	
Youth wild turkey permit - resident <u>and</u>	\$11.50	7411
<u>nonresident</u>	<u>\$15.00</u>	
Senior wild turkey permit - resident	\$11.50	7412
(2) As used in division (A)(1) of this section:		7413
(a) "Resident" means an individual who has resided in this		7414
state for not less than six months preceding the date of making		7415
application for a permit.		7416
(b) "Nonresident" means any individual who does not qualify		7417
as a resident.		7418
(c) "Youth" means an applicant who is under the age of		7419
eighteen years at the time of application for a permit.		7420
(d) "Senior" means an applicant who is sixty-six years of age		7421
or older at the time of application for a permit.		7422
(3) The money received shall be paid into the state treasury		7423
to the credit of the wildlife fund, created in section 1531.17 of		7424
the Revised Code, exclusively for the use of the division of		7425
wildlife in the acquisition and development of land for deer or		7426
wild turkey management, for investigating deer or wild turkey		7427
problems, and for the stocking, management, and protection of deer		7428
or wild turkey.		7429
(4) Every person, while hunting deer or wild turkey on lands		7430
of another, shall carry the person's deer or wild turkey permit		7431
and exhibit it to any enforcement officer so requesting. Failure		7432
to so carry and exhibit such a permit constitutes an offense under		7433
this section.		7434
(5) The chief of the division of wildlife shall adopt any		7435
additional rules the chief considers necessary to carry out this		7436
section and section 1533.10 of the Revised Code.		7437

(6) An owner who is a resident of this state or an owner who is exempt from obtaining a hunting license under section 1533.10 of the Revised Code and the children of the owner of lands in this state may hunt deer or wild turkey thereon without a deer or wild turkey permit. If the owner of land in this state is a limited liability company or a limited liability partnership that consists of three or fewer individual members or partners, as applicable, an individual member or partner who is a resident of this state and the member's or partner's children of any age may hunt deer or wild turkey on the land owned by the limited liability company or limited liability partnership without a deer or wild turkey permit. In addition, if the owner of land in this state is a trust that has a total of three or fewer trustees and beneficiaries, an individual who is a trustee or beneficiary and who is a resident of this state and the individual's children of any age may hunt deer or wild turkey on the land owned by the trust without a deer or wild turkey permit. The tenant and children of the tenant may hunt deer or wild turkey on lands where they reside without a deer or wild turkey permit.

(B) A deer or wild turkey permit is not transferable. No person shall carry a deer or wild turkey permit issued in the name of another person.

(C) The wildlife refunds fund is hereby created in the state treasury. The fund shall consist of money received from application fees for deer permits that are not issued. Money in the fund shall be used to make refunds of such application fees.

(D) If the division establishes a system for the electronic submission of information regarding deer or wild turkey that are taken, the division shall allow the owner and the children of the owner of lands in this state to use the owner's name or address for purposes of submitting that information electronically via that system.

~~Sec. 1533.111. (A) Except as provided in this section or 7470
division (A)(2) of section 1533.12 of the Revised Code, no person 7471
shall hunt or trap fur-bearing animals on land of another without 7472
first obtaining some type of an annual fur taker permit. Each 7473
applicant for a fur taker permit or an apprentice fur taker permit 7474
shall pay an annual fee of fourteen dollars for the permit, except 7475
as otherwise provided in this section or unless the rules adopted 7476
under division (B) of section 1533.12 of the Revised Code provide 7477
for issuance of a fur taker permit to the applicant free of 7478
charge. Except as provided in rules adopted under division (B)(2) 7479
of that section, each applicant who is a resident of this state 7480
and who at the time of application is sixty-six years of age or 7481
older shall procure a special senior fur taker permit or an 7482
apprentice senior fur taker permit, the fee for which shall be 7483
one half of the regular permit fee. Each applicant under the age 7484
of eighteen years shall procure a special youth fur taker permit 7485
or an apprentice youth fur taker permit, the fee for which shall 7486
be one half of the regular fur taker permit fee. Each 7487~~

(B)(1) Except as otherwise provided in rules adopted under 7488
section 1533.09 or division (B) of section 1533.12 of the Revised 7489
Code, each applicant for a fur taker permit or an apprentice fur 7490
taker permit shall pay an annual fee for each annual permit in 7491
accordance with the following schedule: 7492

<u>Fur taker permit</u>	<u>\$14.00</u>	7493
<u>Apprentice fur taker permit</u>	<u>\$14.00</u>	7494
<u>Senior fur taker permit - resident only</u>	<u>\$7.00</u>	7495
<u>Apprentice senior fur taker permit - resident only</u>	<u>\$7.00</u>	7496
<u>Special youth fur taker permit</u>	<u>\$7.00</u>	7497
<u>Apprentice youth fur taker permit</u>	<u>\$7.00</u>	7498

(2) As used in division (B)(1) of this section: 7499

(a) "Youth" means an applicant who is under the age of 7500
eighteen years at the time of application for a permit. 7501

(b) "Senior" means an applicant who is sixty-six years of age 7502
or older at the time of application for a permit. 7503

(C) Each type of fur taker permit is valid during the hunting 7504
license year in which the permit is purchased. The money received 7505
shall be paid into the state treasury to the credit of the fund 7506
established in section 1533.15 of the Revised Code. Apprentice fur 7507
taker permits and apprentice youth fur taker permits are subject 7508
to the requirements established under section 1533.102 of the 7509
Revised Code and rules adopted pursuant to it. 7510

(D)(1) No person shall issue a fur taker permit ~~shall be~~ 7511
~~issued to an applicant~~ unless it is accompanied by a written 7512
explanation of the law in section 1533.17 of the Revised Code and 7513
the penalty for its violation, including a description of terms of 7514
imprisonment and fines that may be imposed. 7515

(2) No person shall issue a fur taker permit, other than an 7516
apprentice fur taker permit or an apprentice youth fur taker 7517
permit, ~~shall be issued to an applicant~~ unless the applicant 7518
presents to the agent authorized to issue a fur taker permit a 7519
previously held hunting license or trapping or fur taker permit or 7520
evidence of having held such a license or permit in content and 7521
manner approved by the chief of the division of wildlife, a 7522
certificate of completion issued upon completion of a trapper 7523
education course approved by the chief, or evidence of equivalent 7524
training in content and manner approved by the chief. A previously 7525
held apprentice hunting license, apprentice fur taker permit, or 7526
apprentice youth fur taker permit does not satisfy the requirement 7527
concerning the presentation of a previously held hunting license 7528
or fur taker permit or evidence of such a license or permit. 7529

(3) No person shall issue a fur taker permit, other than an 7530

apprentice fur taker permit or an apprentice youth fur taker 7531
permit, to any person who fails to present the evidence required 7532
by this section. No person shall purchase or obtain a fur taker 7533
permit, other than an apprentice fur taker permit or an apprentice 7534
youth fur taker permit, without presenting to the issuing agent 7535
the evidence required by this section. Issuance of a fur taker 7536
permit in violation of the requirements of this section is an 7537
offense by both the purchaser of the illegally obtained permit and 7538
the clerk or agent who issued the permit. Any fur taker permit 7539
issued in violation of this section is void. 7540

(E) The chief, with approval of the wildlife council, shall 7541
adopt rules prescribing a trapper education course for first-time 7542
fur taker permit buyers, other than buyers of apprentice fur taker 7543
permits or apprentice youth fur taker permits, and for volunteer 7544
instructors. The course shall consist of subjects that include, 7545
but are not limited to, trapping techniques, animal habits and 7546
identification, trapping tradition and ethics, the trapper and 7547
conservation, the law in section 1533.17 of the Revised Code along 7548
with the penalty for its violation, including a description of 7549
terms of imprisonment and fines that may be imposed, and other law 7550
relating to trapping. Authorized personnel of the division of 7551
wildlife or volunteer instructors approved by the chief shall 7552
conduct the courses with such frequency and at such locations 7553
throughout the state as to reasonably meet the needs of permit 7554
applicants. The chief shall issue a certificate of completion to 7555
each person who successfully completes the course and passes an 7556
examination prescribed by the chief. 7557

(F) Every person, while hunting or trapping fur-bearing 7558
animals on lands of another, shall carry the person's fur taker 7559
permit with the person's signature written on the permit. Failure 7560
to carry such a signed permit constitutes an offense under this 7561
section. The chief shall adopt any additional rules the chief 7562

considers necessary to carry out this section. 7563

(G) An owner who is a resident of this state or an owner who 7564
is exempt from obtaining a hunting license under section 1533.10 7565
of the Revised Code and the children of the owner of lands in this 7566
state may hunt or trap fur-bearing animals thereon without a fur 7567
taker permit. If the owner of land in this state is a limited 7568
liability company or a limited liability partnership that consists 7569
of three or fewer individual members or partners, as applicable, 7570
an individual member or partner who is a resident of this state 7571
and the member's or partner's children of any age may hunt or trap 7572
fur-bearing animals on the land owned by the limited liability 7573
company or limited liability partnership without a fur taker 7574
permit. In addition, if the owner of land in this state is a trust 7575
that has a total of three or fewer trustees and beneficiaries, an 7576
individual who is a trustee or beneficiary and who is a resident 7577
of this state and the individual's children of any age may hunt or 7578
trap fur-bearing animals on the land owned by the trust without a 7579
fur taker permit. The tenant and children of the tenant may hunt 7580
or trap fur-bearing animals on lands where they reside without a 7581
fur taker permit. 7582

(H) A fur taker permit is not transferable. No person shall 7583
carry a fur taker permit issued in the name of another person. 7584

(I) A fur taker permit entitles a nonresident to take from 7585
this state fur-bearing animals taken and possessed by the 7586
nonresident as provided by law or division rule. 7587

Sec. 1533.112. Except as provided in this section or unless 7588
otherwise provided by division rule, no person shall hunt ducks, 7589
geese, or brant on the lands of another without first obtaining an 7590
annual wetlands habitat stamp. The annual fee for the wetlands 7591
habitat stamp ~~shall be~~ is fourteen dollars for each stamp unless 7592
the otherwise provided in rules adopted under section 1533.09 or 7593

division (B) of section 1533.12 ~~provide for issuance of a wetlands~~ 7594
~~habitat stamp to the applicant free of charge of the Revised Code.~~ 7595

Moneys received from the stamp fee shall be paid into the 7596
state treasury to the credit of the wetlands habitat fund, which 7597
is hereby established. Moneys shall be paid from the fund on the 7598
order of the director of natural resources for the following 7599
purposes: 7600

(A) Sixty per cent for projects that the division approves 7601
for the acquisition, development, management, or preservation of 7602
waterfowl areas within the state; 7603

(B) Forty per cent for contribution by the division to an 7604
appropriate nonprofit organization for the acquisition, 7605
development, management, or preservation of lands and waters 7606
within the United States or Canada that provide or will provide 7607
habitat for waterfowl with migration routes that cross this state. 7608

No moneys derived from the issuance of wetlands habitat 7609
stamps shall be spent for purposes other than those specified by 7610
this section. All investment earnings of the fund shall be 7611
credited to the fund. 7612

Wetlands habitat stamps shall be furnished by and in a form 7613
prescribed by the chief of the division of wildlife and issued by 7614
clerks and other agents authorized to issue licenses and permits 7615
under section 1533.13 of the Revised Code. The record of stamps 7616
kept by the clerks and other agents shall be uniform throughout 7617
the state, in such form or manner as the director prescribes, and 7618
open at all reasonable hours to the inspection of any person. 7619
Unless otherwise provided by rule, each stamp shall remain in 7620
force until midnight of the thirty-first day of August next 7621
ensuing. Wetlands habitat stamps may be issued in any manner to 7622
any person on any date, whether or not that date is within the 7623
period in which they are effective. 7624

Every person to whom this section applies, while hunting ducks, geese, or brant, shall carry an unexpired wetlands habitat stamp that is validated by the person's signature written on the stamp in ink and shall exhibit the stamp to any enforcement officer so requesting. No person shall fail to carry and exhibit the person's stamp.

A wetlands habitat stamp is not transferable.

The chief shall establish a procedure to obtain subject matter to be printed on the wetlands habitat stamp and shall use, dispose of, or distribute the subject matter as the chief considers necessary. The chief also shall adopt rules necessary to administer this section.

This section does not apply to persons under sixteen years of age nor to persons exempted from procuring a hunting license under section 1533.10 or division (A)(2) of section 1533.12 of the Revised Code.

Sec. 1533.32. (A) Except as provided in this section or division (A)(2) or (C) of section 1533.12 of the Revised Code or as exempted at the discretion of the chief of the division of wildlife, no person, including nonresidents, shall take or catch any fish by angling in any of the waters in the state or engage in fishing in those waters without a license. No person shall take or catch frogs or turtles without a valid fishing license, except as provided in this section. Persons fishing in privately owned ponds, lakes, or reservoirs to or from which fish are not accustomed to migrate are exempt from the license requirements set forth in this section. Persons fishing in privately owned ponds, lakes, or reservoirs that are open to public fishing through an agreement or lease with the division of wildlife shall comply with the license requirements set forth in this section.

(B)(1) ~~The fee for an annual license shall be forty nine~~

~~dollars for a resident of a state that is not a party to an 7656
agreement under section 1533.91 of the Revised Code. The fee for 7657
an annual license shall be eighteen dollars for a resident of a 7658
state that is a party to such an agreement. The fee for an annual 7659
license for residents of this state shall be eighteen dollars 7660
unless the rules adopted under division (B) of section 1533.12 of 7661
the Revised Code provide for issuance of a resident fishing 7662
license to the applicant free of charge. Except as provided in 7663
rules adopted under division (B)(2) of that section, each 7664
applicant who is a resident of this state and who at the time of 7665
application is sixty six years of age or older shall procure a 7666
special senior fishing license, the fee for which shall be 7667
one half of the annual resident fishing license fee. 7668~~

(2) Except as otherwise provided in rules adopted under 7669
section 1533.09 or division (B) of section 1533.12 of the Revised 7670
Code, each applicant for a fishing license shall pay a fee for 7671
each license in accordance with the following schedule: 7672

<u>Annual fishing license - resident</u>	<u>\$24.00</u>	7673
<u>Annual fishing license - nonresident that is not 7674 a resident of a reciprocal state</u>	<u>\$49.00</u>	
<u>Annual fishing license - nonresident that is a 7675 resident of a reciprocal state</u>	<u>\$24.00</u>	
<u>Annual senior fishing license - resident</u>	<u>\$9.00</u>	7676
<u>Three-day tourist fishing license - nonresident 7677 that is not a resident of a reciprocal state</u>	<u>\$24.00</u>	
<u>One-day fishing license</u>	<u>\$13.00</u>	7678

(2) As used in division (B)(1) of this section: 7679

(a) "Reciprocal state" means a state that is a party to an 7680
agreement under section 1533.91 of the Revised Code. 7681

(b) "Senior" means an applicant who is sixty-six years of age 7682
or older at the time of application for a license. 7683

(3) Any person under the age of sixteen years may take or catch frogs and turtles and take or catch fish by angling without a license.

(C)(1) The chief of the division of wildlife may issue a tourist's license expiring three days from the effective date of the license to a resident of a state that is not a party to an agreement under section 1533.91 of the Revised Code. ~~The fee for a tourist's license shall be eighteen dollars.~~

(2) The chief shall adopt rules under section 1531.10 of the Revised Code providing for the issuance of a one-day fishing license to a resident of this state or of any other state. ~~The fee for such a license shall be fifty five per cent of the amount established under this section for a tourist's license, rounded up to the nearest whole dollar.~~ A one-day fishing license shall allow the holder to take or catch fish by angling in the waters in the state, engage in fishing in those waters, or take or catch frogs or turtles in those waters for one day without obtaining an annual license or a tourist's license under this section. At the request of a holder of a one-day fishing license who wishes to obtain an annual license, a clerk or agent authorized to issue licenses under section 1533.13 of the Revised Code, not later than the last day on which the one-day license would be valid if it were an annual license, shall credit the amount of the fee paid for the one-day license toward the fee charged for the annual license if so authorized by the chief. The clerk or agent shall issue the annual license upon presentation of the one-day license and payment of a fee in an amount equal to the difference between the fee for the annual license and the fee for the one-day license.

(3) Unless otherwise provided by division rule, each annual license shall begin on the date of issuance and expire a year from the date of issuance.

(4) Unless otherwise provided by division rule, each

multi-year license issued in accordance with section 1533.321 of 7716
the Revised Code shall begin on the date of issuance and expire 7717
three years, five years, or ten years from the date of issuance, 7718
as applicable. 7719

(5) No person shall alter a fishing license or possess a 7720
fishing license that has been altered. 7721

(6) No person shall procure or attempt to procure a fishing 7722
license by fraud, deceit, misrepresentation, or any false 7723
statement. 7724

(7) A resident of this state who owns land over, through, 7725
upon, or along which any water flows or stands, except where the 7726
land is in or borders on state parks or state-owned lakes, 7727
together with the members of the immediate families of such 7728
owners, may take frogs and turtles and may take or catch fish of 7729
the kind permitted to be taken or caught therefrom without 7730
procuring a license provided for in this section. This exemption 7731
extends to tenants actually residing upon such lands and to the 7732
members of the immediate families of the tenants. A resident of 7733
any other state who owns land in this state over, through, upon, 7734
or along which any water flows or stands, except where the land is 7735
in or borders on state parks or state-owned lakes, and the spouse 7736
and children living with the owner, may take frogs and turtles and 7737
may take or catch fish of the kind permitted to be taken or caught 7738
from that water without obtaining a license under this section, 7739
provided that the state of residence of the owner allows residents 7740
of this state owning real property in that state, and the spouse 7741
and children living with such a property owner, to take frogs and 7742
turtles and take or catch fish without a license. If the owner of 7743
such land in this state is a limited liability company or a 7744
limited liability partnership that consists of three or fewer 7745
individual members or partners, as applicable, an individual 7746
member or partner who is a resident of this state and the member's 7747

or partner's children of any age may take frogs and turtles and 7748
may take or catch fish of the kind permitted to be taken or caught 7749
therefrom without procuring a license provided for in this 7750
section. In addition, if the owner of such land in this state is a 7751
trust that has a total of three or fewer trustees and 7752
beneficiaries, an individual who is a trustee or beneficiary and 7753
who is a resident of this state and the individual's children of 7754
any age may take frogs and turtles and may take or catch fish of 7755
the kind permitted to be taken or caught therefrom without 7756
procuring a license provided for in this section. Residents of 7757
state or county institutions, charitable institutions, and 7758
military homes in this state may take frogs and turtles without 7759
procuring the required license, provided that a member of the 7760
institution or home has an identification card, which shall be 7761
carried on that person when fishing. 7762

(8) Every fisher required to be licensed, while fishing or 7763
taking or attempting to take frogs or turtles, shall carry the 7764
license and exhibit it to any person. Failure to so carry and 7765
exhibit the license constitutes an offense under this section. 7766

Sec. 1533.321. (A) The chief of the division of wildlife may 7767
issue any of the following: 7768

(1) Multi-year hunting or fishing licenses for three-, five-, 7769
or ten-year terms to a resident of this state; 7770

(2) Lifetime hunting or fishing licenses to a resident of 7771
this state; 7772

(3) A package consisting of any combination of license, 7773
stamp, or permit that the chief is authorized to issue under this 7774
chapter. 7775

(B) The chief may adopt rules in accordance with section 7776
1531.10 of the Revised Code governing multi-year hunting and 7777

fishing licenses, lifetime hunting and fishing licenses, and 7778
combination packages, including rules establishing fees for the 7779
combination packages. The chief shall ensure that the price for a 7780
combination package is not discounted by more than five per cent 7781
of the total fees for the licenses, permits, or stamps that a 7782
person would otherwise pay for those licenses, permits, or stamps 7783
if the person purchased them individually. 7784

(C)(1) The multi-year and lifetime license fund is hereby 7785
created in the state treasury. The fund shall consist of money 7786
received from application fees for multi-year and lifetime hunting 7787
and fishing licenses. 7788

(2) Each fiscal year, a prorated amount of the money from 7789
each multi-year and lifetime license fee shall be transferred from 7790
the multi-year and lifetime license fund to the fund into which 7791
the applicable single year license fee would otherwise be 7792
deposited. The prorated amount shall equal the total amount of the 7793
fee charged for the license divided by the number of years the 7794
license is valid. The chief shall adopt rules in accordance with 7795
section 1531.10 of the Revised Code for the administration of this 7796
division, including establishing a system that prorates lifetime 7797
license fees for deposit each year into the wildlife fund created 7798
in section 1531.17 of the Revised Code. 7799

(3) Each fiscal year, all previous year's investment earnings 7800
from the multi-year and lifetime license fund shall be transferred 7801
into the wildlife fund created in section 1531.17 of the Revised 7802
Code. 7803

(D)(1) Each Except as otherwise provided in rules adopted 7804
under section 1533.09 of the Revised Code, each applicant for a 7805
multi-year or lifetime fishing license who is a resident of this 7806
state shall pay a fee for each license in accordance with the 7807
following schedule: 7808

Senior 3-year fishing license	\$27.50	7809
Senior 5-year fishing license	\$45.75	7810
Senior lifetime fishing license	\$81.00	7811
3-year fishing license	\$52.00	7812
5-year fishing license	\$86.75	7813
10-year fishing license	\$173.50	7814
Lifetime fishing license	\$450.00	7815
Youth lifetime fishing license	\$414.00	7816

(2) As used in division (D)(1) of this section: 7817

(a) "Youth" means an applicant who is under the age of 7818
sixteen years at the time of application for a ~~permit~~ license. 7819

(b) "Senior" means an applicant who is sixty-six years of age 7820
or older at the time of application for a ~~permit~~ license. 7821

(E)(1) Each Except as otherwise provided in rules adopted 7822
under section 1533.09 of the Revised Code, each applicant for a 7823
multi-year or lifetime hunting license who is a resident of this 7824
state shall pay a fee for each license in accordance with the 7825
following schedule: 7826

Senior 3-year hunting license	\$27.50	7827
Senior 5-year hunting license	\$45.75	7828
Senior lifetime hunting license	\$81.00	7829
Youth 3-year hunting license	\$27.50	7830
Youth 5-year hunting license	\$45.75	7831
Youth 10-year hunting license	\$91.50	7832
Youth lifetime hunting license	\$414.00	7833
3-year hunting license	\$52.00	7834
5-year hunting license	\$86.75	7835
10-year hunting license	\$173.50	7836
Lifetime hunting license	\$450.00	7837

(2) As used in division (E)(1) of this section: 7838

(a) "Youth" means an applicant who is under the age of 7839

eighteen years at the time of application for a ~~permit~~ license. 7840

(b) "Senior" means an applicant who is sixty-six years of age 7841

or older at the time of application for a ~~permit~~ license. 7842

(F) If a person who is issued a multi-year hunting or fishing 7843

license or lifetime hunting or fishing license in accordance with 7844

division (A) of this section subsequently becomes a nonresident 7845

after issuance of the license, the person's license remains valid 7846

in this state during its term, regardless of residency status. 7847

Sec. 1561.011. ~~Except as provided in section 1561.24 of the~~ 7848

~~Revised Code, nothing~~ Nothing in this chapter applies to 7849

activities that are permitted and regulated under Chapter 1514. of 7850

the Revised Code. 7851

Sec. 1711.53. (A)(1) No person shall operate an amusement 7852

ride within the state without a permit issued by the director of 7853

agriculture under division (A)(2) of this section. The owner of an 7854

amusement ride, whether the ride is a temporary amusement ride or 7855

a permanent amusement ride, who desires to operate the amusement 7856

ride within the state shall, prior to the operation of the 7857

amusement ride and annually thereafter, submit to the department 7858

of agriculture an application for a permit, together with the 7859

appropriate permit and inspection fee, on a form to be furnished 7860

by the department. Prior to issuing any permit the department 7861

shall, within thirty days after the date on which it receives the 7862

application, inspect each amusement ride described in the 7863

application. The owner of an amusement ride shall have the 7864

amusement ride ready for inspection not later than two hours after 7865

the time that is requested by the person for the inspection. 7866

(2) For each amusement ride found to comply with the rules 7867

adopted by the director under division (B) of this section and 7868

division (B) of section 1711.551 of the Revised Code, the director 7869

shall issue an annual permit, provided that evidence of liability insurance coverage for the amusement ride as required by section 1711.54 of the Revised Code is on file with the department.

(3) The director shall issue with each permit a decal indicating that the amusement ride has been issued the permit. The owner of the amusement ride shall affix the decal on the ride at a location where the decal is easily visible to the patrons of the ride. A copy of the permit shall be kept on file at the same address as the location of the amusement ride identified on the permit, and shall be made available for inspection, upon reasonable demand, by any person. An owner may operate an amusement ride prior to obtaining a permit, provided that the operation is for the purpose of testing the amusement ride or training amusement ride operators and other employees of the owner and the amusement ride is not open to the public.

(B) The director, in accordance with Chapter 119. of the Revised Code, shall adopt rules providing for a schedule of fines, with no fine exceeding five thousand dollars, for violations of sections 1711.50 to 1711.57 of the Revised Code or any rules adopted under this division and for the classification of amusement rides and rules for the safe operation and inspection of all amusement rides as are necessary for amusement ride safety and for the protection of the general public. Rules adopted by the director for the safe operation and inspection of amusement rides shall be reasonable and based upon generally accepted engineering standards and practices. In adopting rules under this section, the director may adopt by reference, in whole or in part, the national fire code or the national electrical code (NEC) prepared by the national fire protection association, the standards of the American society for testing and materials (ASTM) or the American national standards institute (ANSI), or any other principles, tests, or standards of nationally recognized technical or

scientific authorities. Insofar as is practicable and consistent 7902
with sections 1711.50 to 1711.57 of the Revised Code, rules 7903
adopted under this division shall be consistent with the rules of 7904
other states. The department shall cause sections 1711.50 to 7905
1711.57 of the Revised Code and the rules adopted in accordance 7906
with this division and division (B) of section 1711.551 of the 7907
Revised Code to be published in pamphlet form and a copy to be 7908
furnished without charge to each owner of an amusement ride who 7909
holds a current permit or is an applicant therefor. 7910

(C) With respect to an application for a permit for an 7911
amusement ride, an owner may apply to the director for a waiver or 7912
modification of any rule adopted under division (B) of this 7913
section if there are practical difficulties or unnecessary 7914
hardships for the amusement ride to comply with the rules. Any 7915
application shall set forth the reasons for the request. The 7916
director, with the approval of the advisory council on amusement 7917
ride safety, may waive or modify the application of a rule to any 7918
amusement ride if the public safety is secure. Any authorization 7919
by the director under this division shall be in writing and shall 7920
set forth the conditions under which the waiver or modification is 7921
authorized, and the department shall retain separate records of 7922
all proceedings under this division. 7923

(D)(1) The director shall employ and provide for training of 7924
a chief inspector and additional inspectors and employees as may 7925
be necessary to administer and enforce sections 1711.50 to 1711.57 7926
of the Revised Code. The director may appoint or contract with 7927
other persons to perform inspections of amusement rides, provided 7928
that the persons meet the qualifications for inspectors 7929
established by rules adopted under division (B) of this section 7930
and are not owners, or employees of owners, of any amusement ride 7931
subject to inspection under sections 1711.50 to 1711.57 of the 7932
Revised Code. No person shall inspect an amusement ride who, 7933

within six months prior to the date of inspection, was an employee 7934
of the owner of the ride. 7935

(2) Before the director contracts with other persons to 7936
inspect amusement rides, the director shall seek the advice of the 7937
advisory council on amusement ride safety on whether to contract 7938
with those persons. The advice shall not be binding upon the 7939
director. After having received the advice of the council, the 7940
director may proceed to contract with inspectors in accordance 7941
with the procedures specified in division (E)(2) of section 7942
1711.11 of the Revised Code. 7943

(3) With the advice and consent of the advisory council on 7944
amusement ride safety, the director may employ a special 7945
consultant to conduct an independent investigation of an amusement 7946
ride accident. This consultant need not be in the civil service of 7947
the state, but shall have qualifications to conduct the 7948
investigation acceptable to the council. 7949

(E)(1) Except as otherwise provided in division (E)(1) of 7950
this section, the department shall charge the following amusement 7951
ride fees: 7952

Permit	\$	150	7953
		<u>225</u>	
Annual inspection and reinspection per ride:			7954
Kiddie rides	\$	100	7955
		<u>150</u>	
Roller coaster	\$	1,200	7956
		<u>1,250</u>	
Aerial lifts or bungee jumping facilities	\$	450	7957
		<u>500</u>	
Go karts, per kart	\$	5	7958
			7959
Other rides	\$	160	7960
		<u>210</u>	

Midseason operational inspection per ride	\$	25	7961
Expedited inspection per ride	\$	100	7962
Failure to cancel scheduled inspection per ride	\$	100	7963
Failure to have amusement ride ready for inspection			7964
per ride	\$	100	7965

The go kart inspection fee is in addition to the inspection fee for the go kart track. 7966
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The director shall adopt rules in accordance with Chapter 119. of the Revised Code establishing an annual fee that is less than one hundred ~~five~~ fifty-four dollars for an inspection and reinspection of an inflatable ride. In adopting the rules, the director shall ensure that the fee reasonably reflects the costs of inspection and reinspection of an inflatable ride. If the director issues a permit for an inflatable ride for a time period of less than one year, the director shall charge a prorated fee for the permit equal to one-twelfth of the annual permit fee multiplied by the number of full months for which the permit is issued. 7968
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The fees for an expedited inspection, failure to cancel a scheduled inspection, and failure to have an amusement ride ready for inspection do not apply to go karts. 7979
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As used in division (E)(1) of this section, "expedited inspection" means an inspection of an amusement ride by the department not later than ten days after the owner of the amusement ride files an application for a permit under this section. 7982
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(2) All fees and fines collected by the department under sections 1711.50 to 1711.57 of the Revised Code shall be deposited in the state treasury to the credit of the amusement ride inspection fund, which is hereby created, and shall be used only for the purpose of administering and enforcing sections 1711.11 and 1711.50 to 1711.57 of the Revised Code. 7987
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(3) The owner of an amusement ride shall be required to pay a reinspection fee only if the reinspection was conducted at the owner's request under division (F) of this section, if the reinspection is required by division (F) of this section because of an accident, or if the reinspection is required by division (F) of section 1711.55 of the Revised Code. If a reinspection is conducted at the request of the chief officer of a fair, festival, or event where the ride is operating, the reinspection fee shall be charged to the fair, festival, or event.

(4) The rules adopted under division (B) of this section shall define "roller coaster," "aerial lifts," "go karts," and "other rides" for purposes of determining the fees under division (E) of this section. The rules shall define "other rides" to include go kart tracks.

(F) A reinspection of an amusement ride shall take place if an accident occurs, if the owner of the ride or the chief officer of the fair, festival, or event where the ride is operating requests a reinspection, or if the reinspection is required by division (F) of section 1711.55 of the Revised Code.

(G) As a supplement to its annual inspection of a temporary amusement ride, the department may inspect the ride during each scheduled event, as listed in the schedule of events provided to the department by the owner pursuant to division (C) of section 1711.55 of the Revised Code, at which the ride is operated in this state. These supplemental inspections are in addition to any other inspection or reinspection of the ride as may be required under sections 1711.50 to 1711.57 of the Revised Code, and the owner of the temporary amusement ride is not required to pay an inspection or reinspection fee for this supplemental inspection. Nothing in this division shall be construed to prohibit the owner of a temporary amusement ride having a valid permit to operate in this state from operating the ride at a scheduled event before the

department conducts a supplemental inspection. 8025

(H) The department may annually conduct a midseason 8026
operational inspection of every amusement ride upon which it 8027
conducts an annual inspection pursuant to division (A) of this 8028
section. The midseason operational inspection is in addition to 8029
any other inspection or reinspection of the amusement ride as may 8030
be required pursuant to sections 1711.50 to 1711.57 of the Revised 8031
Code. The owner of an amusement ride shall submit to the 8032
department, at the time determined by the department, the 8033
midseason operational inspection fee specified in division (E) of 8034
this section. The director, in accordance with Chapter 119. of the 8035
Revised Code, shall adopt rules specifying the time period during 8036
which the department will conduct midseason operational 8037
inspections. 8038

Sec. 1901.123. (A)(1) Subject to reimbursement under division 8039
(B) of this section, the treasurer of the county in which a 8040
county-operated municipal court or other municipal court is 8041
located shall pay the per diem compensation to which an acting 8042
judge appointed pursuant to division (A)(2)(a), (B)(1), or (C)(1) 8043
of section 1901.121 of the Revised Code is entitled pursuant to 8044
division (A)(1) of section 1901.122 of the Revised Code. 8045

(2) Subject to reimbursement under division ~~(B)~~(C) of this 8046
section, the ~~treasurer of the county in which a county-operated~~ 8047
~~municipal court or other municipal court is located~~ supreme court 8048
shall pay the per diem compensation to which an assigned judge 8049
assigned pursuant to division (A)(1), (A)(2)(b), (B)(2), (C)(2), 8050
or (D) of section 1901.121 of the Revised Code is entitled 8051
pursuant to division (B) of section 1901.122 of the Revised Code. 8052

(B) The treasurer of a county that, pursuant to division 8053
(A)(1) of this section, is required to pay any compensation to 8054
which an acting judge ~~or assigned judge~~ is entitled under division 8055

(A)(5) or (6) of section 141.04 of the Revised Code, shall submit 8056
to the administrative director of the supreme court quarterly 8057
requests for reimbursements of the per diem amounts so paid. The 8058
requests shall include verifications of the payment of those 8059
amounts and an affidavit from the acting judge ~~or assigned judge~~ 8060
stating the days and hours worked. The administrative director 8061
shall cause reimbursements of those amounts to be issued to the 8062
county if the administrative director verifies that those amounts 8063
were, in fact, so paid. 8064

(C) The supreme court, pursuant to division (A)(2) of this 8065
section, is required to pay any compensation to which an assigned 8066
judge is entitled under division (A)(5) or (6) of section 141.04 8067
of the Revised Code. Annually, on the first day of August, the 8068
administrative director of the supreme court shall issue a billing 8069
to the county treasurer of any county to which such a judge was 8070
assigned to a municipal court for reimbursement of the county or 8071
local portion of the compensation previously paid by the state for 8072
the twelve-month period preceding the last day of June. The county 8073
or local portion of the compensation shall be that part of each 8074
per diem paid by the state which is proportional to the county or 8075
local shares of the total compensation of a resident judge of such 8076
court. The county treasurer shall forward the payment within 8077
thirty days. After forwarding the payment, the county treasurer 8078
shall seek reimbursement from the applicable local municipalities 8079
as appropriate. 8080

Sec. 1907.143. (A)(1) Subject to reimbursement under division 8081
(B) of this section, the treasurer of the county in which a county 8082
court is located shall pay the per diem compensation to which an 8083
acting judge appointed pursuant to division (A)(2)(b), (B)(1), or 8084
(C)(1) of section 1907.141 of the Revised Code is entitled 8085
pursuant to division (A) of section 1907.142 of the Revised Code. 8086
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(2) Subject to reimbursement under division ~~(B)~~(C) of this 8088
section, the ~~treasurer of the county in which a county court is~~ 8089
~~located~~ supreme court shall pay the per diem compensation to which 8090
an assigned judge assigned pursuant to division (A)(1), (A)(2)(b), 8091
(B)(2), or (C)(2) of section 1907.141 of the Revised Code is 8092
entitled pursuant to division (B) of section 1907.142 of the 8093
Revised Code. 8094

(B) The treasurer of a county that, pursuant to division 8095
(A)(1) of this section, is required to pay any compensation to 8096
which an acting judge ~~or assigned judge~~ is entitled under division 8097
(A)(5) or (6) of section 141.04 of the Revised Code, shall submit 8098
to the administrative director of the supreme court quarterly 8099
requests for reimbursements of the per diem amounts so paid. The 8100
requests shall include verifications of the payment of those 8101
amounts and an affidavit from the acting judge ~~or assigned judge~~ 8102
stating the days and hours worked. The administrative director 8103
shall cause reimbursements of those amounts to be issued to the 8104
county if the administrative director verifies that those amounts 8105
were, in fact, so paid. 8106

(C) The supreme court, pursuant to division (A)(2) of this 8107
section, is required to pay any compensation to which an assigned 8108
judge is entitled under division (A)(5) or (6) of section 141.04 8109
of the Revised Code. Annually, on the first day of August, the 8110
administrative director of the supreme court shall issue a billing 8111
to the county treasurer of any county to which such a judge was 8112
assigned to a county court for reimbursement of the county portion 8113
of the compensation previously paid by the state for the 8114
twelve-month period preceding the last day of June. The county 8115
portion of the compensation shall be that part of each per diem 8116
paid by the state which is proportional to the county shares of 8117
the total compensation of a resident judge of such court. The 8118
county treasurer shall forward the payment within thirty days. 8119

After forwarding the payment, the county treasurer shall seek 8120
reimbursement from the applicable local municipalities as 8121
appropriate. 8122

Sec. 2151.23. (A) The juvenile court has exclusive original 8123
jurisdiction under the Revised Code as follows: 8124

(1) Concerning any child who on or about the date specified 8125
in the complaint, indictment, or information is alleged to have 8126
violated section 2151.87 of the Revised Code or an order issued 8127
under that section or to be a juvenile traffic offender or a 8128
delinquent, unruly, abused, neglected, or dependent child and, 8129
based on and in relation to the allegation pertaining to the 8130
child, concerning the parent, guardian, or other person having 8131
care of a child who is alleged to be an unruly child for being an 8132
habitual truant or who is alleged to be a delinquent child for 8133
violating a court order regarding the child's prior adjudication 8134
as an unruly child for being an habitual truant; 8135

(2) Subject to divisions (G), (K), and (V) of section 2301.03 8136
of the Revised Code, to determine the custody of any child not a 8137
ward of another court of this state; 8138

(3) To hear and determine any application for a writ of 8139
habeas corpus involving the custody of a child; 8140

(4) To exercise the powers and jurisdiction given the probate 8141
division of the court of common pleas in Chapter 5122. of the 8142
Revised Code, if the court has probable cause to believe that a 8143
child otherwise within the jurisdiction of the court is a mentally 8144
ill person subject to court order, as defined in section 5122.01 8145
of the Revised Code; 8146

(5) To hear and determine all criminal cases charging adults 8147
with the violation of any section of this chapter; 8148

(6) To hear and determine all criminal cases in which an 8149

adult is charged with a violation of division (C) of section 8150
2919.21, division (B)(1) of section 2919.22, section 2919.222, 8151
division (B) of section 2919.23, or section 2919.24 of the Revised 8152
Code, provided the charge is not included in an indictment that 8153
also charges the alleged adult offender with the commission of a 8154
felony arising out of the same actions that are the basis of the 8155
alleged violation of division (C) of section 2919.21, division 8156
(B)(1) of section 2919.22, section 2919.222, division (B) of 8157
section 2919.23, or section 2919.24 of the Revised Code; 8158

(7) Under the interstate compact on juveniles in section 8159
2151.56 of the Revised Code; 8160

(8) Concerning any child who is to be taken into custody 8161
pursuant to section 2151.31 of the Revised Code, upon being 8162
notified of the intent to take the child into custody and the 8163
reasons for taking the child into custody; 8164

(9) To hear and determine requests for the extension of 8165
temporary custody agreements, and requests for court approval of 8166
permanent custody agreements, that are filed pursuant to section 8167
5103.15 of the Revised Code; 8168

(10) To hear and determine applications for consent to marry 8169
pursuant to section 3101.04 of the Revised Code; 8170

(11) Subject to divisions (G), (K), and (V) of section 8171
2301.03 of the Revised Code, to hear and determine a request for 8172
an order for the support of any child if the request is not 8173
ancillary to an action for divorce, dissolution of marriage, 8174
annulment, or legal separation, a criminal or civil action 8175
involving an allegation of domestic violence, or an action for 8176
support brought under Chapter 3115. of the Revised Code; 8177

(12) Concerning an action commenced under section 121.38 of 8178
the Revised Code; 8179

(13) To hear and determine violations of section 3321.38 of 8180

the Revised Code;	8181
(14) To exercise jurisdiction and authority over the parent,	8182
guardian, or other person having care of a child alleged to be a	8183
delinquent child, unruly child, or juvenile traffic offender,	8184
based on and in relation to the allegation pertaining to the	8185
child;	8186
(15) To conduct the hearings, and to make the determinations,	8187
adjudications, and orders authorized or required under sections	8188
2152.82 to 2152.86 and Chapter 2950. of the Revised Code regarding	8189
a child who has been adjudicated a delinquent child and to refer	8190
the duties conferred upon the juvenile court judge under sections	8191
2152.82 to 2152.86 and Chapter 2950. of the Revised Code to	8192
magistrates appointed by the juvenile court judge in accordance	8193
with Juvenile Rule 40;	8194
(16) To hear and determine a petition for a protection order	8195
against a child under section 2151.34 or 3113.31 of the Revised	8196
Code and to enforce a protection order issued or a consent	8197
agreement approved under either section against a child until a	8198
date certain but not later than the date the child attains	8199
nineteen years of age;	8200
<u>(17) Concerning emancipated young adults under sections</u>	8201
<u>2151.45 to 2151.455 of the Revised Code.</u>	8202
(B) Except as provided in divisions (G) and (I) of section	8203
2301.03 of the Revised Code, the juvenile court has original	8204
jurisdiction under the Revised Code:	8205
(1) To hear and determine all cases of misdemeanors charging	8206
adults with any act or omission with respect to any child, which	8207
act or omission is a violation of any state law or any municipal	8208
ordinance;	8209
(2) To determine the paternity of any child alleged to have	8210
been born out of wedlock pursuant to sections 3111.01 to 3111.18	8211

of the Revised Code;	8212
(3) Under the uniform interstate family support act in	8213
Chapter 3115. of the Revised Code;	8214
(4) To hear and determine an application for an order for the	8215
support of any child, if the child is not a ward of another court	8216
of this state;	8217
(5) To hear and determine an action commenced under section	8218
3111.28 of the Revised Code;	8219
(6) To hear and determine a motion filed under section	8220
3119.961 of the Revised Code;	8221
(7) To receive filings under section 3109.74 of the Revised	8222
Code, and to hear and determine actions arising under sections	8223
3109.51 to 3109.80 of the Revised Code.	8224
(8) To enforce an order for the return of a child made under	8225
the Hague Convention on the Civil Aspects of International Child	8226
Abduction pursuant to section 3127.32 of the Revised Code;	8227
(9) To grant any relief normally available under the laws of	8228
this state to enforce a child custody determination made by a	8229
court of another state and registered in accordance with section	8230
3127.35 of the Revised Code.	8231
(C) The juvenile court, except as to juvenile courts that are	8232
a separate division of the court of common pleas or a separate and	8233
independent juvenile court, has jurisdiction to hear, determine,	8234
and make a record of any action for divorce or legal separation	8235
that involves the custody or care of children and that is filed in	8236
the court of common pleas and certified by the court of common	8237
pleas with all the papers filed in the action to the juvenile	8238
court for trial, provided that no certification of that nature	8239
shall be made to any juvenile court unless the consent of the	8240
juvenile judge first is obtained. After a certification of that	8241

nature is made and consent is obtained, the juvenile court shall 8242
proceed as if the action originally had been begun in that court, 8243
except as to awards for spousal support or support due and unpaid 8244
at the time of certification, over which the juvenile court has no 8245
jurisdiction. 8246

(D) The juvenile court, except as provided in divisions (G) 8247
and (I) of section 2301.03 of the Revised Code, has jurisdiction 8248
to hear and determine all matters as to custody and support of 8249
children duly certified by the court of common pleas to the 8250
juvenile court after a divorce decree has been granted, including 8251
jurisdiction to modify the judgment and decree of the court of 8252
common pleas as the same relate to the custody and support of 8253
children. 8254

(E) The juvenile court, except as provided in divisions (G) 8255
and (I) of section 2301.03 of the Revised Code, has jurisdiction 8256
to hear and determine the case of any child certified to the court 8257
by any court of competent jurisdiction if the child comes within 8258
the jurisdiction of the juvenile court as defined by this section. 8259

(F)(1) The juvenile court shall exercise its jurisdiction in 8260
child custody matters in accordance with sections 3109.04 and 8261
3127.01 to 3127.53 of the Revised Code and, as applicable, 8262
sections 5103.20 to 5103.22 or 5103.23 to 5103.237 of the Revised 8263
Code. 8264

(2) The juvenile court shall exercise its jurisdiction in 8265
child support matters in accordance with section 3109.05 of the 8266
Revised Code. 8267

(G) Any juvenile court that makes or modifies an order for 8268
child support shall comply with Chapters 3119., 3121., 3123., and 8269
3125. of the Revised Code. If any person required to pay child 8270
support under an order made by a juvenile court on or after April 8271
15, 1985, or modified on or after December 1, 1986, is found in 8272

contempt of court for failure to make support payments under the 8273
order, the court that makes the finding, in addition to any other 8274
penalty or remedy imposed, shall assess all court costs arising 8275
out of the contempt proceeding against the person and require the 8276
person to pay any reasonable attorney's fees of any adverse party, 8277
as determined by the court, that arose in relation to the act of 8278
contempt. 8279

(H) If a child who is charged with an act that would be an 8280
offense if committed by an adult was fourteen years of age or 8281
older and under eighteen years of age at the time of the alleged 8282
act and if the case is transferred for criminal prosecution 8283
pursuant to section 2152.12 of the Revised Code, except as 8284
provided in section 2152.121 of the Revised Code, the juvenile 8285
court does not have jurisdiction to hear or determine the case 8286
subsequent to the transfer. The court to which the case is 8287
transferred for criminal prosecution pursuant to that section has 8288
jurisdiction subsequent to the transfer to hear and determine the 8289
case in the same manner as if the case originally had been 8290
commenced in that court, subject to section 2152.121 of the 8291
Revised Code, including, but not limited to, jurisdiction to 8292
accept a plea of guilty or another plea authorized by Criminal 8293
Rule 11 or another section of the Revised Code and jurisdiction to 8294
accept a verdict and to enter a judgment of conviction pursuant to 8295
the Rules of Criminal Procedure against the child for the 8296
commission of the offense that was the basis of the transfer of 8297
the case for criminal prosecution, whether the conviction is for 8298
the same degree or a lesser degree of the offense charged, for the 8299
commission of a lesser-included offense, or for the commission of 8300
another offense that is different from the offense charged. 8301

(I) If a person under eighteen years of age allegedly commits 8302
an act that would be a felony if committed by an adult and if the 8303
person is not taken into custody or apprehended for that act until 8304

after the person attains twenty-one years of age, the juvenile 8305
court does not have jurisdiction to hear or determine any portion 8306
of the case charging the person with committing that act. In those 8307
circumstances, divisions (A) and (B) of section 2152.12 of the 8308
Revised Code do not apply regarding the act, and the case charging 8309
the person with committing the act shall be a criminal prosecution 8310
commenced and heard in the appropriate court having jurisdiction 8311
of the offense as if the person had been eighteen years of age or 8312
older when the person committed the act. All proceedings 8313
pertaining to the act shall be within the jurisdiction of the 8314
court having jurisdiction of the offense, and that court has all 8315
the authority and duties in the case that it has in other criminal 8316
cases in that court. 8317

(J) In exercising its exclusive original jurisdiction under 8318
division (A)(16) of this section with respect to any proceedings 8319
brought under section 2151.34 or 3113.31 of the Revised Code in 8320
which the respondent is a child, the juvenile court retains all 8321
dispositionary powers consistent with existing rules of juvenile 8322
procedure and may also exercise its discretion to adjudicate 8323
proceedings as provided in sections 2151.34 and 3113.31 of the 8324
Revised Code, including the issuance of protection orders or the 8325
approval of consent agreements under those sections. 8326

Sec. 2151.353. (A) If a child is adjudicated an abused, 8327
neglected, or dependent child, the court may make any of the 8328
following orders of disposition: 8329

(1) Place the child in protective supervision; 8330

(2) Commit the child to the temporary custody of any of the 8331
following: 8332

(a) A public children services agency; 8333

(b) A private child placing agency; 8334

(c) Either parent;	8335
(d) A relative residing within or outside the state;	8336
(e) A probation officer for placement in a certified foster home;	8337 8338
(f) Any other person approved by the court.	8339
(3) Award legal custody of the child to either parent or to any other person who, prior to the dispositional hearing, files a motion requesting legal custody of the child or is identified as a proposed legal custodian in a complaint or motion filed prior to the dispositional hearing by any party to the proceedings. A person identified in a complaint or motion filed by a party to the proceedings as a proposed legal custodian shall be awarded legal custody of the child only if the person identified signs a statement of understanding for legal custody that contains at least the following provisions:	8340 8341 8342 8343 8344 8345 8346 8347 8348 8349
(a) That it is the intent of the person to become the legal custodian of the child and the person is able to assume legal responsibility for the care and supervision of the child;	8350 8351 8352
(b) That the person understands that legal custody of the child in question is intended to be permanent in nature and that the person will be responsible as the custodian for the child until the child reaches the age of majority. Responsibility as custodian for the child shall continue beyond the age of majority if, at the time the child reaches the age of majority, the child is pursuing a diploma granted by the board of education or other governing authority, successful completion of the curriculum of any high school, successful completion of an individualized education program developed for the student by any high school, or an age and schooling certificate. Responsibility beyond the age of majority shall terminate when the child ceases to continuously pursue such an education, completes such an education, or is	8353 8354 8355 8356 8357 8358 8359 8360 8361 8362 8363 8364 8365

excused from such an education under standards adopted by the 8366
state board of education, whichever occurs first. 8367

(c) That the parents of the child have residual parental 8368
rights, privileges, and responsibilities, including, but not 8369
limited to, the privilege of reasonable visitation, consent to 8370
adoption, the privilege to determine the child's religious 8371
affiliation, and the responsibility for support; 8372

(d) That the person understands that the person must be 8373
present in court for the dispositional hearing in order to affirm 8374
the person's intention to become legal custodian, to affirm that 8375
the person understands the effect of the custodianship before the 8376
court, and to answer any questions that the court or any parties 8377
to the case may have. 8378

(4) Commit the child to the permanent custody of a public 8379
children services agency or private child placing agency, if the 8380
court determines in accordance with division (E) of section 8381
2151.414 of the Revised Code that the child cannot be placed with 8382
one of the child's parents within a reasonable time or should not 8383
be placed with either parent and determines in accordance with 8384
division (D)(1) of section 2151.414 of the Revised Code that the 8385
permanent commitment is in the best interest of the child. If the 8386
court grants permanent custody under this division, the court, 8387
upon the request of any party, shall file a written opinion 8388
setting forth its findings of fact and conclusions of law in 8389
relation to the proceeding. 8390

(5) Place the child in a planned permanent living arrangement 8391
with a public children services agency or private child placing 8392
agency, if a public children services agency or private child 8393
placing agency requests the court to place the child in a planned 8394
permanent living arrangement and if the court finds, by clear and 8395
convincing evidence, that a planned permanent living arrangement 8396
is in the best interest of the child, that the child is sixteen 8397

years of age or older, and that one of the following exists: 8398

(a) The child, because of physical, mental, or psychological 8399
problems or needs, is unable to function in a family-like setting 8400
and must remain in residential or institutional care now and for 8401
the foreseeable future beyond the date of the dispositional 8402
hearing held pursuant to section 2151.35 of the Revised Code. 8403

(b) The parents of the child have significant physical, 8404
mental, or psychological problems and are unable to care for the 8405
child because of those problems, adoption is not in the best 8406
interest of the child, as determined in accordance with division 8407
(D)(1) of section 2151.414 of the Revised Code, and the child 8408
retains a significant and positive relationship with a parent or 8409
relative. 8410

(c) The child has been counseled on the permanent placement 8411
options available to the child, and is unwilling to accept or 8412
unable to adapt to a permanent placement. 8413

(6) Order the removal from the child's home until further 8414
order of the court of the person who committed abuse as described 8415
in section 2151.031 of the Revised Code against the child, who 8416
caused or allowed the child to suffer neglect as described in 8417
section 2151.03 of the Revised Code, or who is the parent, 8418
guardian, or custodian of a child who is adjudicated a dependent 8419
child and order any person not to have contact with the child or 8420
the child's siblings. 8421

(B)(1) When making a determination on whether to place a 8422
child in a planned permanent living arrangement pursuant to 8423
division (A)(5)(b) or (c) of this section, the court shall 8424
consider all relevant information that has been presented to the 8425
court, including information gathered from the child, the child's 8426
guardian ad litem, and the public children services agency or 8427
private child placing agency. 8428

(2) A child who is placed in a planned permanent living arrangement pursuant to division (A)(5)(b) or (c) of this section shall be placed in an independent living setting or in a family setting in which the caregiver has been provided by the agency that has custody of the child with a notice that addresses the following:

(a) The caregiver understands that the planned permanent living arrangement is intended to be permanent in nature and that the caregiver will provide a stable placement for the child through the child's emancipation or until the court releases the child from the custody of the agency, whichever occurs first.

(b) The caregiver is expected to actively participate in the youth's independent living case plan, attend agency team meetings and court hearings as appropriate, complete training, as ~~provided in division (B) of~~ developed and implemented under section 5103.035 of the Revised Code, related to providing the child independent living services, and assist in the child's transition into adulthood.

(3) The department of job and family services shall develop a model notice to be provided by an agency that has custody of a child to a caregiver under division (B)(2) of this section. The agency may modify the model notice to apply to the needs of the agency.

(C) No order for permanent custody or temporary custody of a child or the placement of a child in a planned permanent living arrangement shall be made pursuant to this section unless the complaint alleging the abuse, neglect, or dependency contains a prayer requesting permanent custody, temporary custody, or the placement of the child in a planned permanent living arrangement as desired, the summons served on the parents of the child contains as is appropriate a full explanation that the granting of an order for permanent custody permanently divests them of their

parental rights, a full explanation that an adjudication that the child is an abused, neglected, or dependent child may result in an order of temporary custody that will cause the removal of the child from their legal custody until the court terminates the order of temporary custody or permanently divests the parents of their parental rights, or a full explanation that the granting of an order for a planned permanent living arrangement will result in the removal of the child from their legal custody if any of the conditions listed in divisions (A)(5)(a) to (c) of this section are found to exist, and the summons served on the parents contains a full explanation of their right to be represented by counsel and to have counsel appointed pursuant to Chapter 120. of the Revised Code if they are indigent.

If after making disposition as authorized by division (A)(2) of this section, a motion is filed that requests permanent custody of the child, the court may grant permanent custody of the child to the movant in accordance with section 2151.414 of the Revised Code.

(D) If the court issues an order for protective supervision pursuant to division (A)(1) of this section, the court may place any reasonable restrictions upon the child, the child's parents, guardian, or custodian, or any other person, including, but not limited to, any of the following:

(1) Order a party, within forty-eight hours after the issuance of the order, to vacate the child's home indefinitely or for a specified period of time;

(2) Order a party, a parent of the child, or a physical custodian of the child to prevent any particular person from having contact with the child;

(3) Issue an order restraining or otherwise controlling the conduct of any person which conduct would not be in the best

interest of the child. 8492

(E) As part of its dispositional order, the court shall 8493
journalize a case plan for the child. The journalized case plan 8494
shall not be changed except as provided in section 2151.412 of the 8495
Revised Code. 8496

(F)(1) The court shall retain jurisdiction over any child for 8497
whom the court issues an order of disposition pursuant to division 8498
(A) of this section or pursuant to section 2151.414 or 2151.415 of 8499
the Revised Code until the child attains the age of eighteen years 8500
if the child is not mentally retarded, developmentally disabled, 8501
or physically impaired, the child attains the age of twenty-one 8502
years if the child is mentally retarded, developmentally disabled, 8503
or physically impaired, or the child is adopted and a final decree 8504
of adoption is issued, except that the court may retain 8505
jurisdiction over the child and continue any order of disposition 8506
under division (A) of this section or under section 2151.414 or 8507
2151.415 of the Revised Code for a specified period of time to 8508
enable the child to graduate from high school or vocational 8509
school. ~~The court shall retain jurisdiction over a person who 8510
meets the requirements described in division (A)(1) of section 8511
5101.1411 of the Revised Code and who is subject to a voluntary 8512
participation agreement that is in effect.~~ The court shall make an 8513
entry continuing its jurisdiction under this division in the 8514
journal. 8515

(2) Any public children services agency, any private child 8516
placing agency, the department of job and family services, or any 8517
party, other than any parent whose parental rights with respect to 8518
the child have been terminated pursuant to an order issued under 8519
division (A)(4) of this section, by filing a motion with the 8520
court, may at any time request the court to modify or terminate 8521
any order of disposition issued pursuant to division (A) of this 8522
section or section 2151.414 or 2151.415 of the Revised Code. The 8523

court shall hold a hearing upon the motion as if the hearing were 8524
the original dispositional hearing and shall give all parties to 8525
the action and the guardian ad litem notice of the hearing 8526
pursuant to the Juvenile Rules. If applicable, the court shall 8527
comply with section 2151.42 of the Revised Code. 8528

(G) Any temporary custody order issued pursuant to division 8529
(A) of this section shall terminate one year after the earlier of 8530
the date on which the complaint in the case was filed or the child 8531
was first placed into shelter care, except that, upon the filing 8532
of a motion pursuant to section 2151.415 of the Revised Code, the 8533
temporary custody order shall continue and not terminate until the 8534
court issues a dispositional order under that section. In 8535
resolving the motion, the court shall not order an existing 8536
temporary custody order to continue beyond two years after the 8537
date on which the complaint was filed or the child was first 8538
placed into shelter care, whichever date is earlier, regardless of 8539
whether any extensions have been previously ordered pursuant to 8540
division (D) of section 2151.415 of the Revised Code. 8541

(H)(1) No later than one year after the earlier of the date 8542
the complaint in the case was filed or the child was first placed 8543
in shelter care, a party may ask the court to extend an order for 8544
protective supervision for six months or to terminate the order. A 8545
party requesting extension or termination of the order shall file 8546
a written request for the extension or termination with the court 8547
and give notice of the proposed extension or termination in 8548
writing before the end of the day after the day of filing it to 8549
all parties and the child's guardian ad litem. If a public 8550
children services agency or private child placing agency requests 8551
termination of the order, the agency shall file a written status 8552
report setting out the facts supporting termination of the order 8553
at the time it files the request with the court. If no party 8554
requests extension or termination of the order, the court shall 8555

notify the parties that the court will extend the order for six 8556
months or terminate it and that it may do so without a hearing 8557
unless one of the parties requests a hearing. All parties and the 8558
guardian ad litem shall have seven days from the date a notice is 8559
sent pursuant to this division to object to and request a hearing 8560
on the proposed extension or termination. 8561

(a) If it receives a timely request for a hearing, the court 8562
shall schedule a hearing to be held no later than thirty days 8563
after the request is received by the court. The court shall give 8564
notice of the date, time, and location of the hearing to all 8565
parties and the guardian ad litem. At the hearing, the court shall 8566
determine whether extension or termination of the order is in the 8567
child's best interest. If termination is in the child's best 8568
interest, the court shall terminate the order. If extension is in 8569
the child's best interest, the court shall extend the order for 8570
six months. 8571

(b) If it does not receive a timely request for a hearing, 8572
the court may extend the order for six months or terminate it 8573
without a hearing and shall journalize the order of extension or 8574
termination not later than fourteen days after receiving the 8575
request for extension or termination or after the date the court 8576
notifies the parties that it will extend or terminate the order. 8577
If the court does not extend or terminate the order, it shall 8578
schedule a hearing to be held no later than thirty days after the 8579
expiration of the applicable fourteen-day time period and give 8580
notice of the date, time, and location of the hearing to all 8581
parties and the child's guardian ad litem. At the hearing, the 8582
court shall determine whether extension or termination of the 8583
order is in the child's best interest. If termination is in the 8584
child's best interest, the court shall terminate the order. If 8585
extension is in the child's best interest, the court shall issue 8586
an order extending the order for protective supervision six 8587

months. 8588

(2) If the court grants an extension of the order for 8589
protective supervision pursuant to division (H)(1) of this 8590
section, a party may, prior to termination of the extension, file 8591
with the court a request for an additional extension of six months 8592
or for termination of the order. The court and the parties shall 8593
comply with division (H)(1) of this section with respect to 8594
extending or terminating the order. 8595

(3) If a court grants an extension pursuant to division 8596
(H)(2) of this section, the court shall terminate the order for 8597
protective supervision at the end of the extension. 8598

(I) The court shall not issue a dispositional order pursuant 8599
to division (A) of this section that removes a child from the 8600
child's home unless the court complies with section 2151.419 of 8601
the Revised Code and includes in the dispositional order the 8602
findings of fact required by that section. 8603

(J) If a motion or application for an order described in 8604
division (A)(6) of this section is made, the court shall not issue 8605
the order unless, prior to the issuance of the order, it provides 8606
to the person all of the following: 8607

(1) Notice and a copy of the motion or application; 8608

(2) The grounds for the motion or application; 8609

(3) An opportunity to present evidence and witnesses at a 8610
hearing regarding the motion or application; 8611

(4) An opportunity to be represented by counsel at the 8612
hearing. 8613

(K) The jurisdiction of the court shall terminate one year 8614
after the date of the award or, if the court takes any further 8615
action in the matter subsequent to the award, the date of the 8616
latest further action subsequent to the award, if the court awards 8617

legal custody of a child to either of the following: 8618

(1) A legal custodian who, at the time of the award of legal 8619
custody, resides in a county of this state other than the county 8620
in which the court is located; 8621

(2) A legal custodian who resides in the county in which the 8622
court is located at the time of the award of legal custody, but 8623
moves to a different county of this state prior to one year after 8624
the date of the award or, if the court takes any further action in 8625
the matter subsequent to the award, one year after the date of the 8626
latest further action subsequent to the award. 8627

The court in the county in which the legal custodian resides 8628
then shall have jurisdiction in the matter. 8629

Sec. 2151.421. (A)(1)(a) No person described in division 8630
(A)(1)(b) of this section who is acting in an official or 8631
professional capacity and knows, or has reasonable cause to 8632
suspect based on facts that would cause a reasonable person in a 8633
similar position to suspect, that a child under eighteen years of 8634
age, or a person under twenty-one years of age with a 8635
developmental disability or physical impairment, has suffered or 8636
faces a threat of suffering any physical or mental wound, injury, 8637
disability, or condition of a nature that reasonably indicates 8638
abuse or neglect of the child shall fail to immediately report 8639
that knowledge or reasonable cause to suspect to the entity or 8640
persons specified in this division. Except as otherwise provided 8641
in this division or section 5120.173 of the Revised Code, the 8642
person making the report shall make it to the public children 8643
services agency or a peace officer in the county in which the 8644
child resides or in which the abuse or neglect is occurring or has 8645
occurred. If the person making the report is a peace officer, the 8646
officer shall make it to the public children services agency in 8647
the county in which the child resides or in which the abuse or 8648

neglect is occurring or has occurred. In the circumstances 8649
described in section 5120.173 of the Revised Code, the person 8650
making the report shall make it to the entity specified in that 8651
section. 8652

(b) Division (A)(1)(a) of this section applies to any person 8653
who is an attorney; health care professional; practitioner of a 8654
limited branch of medicine as specified in section 4731.15 of the 8655
Revised Code; licensed school psychologist; independent marriage 8656
and family therapist or marriage and family therapist; coroner; 8657
administrator or employee of a child day-care center; 8658
administrator or employee of a residential camp, child day camp, 8659
or private, nonprofit therapeutic wilderness camp; administrator 8660
or employee of a certified child care agency or other public or 8661
private children services agency; school teacher; school employee; 8662
school authority; peace officer; agent of a county humane society; 8663
person, other than a cleric, rendering spiritual treatment through 8664
prayer in accordance with the tenets of a well-recognized 8665
religion; employee of a county department of job and family 8666
services who is a professional and who works with children and 8667
families; superintendent or regional administrator employed by the 8668
department of youth services; superintendent, board member, or 8669
employee of a county board of developmental disabilities; 8670
investigative agent contracted with by a county board of 8671
developmental disabilities; employee of the department of 8672
developmental disabilities; employee of a facility or home that 8673
provides respite care in accordance with section 5123.171 of the 8674
Revised Code; employee of an entity that provides homemaker 8675
services; foster caregiver; a person performing the duties of an 8676
assessor pursuant to Chapter 3107. or 5103. of the Revised Code; 8677
third party employed by a public children services agency to 8678
assist in providing child or family related services; court 8679
appointed special advocate; or guardian ad litem. 8680

(c) If two or more health care professionals, after providing health care services to a child, determine or suspect that the child has been or is being abused or neglected, the health care professionals may designate one of the health care professionals to report the abuse or neglect. A single report made under this division shall meet the reporting requirements of division (A)(1) of this section.

(2) Except as provided in division (A)(3) of this section, an attorney or a physician is not required to make a report pursuant to division (A)(1) of this section concerning any communication the attorney or physician receives from a client or patient in an attorney-client or physician-patient relationship, if, in accordance with division (A) or (B) of section 2317.02 of the Revised Code, the attorney or physician could not testify with respect to that communication in a civil or criminal proceeding.

(3) The client or patient in an attorney-client or physician-patient relationship described in division (A)(2) of this section is deemed to have waived any testimonial privilege under division (A) or (B) of section 2317.02 of the Revised Code with respect to any communication the attorney or physician receives from the client or patient in that attorney-client or physician-patient relationship, and the attorney or physician shall make a report pursuant to division (A)(1) of this section with respect to that communication, if all of the following apply:

(a) The client or patient, at the time of the communication, is a child under eighteen years of age or is a person under twenty-one years of age with a developmental disability or physical impairment.

(b) The attorney or physician knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in similar position to suspect that the client or patient has suffered or faces a threat of suffering any physical or mental

wound, injury, disability, or condition of a nature that 8713
reasonably indicates abuse or neglect of the client or patient. 8714

(c) The abuse or neglect does not arise out of the client's 8715
or patient's attempt to have an abortion without the notification 8716
of her parents, guardian, or custodian in accordance with section 8717
2151.85 of the Revised Code. 8718

(4)(a) No cleric and no person, other than a volunteer, 8719
designated by any church, religious society, or faith acting as a 8720
leader, official, or delegate on behalf of the church, religious 8721
society, or faith who is acting in an official or professional 8722
capacity, who knows, or has reasonable cause to believe based on 8723
facts that would cause a reasonable person in a similar position 8724
to believe, that a child under eighteen years of age, or a person 8725
under twenty-one years of age with a developmental disability or 8726
physical impairment, has suffered or faces a threat of suffering 8727
any physical or mental wound, injury, disability, or condition of 8728
a nature that reasonably indicates abuse or neglect of the child, 8729
and who knows, or has reasonable cause to believe based on facts 8730
that would cause a reasonable person in a similar position to 8731
believe, that another cleric or another person, other than a 8732
volunteer, designated by a church, religious society, or faith 8733
acting as a leader, official, or delegate on behalf of the church, 8734
religious society, or faith caused, or poses the threat of 8735
causing, the wound, injury, disability, or condition that 8736
reasonably indicates abuse or neglect shall fail to immediately 8737
report that knowledge or reasonable cause to believe to the entity 8738
or persons specified in this division. Except as provided in 8739
section 5120.173 of the Revised Code, the person making the report 8740
shall make it to the public children services agency or a peace 8741
officer in the county in which the child resides or in which the 8742
abuse or neglect is occurring or has occurred. In the 8743
circumstances described in section 5120.173 of the Revised Code, 8744

the person making the report shall make it to the entity specified 8745
in that section. 8746

(b) Except as provided in division (A)(4)(c) of this section, 8747
a cleric is not required to make a report pursuant to division 8748
(A)(4)(a) of this section concerning any communication the cleric 8749
receives from a penitent in a cleric-penitent relationship, if, in 8750
accordance with division (C) of section 2317.02 of the Revised 8751
Code, the cleric could not testify with respect to that 8752
communication in a civil or criminal proceeding. 8753

(c) The penitent in a cleric-penitent relationship described 8754
in division (A)(4)(b) of this section is deemed to have waived any 8755
testimonial privilege under division (C) of section 2317.02 of the 8756
Revised Code with respect to any communication the cleric receives 8757
from the penitent in that cleric-penitent relationship, and the 8758
cleric shall make a report pursuant to division (A)(4)(a) of this 8759
section with respect to that communication, if all of the 8760
following apply: 8761

(i) The penitent, at the time of the communication, is a 8762
child under eighteen years of age or is a person under twenty-one 8763
years of age with a developmental disability or physical 8764
impairment. 8765

(ii) The cleric knows, or has reasonable cause to believe 8766
based on facts that would cause a reasonable person in a similar 8767
position to believe, as a result of the communication or any 8768
observations made during that communication, the penitent has 8769
suffered or faces a threat of suffering any physical or mental 8770
wound, injury, disability, or condition of a nature that 8771
reasonably indicates abuse or neglect of the penitent. 8772

(iii) The abuse or neglect does not arise out of the 8773
penitent's attempt to have an abortion performed upon a child 8774
under eighteen years of age or upon a person under twenty-one 8775

years of age with a developmental disability or physical 8776
impairment without the notification of her parents, guardian, or 8777
custodian in accordance with section 2151.85 of the Revised Code. 8778

(d) Divisions (A)(4)(a) and (c) of this section do not apply 8779
in a cleric-penitent relationship when the disclosure of any 8780
communication the cleric receives from the penitent is in 8781
violation of the sacred trust. 8782

(e) As used in divisions (A)(1) and (4) of this section, 8783
"cleric" and "sacred trust" have the same meanings as in section 8784
2317.02 of the Revised Code. 8785

(B) Anyone who knows, or has reasonable cause to suspect 8786
based on facts that would cause a reasonable person in similar 8787
circumstances to suspect, that a child under eighteen years of 8788
age, or a person under twenty-one years of age with a 8789
developmental disability or physical impairment, has suffered or 8790
faces a threat of suffering any physical or mental wound, injury, 8791
disability, or other condition of a nature that reasonably 8792
indicates abuse or neglect of the child may report or cause 8793
reports to be made of that knowledge or reasonable cause to 8794
suspect to the entity or persons specified in this division. 8795
Except as provided in section 5120.173 of the Revised Code, a 8796
person making a report or causing a report to be made under this 8797
division shall make it or cause it to be made to the public 8798
children services agency or to a peace officer. In the 8799
circumstances described in section 5120.173 of the Revised Code, a 8800
person making a report or causing a report to be made under this 8801
division shall make it or cause it to be made to the entity 8802
specified in that section. 8803

(C) Any report made pursuant to division (A) or (B) of this 8804
section shall be made forthwith either by telephone or in person 8805
and shall be followed by a written report, if requested by the 8806
receiving agency or officer. The written report shall contain: 8807

(1) The names and addresses of the child and the child's 8808
parents or the person or persons having custody of the child, if 8809
known; 8810

(2) The child's age and the nature and extent of the child's 8811
injuries, abuse, or neglect that is known or reasonably suspected 8812
or believed, as applicable, to have occurred or of the threat of 8813
injury, abuse, or neglect that is known or reasonably suspected or 8814
believed, as applicable, to exist, including any evidence of 8815
previous injuries, abuse, or neglect; 8816

(3) Any other information, including, but not limited to, 8817
results and reports of any medical examinations, tests, or 8818
procedures performed under division (D) of this section, that 8819
might be helpful in establishing the cause of the injury, abuse, 8820
or neglect that is known or reasonably suspected or believed, as 8821
applicable, to have occurred or of the threat of injury, abuse, or 8822
neglect that is known or reasonably suspected or believed, as 8823
applicable, to exist. 8824

(D)(1) Any person, who is required by division (A) of this 8825
section to report child abuse or child neglect that is known or 8826
reasonably suspected or believed to have occurred, may take or 8827
cause to be taken color photographs of areas of trauma visible on 8828
a child and, if medically necessary for the purpose of diagnosing 8829
or treating injuries that are suspected to have occurred as a 8830
result of child abuse or child neglect, perform or cause to be 8831
performed radiological examinations and any other medical 8832
examinations of, and tests or procedures on, the child. 8833

(2) The results and any available reports of examinations, 8834
tests, or procedures made under division (D)(1) of this section 8835
shall be included in a report made pursuant to division (A) of 8836
this section. Any additional reports of examinations, tests, or 8837
procedures that become available shall be provided to the public 8838
children services agency, upon request. 8839

(3) If a health care professional provides health care 8840
services in a hospital, children's advocacy center, or emergency 8841
medical facility to a child about whom a report has been made 8842
under division (A) of this section, the health care professional 8843
may take any steps that are reasonably necessary for the release 8844
or discharge of the child to an appropriate environment. Before 8845
the child's release or discharge, the health care professional may 8846
obtain information, or consider information obtained, from other 8847
entities or individuals that have knowledge about the child. 8848
Nothing in division (D)(3) of this section shall be construed to 8849
alter the responsibilities of any person under sections 2151.27 8850
and 2151.31 of the Revised Code. 8851

(4) A health care professional may conduct medical 8852
examinations, tests, or procedures on the siblings of a child 8853
about whom a report has been made under division (A) of this 8854
section and on other children who reside in the same home as the 8855
child, if the professional determines that the examinations, 8856
tests, or procedures are medically necessary to diagnose or treat 8857
the siblings or other children in order to determine whether 8858
reports under division (A) of this section are warranted with 8859
respect to such siblings or other children. The results of the 8860
examinations, tests, or procedures on the siblings and other 8861
children may be included in a report made pursuant to division (A) 8862
of this section. 8863

(5) Medical examinations, tests, or procedures conducted 8864
under divisions (D)(1) and (4) of this section and decisions 8865
regarding the release or discharge of a child under division 8866
(D)(3) of this section do not constitute a law enforcement 8867
investigation or activity. 8868

(E)(1) When a peace officer receives a report made pursuant 8869
to division (A) or (B) of this section, upon receipt of the 8870
report, the peace officer who receives the report shall refer the 8871

report to the appropriate public children services agency, unless 8872
an arrest is made at the time of the report that results in the 8873
appropriate public children services agency being contacted 8874
concerning the possible abuse or neglect of a child or the 8875
possible threat of abuse or neglect of a child. 8876

(2) When a public children services agency receives a report 8877
pursuant to this division or division (A) or (B) of this section, 8878
upon receipt of the report, the public children services agency 8879
shall do both of the following: 8880

(a) Comply with section 2151.422 of the Revised Code; 8881

(b) If the county served by the agency is also served by a 8882
children's advocacy center and the report alleges sexual abuse of 8883
a child or another type of abuse of a child that is specified in 8884
the memorandum of understanding that creates the center as being 8885
within the center's jurisdiction, comply regarding the report with 8886
the protocol and procedures for referrals and investigations, with 8887
the coordinating activities, and with the authority or 8888
responsibility for performing or providing functions, activities, 8889
and services stipulated in the interagency agreement entered into 8890
under section 2151.428 of the Revised Code relative to that 8891
center. 8892

(F) No peace officer shall remove a child about whom a report 8893
is made pursuant to this section from the child's parents, 8894
stepparents, or guardian or any other persons having custody of 8895
the child without consultation with the public children services 8896
agency, unless, in the judgment of the officer, and, if the report 8897
was made by physician, the physician, immediate removal is 8898
considered essential to protect the child from further abuse or 8899
neglect. The agency that must be consulted shall be the agency 8900
conducting the investigation of the report as determined pursuant 8901
to section 2151.422 of the Revised Code. 8902

(G)(1) Except as provided in section 2151.422 of the Revised Code or in an interagency agreement entered into under section 2151.428 of the Revised Code that applies to the particular report, the public children services agency shall investigate, within twenty-four hours, each report of child abuse or child neglect that is known or reasonably suspected or believed to have occurred and of a threat of child abuse or child neglect that is known or reasonably suspected or believed to exist that is referred to it under this section to determine the circumstances surrounding the injuries, abuse, or neglect or the threat of injury, abuse, or neglect, the cause of the injuries, abuse, neglect, or threat, and the person or persons responsible. The investigation shall be made in cooperation with the law enforcement agency and in accordance with the memorandum of understanding prepared under division (K) of this section. A representative of the public children services agency shall, at the time of initial contact with the person subject to the investigation, inform the person of the specific complaints or allegations made against the person. The information shall be given in a manner that is consistent with division (I)(1) of this section and protects the rights of the person making the report under this section.

A failure to make the investigation in accordance with the memorandum is not grounds for, and shall not result in, the dismissal of any charges or complaint arising from the report or the suppression of any evidence obtained as a result of the report and does not give, and shall not be construed as giving, any rights or any grounds for appeal or post-conviction relief to any person. The public children services agency shall report each case to the uniform statewide automated child welfare information system that the department of job and family services shall maintain in accordance with section 5101.13 of the Revised Code. The public children services agency shall submit a report of its

investigation, in writing, to the law enforcement agency. 8936

(2) The public children services agency shall make any 8937
recommendations to the county prosecuting attorney or city 8938
director of law that it considers necessary to protect any 8939
children that are brought to its attention. 8940

(H)(1)(a) Except as provided in divisions (H)(1)(b) and 8941
(I)(3) of this section, any person, health care professional, 8942
hospital, institution, school, health department, or agency shall 8943
be immune from any civil or criminal liability for injury, death, 8944
or loss to person or property that otherwise might be incurred or 8945
imposed as a result of any of the following: 8946

(i) Participating in the making of reports pursuant to 8947
division (A) of this section or in the making of reports in good 8948
faith, pursuant to division (B) of this section; 8949

(ii) Participating in medical examinations, tests, or 8950
procedures under division (D) of this section; 8951

(iii) Providing information used in a report made pursuant to 8952
division (A) of this section or providing information in good 8953
faith used in a report made pursuant to division (B) of this 8954
section; 8955

(iv) Participating in a judicial proceeding resulting from a 8956
report made pursuant to division (A) of this section or 8957
participating in good faith in a proceeding resulting from a 8958
report made pursuant to division (B) of this section. 8959

(b) Immunity under division (H)(1)(a)(ii) of this section 8960
shall not apply when a health care provider has deviated from the 8961
standard of care applicable to the provider's profession. 8962

(c) Notwithstanding section 4731.22 of the Revised Code, the 8963
physician-patient privilege shall not be a ground for excluding 8964
evidence regarding a child's injuries, abuse, or neglect, or the 8965

cause of the injuries, abuse, or neglect in any judicial 8966
proceeding resulting from a report submitted pursuant to this 8967
section. 8968

(2) In any civil or criminal action or proceeding in which it 8969
is alleged and proved that participation in the making of a report 8970
under this section was not in good faith or participation in a 8971
judicial proceeding resulting from a report made under this 8972
section was not in good faith, the court shall award the 8973
prevailing party reasonable attorney's fees and costs and, if a 8974
civil action or proceeding is voluntarily dismissed, may award 8975
reasonable attorney's fees and costs to the party against whom the 8976
civil action or proceeding is brought. 8977

(I)(1) Except as provided in divisions (I)(4) and (O) of this 8978
section, a report made under this section is confidential. The 8979
information provided in a report made pursuant to this section and 8980
the name of the person who made the report shall not be released 8981
for use, and shall not be used, as evidence in any civil action or 8982
proceeding brought against the person who made the report. Nothing 8983
in this division shall preclude the use of reports of other 8984
incidents of known or suspected abuse or neglect in a civil action 8985
or proceeding brought pursuant to division (N) of this section 8986
against a person who is alleged to have violated division (A)(1) 8987
of this section, provided that any information in a report that 8988
would identify the child who is the subject of the report or the 8989
maker of the report, if the maker of the report is not the 8990
defendant or an agent or employee of the defendant, has been 8991
redacted. In a criminal proceeding, the report is admissible in 8992
evidence in accordance with the Rules of Evidence and is subject 8993
to discovery in accordance with the Rules of Criminal Procedure. 8994

(2)(a) Except as provided in division (I)(2)(b) of this 8995
section, no person shall permit or encourage the unauthorized 8996
dissemination of the contents of any report made under this 8997

section. 8998

(b) A health care professional that obtains the same 8999
information contained in a report made under this section from a 9000
source other than the report may disseminate the information, if 9001
its dissemination is otherwise permitted by law. 9002

(3) A person who knowingly makes or causes another person to 9003
make a false report under division (B) of this section that 9004
alleges that any person has committed an act or omission that 9005
resulted in a child being an abused child or a neglected child is 9006
guilty of a violation of section 2921.14 of the Revised Code. 9007

(4) If a report is made pursuant to division (A) or (B) of 9008
this section and the child who is the subject of the report dies 9009
for any reason at any time after the report is made, but before 9010
the child attains eighteen years of age, the public children 9011
services agency or peace officer to which the report was made or 9012
referred, on the request of the child fatality review board or the 9013
director of health pursuant to guidelines established under 9014
section 3701.70 of the Revised Code, shall submit a summary sheet 9015
of information providing a summary of the report to the review 9016
board of the county in which the deceased child resided at the 9017
time of death or to the director. On the request of the review 9018
board or director, the agency or peace officer may, at its 9019
discretion, make the report available to the review board or 9020
director. If the county served by the public children services 9021
agency is also served by a children's advocacy center and the 9022
report of alleged sexual abuse of a child or another type of abuse 9023
of a child is specified in the memorandum of understanding that 9024
creates the center as being within the center's jurisdiction, the 9025
agency or center shall perform the duties and functions specified 9026
in this division in accordance with the interagency agreement 9027
entered into under section 2151.428 of the Revised Code relative 9028
to that advocacy center. 9029

(5) A public children services agency shall advise a person 9030
alleged to have inflicted abuse or neglect on a child who is the 9031
subject of a report made pursuant to this section, including a 9032
report alleging sexual abuse of a child or another type of abuse 9033
of a child referred to a children's advocacy center pursuant to an 9034
interagency agreement entered into under section 2151.428 of the 9035
Revised Code, in writing of the disposition of the investigation. 9036
The agency shall not provide to the person any information that 9037
identifies the person who made the report, statements of 9038
witnesses, or police or other investigative reports. 9039

(J) Any report that is required by this section, other than a 9040
report that is made to the state highway patrol as described in 9041
section 5120.173 of the Revised Code, shall result in protective 9042
services and emergency supportive services being made available by 9043
the public children services agency on behalf of the children 9044
about whom the report is made, in an effort to prevent further 9045
neglect or abuse, to enhance their welfare, and, whenever 9046
possible, to preserve the family unit intact. The agency required 9047
to provide the services shall be the agency conducting the 9048
investigation of the report pursuant to section 2151.422 of the 9049
Revised Code. 9050

(K)(1) Each public children services agency shall prepare a 9051
memorandum of understanding that is signed by all of the 9052
following: 9053

(a) If there is only one juvenile judge in the county, the 9054
juvenile judge of the county or the juvenile judge's 9055
representative; 9056

(b) If there is more than one juvenile judge in the county, a 9057
juvenile judge or the juvenile judges' representative selected by 9058
the juvenile judges or, if they are unable to do so for any 9059
reason, the juvenile judge who is senior in point of service or 9060
the senior juvenile judge's representative; 9061

(c) The county peace officer;	9062
(d) All chief municipal peace officers within the county;	9063
(e) Other law enforcement officers handling child abuse and neglect cases in the county;	9064 9065
(f) The prosecuting attorney of the county;	9066
(g) If the public children services agency is not the county department of job and family services, the county department of job and family services;	9067 9068 9069
(h) The county humane society;	9070
(i) If the public children services agency participated in the execution of a memorandum of understanding under section 2151.426 of the Revised Code establishing a children's advocacy center, each participating member of the children's advocacy center established by the memorandum.	9071 9072 9073 9074 9075
(2) A memorandum of understanding shall set forth the normal operating procedure to be employed by all concerned officials in the execution of their respective responsibilities under this section and division (C) of section 2919.21, division (B)(1) of section 2919.22, division (B) of section 2919.23, and section 2919.24 of the Revised Code and shall have as two of its primary goals the elimination of all unnecessary interviews of children who are the subject of reports made pursuant to division (A) or (B) of this section and, when feasible, providing for only one interview of a child who is the subject of any report made pursuant to division (A) or (B) of this section. A failure to follow the procedure set forth in the memorandum by the concerned officials is not grounds for, and shall not result in, the dismissal of any charges or complaint arising from any reported case of abuse or neglect or the suppression of any evidence obtained as a result of any reported child abuse or child neglect and does not give, and shall not be construed as giving, any	9076 9077 9078 9079 9080 9081 9082 9083 9084 9085 9086 9087 9088 9089 9090 9091 9092

rights or any grounds for appeal or post-conviction relief to any person. 9093
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(3) A memorandum of understanding shall include all of the following: 9095
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(a) The roles and responsibilities for handling emergency and nonemergency cases of abuse and neglect; 9097
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(b) Standards and procedures to be used in handling and coordinating investigations of reported cases of child abuse and reported cases of child neglect, methods to be used in interviewing the child who is the subject of the report and who allegedly was abused or neglected, and standards and procedures addressing the categories of persons who may interview the child who is the subject of the report and who allegedly was abused or neglected. 9099
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(4) If a public children services agency participated in the execution of a memorandum of understanding under section 2151.426 of the Revised Code establishing a children's advocacy center, the agency shall incorporate the contents of that memorandum in the memorandum prepared pursuant to this section. 9107
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(5) The clerk of the court of common pleas in the county may sign the memorandum of understanding prepared under division (K)(1) of this section. If the clerk signs the memorandum of understanding, the clerk shall execute all relevant responsibilities as required of officials specified in the memorandum. 9112
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(L)(1) Except as provided in division (L)(4) or (5) of this section, a person who is required to make a report pursuant to division (A) of this section may make a reasonable number of requests of the public children services agency that receives or is referred the report, or of the children's advocacy center that is referred the report if the report is referred to a children's 9118
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advocacy center pursuant to an interagency agreement entered into 9124
under section 2151.428 of the Revised Code, to be provided with 9125
the following information: 9126

(a) Whether the agency or center has initiated an 9127
investigation of the report; 9128

(b) Whether the agency or center is continuing to investigate 9129
the report; 9130

(c) Whether the agency or center is otherwise involved with 9131
the child who is the subject of the report; 9132

(d) The general status of the health and safety of the child 9133
who is the subject of the report; 9134

(e) Whether the report has resulted in the filing of a 9135
complaint in juvenile court or of criminal charges in another 9136
court. 9137

(2) A person may request the information specified in 9138
division (L)(1) of this section only if, at the time the report is 9139
made, the person's name, address, and telephone number are 9140
provided to the person who receives the report. 9141

When a peace officer or employee of a public children 9142
services agency receives a report pursuant to division (A) or (B) 9143
of this section the recipient of the report shall inform the 9144
person of the right to request the information described in 9145
division (L)(1) of this section. The recipient of the report shall 9146
include in the initial child abuse or child neglect report that 9147
the person making the report was so informed and, if provided at 9148
the time of the making of the report, shall include the person's 9149
name, address, and telephone number in the report. 9150

Each request is subject to verification of the identity of 9151
the person making the report. If that person's identity is 9152
verified, the agency shall provide the person with the information 9153

described in division (L)(1) of this section a reasonable number 9154
of times, except that the agency shall not disclose any 9155
confidential information regarding the child who is the subject of 9156
the report other than the information described in those 9157
divisions. 9158

(3) A request made pursuant to division (L)(1) of this 9159
section is not a substitute for any report required to be made 9160
pursuant to division (A) of this section. 9161

(4) If an agency other than the agency that received or was 9162
referred the report is conducting the investigation of the report 9163
pursuant to section 2151.422 of the Revised Code, the agency 9164
conducting the investigation shall comply with the requirements of 9165
division (L) of this section. 9166

(5) A health care professional who made a report under 9167
division (A) of this section, or on whose behalf such a report was 9168
made as provided in division (A)(1)(c) of this section, may 9169
authorize a person to obtain the information described in division 9170
(L)(1) of this section if the person requesting the information is 9171
associated with or acting on behalf of the health care 9172
professional who provided health care services to the child about 9173
whom the report was made. 9174

(M) The director of job and family services shall adopt rules 9175
in accordance with Chapter 119. of the Revised Code to implement 9176
this section. The department of job and family services may enter 9177
into a plan of cooperation with any other governmental entity to 9178
aid in ensuring that children are protected from abuse and 9179
neglect. The department shall make recommendations to the attorney 9180
general that the department determines are necessary to protect 9181
children from child abuse and child neglect. 9182

(N) Whoever violates division (A) of this section is liable 9183
for compensatory and exemplary damages to the child who would have 9184

been the subject of the report that was not made. A person who 9185
brings a civil action or proceeding pursuant to this division 9186
against a person who is alleged to have violated division (A)(1) 9187
of this section may use in the action or proceeding reports of 9188
other incidents of known or suspected abuse or neglect, provided 9189
that any information in a report that would identify the child who 9190
is the subject of the report or the maker of the report, if the 9191
maker is not the defendant or an agent or employee of the 9192
defendant, has been redacted. 9193

(O)(1) As used in this division: 9194

(a) "Out-of-home care" includes a nonchartered nonpublic 9195
school if the alleged child abuse or child neglect, or alleged 9196
threat of child abuse or child neglect, described in a report 9197
received by a public children services agency allegedly occurred 9198
in or involved the nonchartered nonpublic school and the alleged 9199
perpetrator named in the report holds a certificate, permit, or 9200
license issued by the state board of education under section 9201
3301.071 or Chapter 3319. of the Revised Code. 9202

(b) "Administrator, director, or other chief administrative 9203
officer" means the superintendent of the school district if the 9204
out-of-home care entity subject to a report made pursuant to this 9205
section is a school operated by the district. 9206

(2) No later than the end of the day following the day on 9207
which a public children services agency receives a report of 9208
alleged child abuse or child neglect, or a report of an alleged 9209
threat of child abuse or child neglect, that allegedly occurred in 9210
or involved an out-of-home care entity, the agency shall provide 9211
written notice of the allegations contained in and the person 9212
named as the alleged perpetrator in the report to the 9213
administrator, director, or other chief administrative officer of 9214
the out-of-home care entity that is the subject of the report 9215
unless the administrator, director, or other chief administrative 9216

officer is named as an alleged perpetrator in the report. If the 9217
administrator, director, or other chief administrative officer of 9218
an out-of-home care entity is named as an alleged perpetrator in a 9219
report of alleged child abuse or child neglect, or a report of an 9220
alleged threat of child abuse or child neglect, that allegedly 9221
occurred in or involved the out-of-home care entity, the agency 9222
shall provide the written notice to the owner or governing board 9223
of the out-of-home care entity that is the subject of the report. 9224
The agency shall not provide witness statements or police or other 9225
investigative reports. 9226

(3) No later than three days after the day on which a public 9227
children services agency that conducted the investigation as 9228
determined pursuant to section 2151.422 of the Revised Code makes 9229
a disposition of an investigation involving a report of alleged 9230
child abuse or child neglect, or a report of an alleged threat of 9231
child abuse or child neglect, that allegedly occurred in or 9232
involved an out-of-home care entity, the agency shall send written 9233
notice of the disposition of the investigation to the 9234
administrator, director, or other chief administrative officer and 9235
the owner or governing board of the out-of-home care entity. The 9236
agency shall not provide witness statements or police or other 9237
investigative reports. 9238

(P) As used in this section: 9239

(1) "Children's advocacy center" and "sexual abuse of a 9240
child" have the same meanings as in section 2151.425 of the 9241
Revised Code. 9242

(2) "Health care professional" means an individual who 9243
provides health-related services including a physician, hospital 9244
intern or resident, dentist, podiatrist, registered nurse, 9245
licensed practical nurse, visiting nurse, licensed psychologist, 9246
speech pathologist, audiologist, person engaged in social work or 9247
the practice of professional counseling, and employee of a home 9248

health agency. "Health care professional" does not include a 9249
practitioner of a limited branch of medicine as specified in 9250
section 4731.15 of the Revised Code, licensed school psychologist, 9251
independent marriage and family therapist or marriage and family 9252
therapist, or coroner. 9253

(3) "Investigation" means the public children services 9254
agency's response to an accepted report of child abuse or neglect 9255
through either an alternative response or a traditional response. 9256

(4) "Peace officer" means a sheriff, deputy sheriff, 9257
constable, police officer of a township or joint police district, 9258
marshal, deputy marshal, municipal police officer, or a state 9259
highway patrol trooper. 9260

Sec. 2151.424. (A) If a child has been placed in a certified 9261
foster home or is in the custody of, or has been placed with, a 9262
~~relative of the child, other than a parent of the child~~ kinship 9263
caregiver as defined in section 5101.85 of the Revised Code, a 9264
court, prior to conducting any hearing pursuant to division (F)(2) 9265
or (3) of section 2151.412 or section 2151.28, 2151.33, 2151.35, 9266
2151.414, 2151.415, 2151.416, or 2151.417 of the Revised Code with 9267
respect to the child, shall notify the foster caregiver or 9268
~~relative~~ kinship caregiver of the date, time, and place of the 9269
hearing. At the hearing, the foster caregiver or ~~relative~~ kinship 9270
caregiver shall have the right to ~~present evidence~~ be heard. 9271

(B) If a public children services agency or private child 9272
placing agency has permanent custody of a child and a petition to 9273
adopt the child has been filed under Chapter 3107. of the Revised 9274
Code, the agency, prior to conducting a review under section 9275
2151.416 of the Revised Code, or a court, prior to conducting a 9276
hearing under division (F)(2) or (3) of section 2151.412 or 9277
section 2151.416 or 2151.417 of the Revised Code, shall notify the 9278
prospective adoptive parent of the date, time, and place of the 9279

review or hearing. At the review or hearing, the prospective 9280
adoptive parent shall have the right to ~~present evidence~~ be heard. 9281

(C) The notice and the opportunity to ~~present evidence~~ be 9282
heard do not make the foster caregiver, ~~relative kinship~~ 9283
caregiver, or prospective adoptive parent a party in the action or 9284
proceeding pursuant to which the review or hearing is conducted. 9285

Sec. 2151.45. As used in sections 2151.45 to 2151.455 of the 9286
Revised Code, "emancipated young adult" and "representative" have 9287
the same meanings as in section 5101.141 of the Revised Code. 9288

Sec. 2151.451. The juvenile court of the county in which an 9289
emancipated young adult described under division (A)(1) of section 9290
5101.1411 of the Revised Code resides shall have jurisdiction over 9291
the emancipated young adult for purposes of sections 2151.45 to 9292
2151.455 of the Revised Code. A juvenile court, on its own motion 9293
or the motion of any party, may transfer a proceeding under those 9294
sections to a juvenile court with jurisdiction as provided in this 9295
section. 9296

Sec. 2151.452. A juvenile court shall do both of the 9297
following regarding an emancipated young adult described under 9298
division (A)(1) of section 5101.1411 of the Revised Code: 9299

(A) Not later than one hundred eighty days after the 9300
voluntary participation agreement becomes effective, make a 9301
determination as to whether the emancipated young adult's best 9302
interest is served by continuing the care and placement with the 9303
department of job and family services or its representative. An 9304
emancipated young adult shall not be eligible for continued care 9305
and placement if the court finds it is not in the emancipated 9306
young adult's best interest. 9307

(B) Not later than twelve months after the date that the 9308

voluntary participation agreement is signed, and annually 9309
thereafter, make a determination as to whether reasonable efforts 9310
have been made to prepare the emancipated young adult for 9311
independence. 9312

Sec. 2151.453. If any determination required under division 9313
(B) of section 2151.452 of the Revised Code is not timely made, 9314
the federal payments for foster care under division (A)(1) of 9315
section 5101.1411 of the Revised Code for the emancipated young 9316
adult shall be suspended. The payments shall resume upon a 9317
subsequent determination that reasonable efforts have been made to 9318
prepare the emancipated young adult for independence, but only if 9319
both of the following apply: 9320

(A) The emancipated young adult complies with division (A)(1) 9321
of section 5101.1411 of the Revised Code. 9322

(B) There has been a timely determination of best interest 9323
under division (A) of section 2151.452 of the Revised Code. 9324

Sec. 2151.454. For purposes of a determination under section 9325
2151.452 of the Revised Code, the department of job and family 9326
services or its representative may file any documents and appear 9327
before the court in relation to such filings. Nothing in this 9328
section shall prohibit an emancipated young adult from obtaining 9329
legal representation pursuant to section 2151.455 of the Revised 9330
Code. 9331

Sec. 2151.455. (A) An emancipated young adult is entitled to 9332
representation by legal counsel at all stages of proceedings 9333
conducted under section 2151.45 to 2151.455 of the Revised Code. 9334

(B) If, as an indigent person, the emancipated young adult is 9335
unable to employ counsel, the emancipated young adult is entitled 9336
to have counsel provided pursuant to Chapter 120. of the Revised 9337

Code. 9338

(C) If an emancipated young adult appears without counsel, 9339
the court shall determine whether the emancipated young adult 9340
knows of the right to counsel, and to be provided with counsel, if 9341
indigent. 9342

(D) The court may continue the case to enable an emancipated 9343
young adult to obtain counsel, to be represented by the county 9344
public defender or the joint county public defender, or to be 9345
appointed counsel upon request pursuant to Chapter 120. of the 9346
Revised Code. 9347

(E) Upon written request, prior to any hearing involving the 9348
emancipated young adult, any report concerning an emancipated 9349
young adult that is used in, or is pertinent to, a hearing, shall 9350
for good cause shown be made available to any attorney 9351
representing the emancipated young adult and to any attorney 9352
representing any other party to the case. 9353

Sec. 2151.86. (A)(1) The appointing or hiring officer of any 9354
entity that appoints or employs any person responsible for a 9355
child's care in out-of-home care shall request the superintendent 9356
of BCII to conduct a criminal records check with respect to any 9357
person who is under final consideration for appointment or 9358
employment as a person responsible for a child's care in 9359
out-of-home care, ~~except that section 3319.39 of the Revised Code~~ 9360
~~shall apply instead of this section if.~~ The request shall be made 9361
at the time of initial application for appointment or employment 9362
and every four years thereafter. If the out-of-home care entity is 9363
a public school, educational service center, or chartered 9364
nonpublic school, then section 3319.39 of the Revised Code shall 9365
apply instead. If the out-of-home care entity is a child day-care 9366
center, type A family day-care home, type B family day-care home, 9367
certified in-home aide, or child day camp, then section 5104.013 9368

of the Revised Code shall apply instead. 9369

(2) At the times specified in this division, the 9370
administrative director of an agency, or attorney, who arranges an 9371
adoption for a prospective adoptive parent shall request the 9372
superintendent of BCII to conduct a criminal records check with 9373
respect to that prospective adoptive parent and a criminal records 9374
check with respect to all persons eighteen years of age or older 9375
who reside with the prospective adoptive parent. The 9376
administrative director or attorney shall request a criminal 9377
records check pursuant to this division at the time of the initial 9378
home study, every four years after the initial home study at the 9379
time of an update, and at the time that an adoptive home study is 9380
completed as a new home study. 9381

(3) Before a recommending agency submits a recommendation to 9382
the department of job and family services on whether the 9383
department should issue a certificate to a foster home under 9384
section 5103.03 of the Revised Code, and every four years 9385
thereafter prior to a recertification under that section, the 9386
administrative director of the agency shall request that the 9387
superintendent of BCII conduct a criminal records check with 9388
respect to the prospective foster caregiver and a criminal records 9389
check with respect to all other persons eighteen years of age or 9390
older who reside with the foster caregiver. 9391

~~(B)(1) If a person subject to a criminal records check under 9392
division (A)(1) of this section does not present proof that the 9393
person has been a resident of this state for the five year period 9394
immediately prior to the date upon which the criminal records 9395
check is requested or does not provide evidence that within that 9396
five year period the superintendent of BCII has requested 9397
information about the person from the federal bureau of 9398
investigation in a criminal records check, the appointing or 9399
hiring officer shall request that the superintendent of BCII 9400~~

~~obtain information from the federal bureau of investigation as a~~ 9401
~~part of the criminal records check, including fingerprint based~~ 9402
~~checks of national crime information databases as described in 42~~ 9403
~~U.S.C. 671. If a person subject to a criminal records check under~~ 9404
~~division (A)(1) of this section presents proof that the person has~~ 9405
~~been a resident of this state for that five year period, the~~ 9406
~~appointing or hiring officer or attorney may request that the~~ 9407
~~superintendent of BCII include information from the federal bureau~~ 9408
~~of investigation in the criminal records check, including~~ 9409
~~fingerprint based checks of national crime information databases~~ 9410
~~as described in 42 U.S.C. 671~~ When the appointing or hiring 9411
officer requests, at the time of initial application for 9412
appointment or employment, a criminal records check for a person 9413
subject to division (A)(1) of this section, the officer shall 9414
request that the superintendent of BCII obtain information from 9415
the federal bureau of investigation as part of the criminal 9416
records check, including fingerprint-based checks of national 9417
crime information databases as described in 42 U.S.C. 671, for the 9418
person subject to the criminal records check. In all other cases 9419
in which the appointing or hiring officer requests a criminal 9420
records check for a person pursuant to division (A)(1) of this 9421
section, the officer may request that the superintendent of BCII 9422
obtain information from the federal bureau of investigation as 9423
part of the criminal records check, including fingerprint-based 9424
checks of national crime information databases as described in 42 9425
U.S.C. 671, for the person subject to the criminal records check. 9426

When the administrative director of an agency, or attorney, 9427
who arranges an adoption for a prospective parent requests, at the 9428
time of the initial home study, a criminal records check for a 9429
person pursuant to division (A)(2) of this section, the 9430
administrative director or attorney shall request that the 9431
superintendent of BCII obtain information from the federal bureau 9432
of investigation as part of the criminal records check, including 9433

fingerprint-based checks of national crime information databases 9434
as described in 42 U.S.C. 671, for the person subject to the 9435
criminal records check. In all other cases in which the 9436
administrative director of an agency, or attorney, who arranges an 9437
adoption for a prospective parent requests a criminal records 9438
check for a person pursuant to division (A)(2) of this section, 9439
the administrative director or attorney may request that the 9440
superintendent of BCII include information from the federal bureau 9441
of investigation in the criminal records check, including 9442
fingerprint-based checks of national crime information databases 9443
as described in 42 U.S.C. 671. 9444

When the administrative director of a recommending agency 9445
requests, before submitting a recommendation to the department of 9446
job and family services on whether the department should issue a 9447
certificate to a foster home under section 5103.03 of the Revised 9448
Code, a criminal records check for a person pursuant to division 9449
(A)(3) of this section, the administrative director shall request 9450
that the superintendent of BCII obtain information from the 9451
federal bureau of investigation as part of a criminal records 9452
check, including fingerprint-based checks of national crime 9453
information databases as described in 42 U.S.C. 671, for the 9454
person subject to the criminal records check. In all other cases 9455
in which the administrative director of a recommending agency 9456
requests a criminal records check for a person pursuant to 9457
division (A)(3) of this section, the administrative director may 9458
request that the superintendent of BCII include information from 9459
the federal bureau of investigation in the criminal records check, 9460
including fingerprint-based checks of national crime information 9461
databases as described in 42 U.S.C. 671. 9462

Prior to a hearing on a final decree of adoption or 9463
interlocutory order of adoption by a probate court, the 9464
administrative director of an agency, or an attorney, who arranges 9465

an adoption for a prospective parent shall provide to the clerk of 9466
the probate court either of the following: 9467

(a) Any information received pursuant to a request made under 9468
this division from the superintendent of BCII or the federal 9469
bureau of investigation as part of the criminal records check, 9470
including fingerprint-based checks of national crime information 9471
databases as described in 42 U.S.C. 671, for the person subject to 9472
the criminal records check; 9473

(b) Written notification that the person subject to a 9474
criminal records check pursuant to this division failed upon 9475
request to provide the information necessary to complete the form 9476
or failed to provide impressions of the person's fingerprints as 9477
required under division (B)(2) of this section. 9478

(2) An appointing or hiring officer, administrative director, 9479
or attorney required by division (A) of this section to request a 9480
criminal records check shall provide to each person subject to a 9481
criminal records check a copy of the form prescribed pursuant to 9482
division (C)(1) of section 109.572 of the Revised Code and a 9483
standard impression sheet to obtain fingerprint impressions 9484
prescribed pursuant to division (C)(2) of section 109.572 of the 9485
Revised Code, obtain the completed form and impression sheet from 9486
the person, and forward the completed form and impression sheet to 9487
the superintendent of BCII at the time the criminal records check 9488
is requested. 9489

Any person subject to a criminal records check who receives 9490
pursuant to this division a copy of the form prescribed pursuant 9491
to division (C)(1) of section 109.572 of the Revised Code and a 9492
copy of an impression sheet prescribed pursuant to division (C)(2) 9493
of that section and who is requested to complete the form and 9494
provide a set of fingerprint impressions shall complete the form 9495
or provide all the information necessary to complete the form and 9496
shall provide the impression sheet with the impressions of the 9497

person's fingerprints. If a person subject to a criminal records 9498
check, upon request, fails to provide the information necessary to 9499
complete the form or fails to provide impressions of the person's 9500
fingerprints, the appointing or hiring officer shall not appoint 9501
or employ the person as a person responsible for a child's care in 9502
out-of-home care, a probate court may not issue a final decree of 9503
adoption or an interlocutory order of adoption making the person 9504
an adoptive parent, and the department of job and family services 9505
shall not issue a certificate authorizing the prospective foster 9506
caregiver to operate a foster home. 9507

(C)(1) No appointing or hiring officer shall appoint or 9508
employ a person as a person responsible for a child's care in 9509
out-of-home care, the department of job and family services shall 9510
not issue a certificate under section 5103.03 of the Revised Code 9511
authorizing a prospective foster caregiver to operate a foster 9512
home, and no probate court shall issue a final decree of adoption 9513
or an interlocutory order of adoption making a person an adoptive 9514
parent if the person or, in the case of a prospective foster 9515
caregiver or prospective adoptive parent, any person eighteen 9516
years of age or older who resides with the prospective foster 9517
caregiver or prospective adoptive parent previously has been 9518
convicted of or pleaded guilty to any of the violations described 9519
in division (A)(4) of section 109.572 of the Revised Code, unless 9520
the person meets rehabilitation standards established in rules 9521
adopted under division (F) of this section. 9522

~~(2) The appointing or hiring officer may appoint or employ a 9523
person as a person responsible for a child's care in out of home 9524
care conditionally until the criminal records check required by 9525
this section is completed and the officer receives the results of 9526
the criminal records check. If the results of the criminal records 9527
check indicate that, pursuant to division (C)(1) of this section, 9528
the person subject to the criminal records check does not qualify 9529~~

~~for appointment or employment, the officer shall release the~~ 9530
~~person from appointment or employment.~~ 9531

(3) Prior to certification or recertification under section 9532
5103.03 of the Revised Code, the prospective foster caregiver 9533
subject to a criminal records check under division (A)(3) of this 9534
section shall notify the recommending agency of the revocation of 9535
any foster home license, certificate, or other similar 9536
authorization in another state occurring within the five years 9537
prior to the date of application to become a foster caregiver in 9538
this state. The failure of a prospective foster caregiver to 9539
notify the recommending agency of any revocation of that type in 9540
another state that occurred within that five-year period shall be 9541
grounds for denial of the person's foster home application or the 9542
revocation of the person's foster home certification, whichever is 9543
applicable. If a person has had a revocation in another state 9544
within the five years prior to the date of the application, the 9545
department of job and family services shall not issue a foster 9546
home certificate to the prospective foster caregiver. 9547

(D) The appointing or hiring officer, administrative 9548
director, or attorney shall pay to the bureau of criminal 9549
identification and investigation the fee prescribed pursuant to 9550
division (C)(3) of section 109.572 of the Revised Code for each 9551
criminal records check conducted in accordance with that section 9552
upon a request pursuant to division (A) of this section. The 9553
officer, director, or attorney may charge the person subject to 9554
the criminal records check a fee for the costs the officer, 9555
director, or attorney incurs in obtaining the criminal records 9556
check. A fee charged under this division shall not exceed the 9557
amount of fees the officer, director, or attorney pays for the 9558
criminal records check. If a fee is charged under this division, 9559
the officer, director, or attorney shall notify the person who is 9560
the applicant at the time of the person's initial application for 9561

appointment or employment, an adoption to be arranged, or a 9562
certificate to operate a foster home of the amount of the fee and 9563
that, unless the fee is paid, the person who is the applicant will 9564
not be considered for appointment or employment or as an adoptive 9565
parent or foster caregiver. 9566

(E) The report of any criminal records check conducted by the 9567
bureau of criminal identification and investigation in accordance 9568
with section 109.572 of the Revised Code and pursuant to a request 9569
made under division (A) of this section is not a public record for 9570
the purposes of section 149.43 of the Revised Code and shall not 9571
be made available to any person other than the following: 9572

(1) The person who is the subject of the criminal records 9573
check or the person's representative; 9574

(2) The appointing or hiring officer, administrative 9575
director, or attorney requesting the criminal records check or the 9576
officer's, director's, or attorney's representative; 9577

(3) The department of job and family services, a county 9578
department of job and family services, or a public children 9579
services agency; 9580

(4) Any court, hearing officer, or other necessary individual 9581
involved in a case dealing with the denial of employment, a final 9582
decree of adoption or interlocutory order of adoption, or a foster 9583
home certificate. 9584

(F) The director of job and family services shall adopt rules 9585
in accordance with Chapter 119. of the Revised Code to implement 9586
this section. The rules shall include rehabilitation standards a 9587
person who has been convicted of or pleaded guilty to an offense 9588
listed in division (A)(4) of section 109.572 of the Revised Code 9589
must meet for an appointing or hiring officer to appoint or employ 9590
the person as a person responsible for a child's care in 9591
out-of-home care, a probate court to issue a final decree of 9592

adoption or interlocutory order of adoption making the person an adoptive parent, or the department to issue a certificate authorizing the prospective foster caregiver to operate a foster home or not revoke a foster home certificate for a violation specified in section 5103.0328 of the Revised Code.

(G) An appointing or hiring officer, administrative director, or attorney required by division (A) of this section to request a criminal records check shall inform each person who is the applicant, at the time of the person's initial application for appointment or employment, an adoption to be arranged, or a foster home certificate, that the person subject to the criminal records check is required to provide a set of impressions of the person's fingerprints and that a criminal records check is required to be conducted and satisfactorily completed in accordance with section 109.572 of the Revised Code.

(H) As used in this section:

(1) "Children's hospital" means any of the following:

(a) A hospital registered under section 3701.07 of the Revised Code that provides general pediatric medical and surgical care, and in which at least seventy-five per cent of annual inpatient discharges for the preceding two calendar years were individuals less than eighteen years of age;

(b) A distinct portion of a hospital registered under section 3701.07 of the Revised Code that provides general pediatric medical and surgical care, has a total of at least one hundred fifty registered pediatric special care and pediatric acute care beds, and in which at least seventy-five per cent of annual inpatient discharges for the preceding two calendar years were individuals less than eighteen years of age;

(c) A distinct portion of a hospital, if the hospital is registered under section 3701.07 of the Revised Code as a

children's hospital and the children's hospital meets all the 9624
requirements of division (H)(1)(a) of this section. 9625

(2) "Criminal records check" has the same meaning as in 9626
section 109.572 of the Revised Code. 9627

(3) "Person responsible for a child's care in out-of-home 9628
care" has the same meaning as in section 2151.011 of the Revised 9629
Code, except that it does not include a prospective employee of 9630
the department of youth services or a person responsible for a 9631
child's care in a hospital or medical clinic other than a 9632
children's hospital. 9633

(4) "Person subject to a criminal records check" means the 9634
following: 9635

(a) A person who is under final consideration for appointment 9636
or employment as a person responsible for a child's care in 9637
out-of-home care; 9638

(b) A prospective or current adoptive parent; 9639

(c) A prospective or current foster caregiver; 9640

(d) A person eighteen years old or older who resides with a 9641
prospective or current foster caregiver or a prospective or 9642
current adoptive parent. 9643

(5) "Recommending agency" means a public children services 9644
agency, private child placing agency, or private noncustodial 9645
agency to which the department of job and family services has 9646
delegated a duty to inspect and approve foster homes. 9647

(6) "Superintendent of BCII" means the superintendent of the 9648
bureau of criminal identification and investigation. 9649

Sec. 2301.27. (A)(1)(a) The court of common pleas may 9650
establish a county department of probation. The establishment of 9651
the department shall be entered upon the journal of the court, and 9652

the clerk of the court of common pleas shall certify a copy of the 9653
journal entry establishing the department to each elective officer 9654
and board of the county. The department shall consist of a chief 9655
probation officer and the number of other probation officers and 9656
employees, clerks, and stenographers that is fixed from time to 9657
time by the court. The court shall appoint those individuals, fix 9658
their salaries, and supervise their work. 9659

(b) When appointing a chief probation officer, the court 9660
shall do all of the following: 9661

(i) Publicly advertise the position on the court's web site, 9662
including, but not limited to, the job description, qualifications 9663
for the position, and the application requirements; 9664

(ii) Conduct a competitive hiring process that adheres to 9665
state and federal equal employment opportunity laws; 9666

(iii) Review applicants who meet the posted qualifications 9667
and comply with the application requirements. 9668

(c) The court shall not appoint as a probation officer any 9669
person who does not possess the training, experience, and other 9670
qualifications prescribed by the adult parole authority created by 9671
section 5149.02 of the Revised Code or the department of youth 9672
services, as applicable. Probation officers have all the powers of 9673
regular police officers and shall perform any duties that are 9674
designated by the judge or judges of the court. All positions 9675
within the department of probation, except positions held by 9676
probation officers in the juvenile division of a court of common 9677
pleas, shall be in the classified service of the civil service of 9678
the county. 9679

(2) If two or more counties desire to jointly establish a 9680
probation department for those counties, the judges of the courts 9681
of common pleas of those counties may establish a probation 9682
department for those counties. If a probation department is 9683

established pursuant to division (A)(2) of this section to serve 9684
more than one county, the judges of the courts of common pleas 9685
that established the department shall designate the county 9686
treasurer of one of the counties served by the department as the 9687
treasurer to whom probation fees paid under section 2951.021 of 9688
the Revised Code are to be appropriated and transferred under 9689
division (A)(2) of section 321.44 of the Revised Code for deposit 9690
into the multicounty probation services fund established under 9691
division (B) of section 321.44 of the Revised Code. 9692

The cost of the administration and operation of a probation 9693
department established for two or more counties shall be prorated 9694
to the respective counties on the basis of population. 9695

(3) Probation officers shall receive, in addition to their 9696
respective salaries, their necessary and reasonable travel and 9697
other expenses incurred in the performance of their duties. Their 9698
salaries and expenses shall be paid monthly from the county 9699
treasury in the manner provided for the payment of the 9700
compensation of other appointees of the court. 9701

(4) Adult probation officers shall be trained in accordance 9702
with a set of minimum standards that are established by the adult 9703
parole authority of the department of rehabilitation and 9704
correction. Probation officers in the juvenile division of a court 9705
of common pleas shall be trained in accordance with a set of 9706
minimum standards that are established by the department of youth 9707
services. 9708

(B)(1)(a) In lieu of establishing a county department of 9709
probation under division (A) of this section and ~~in lieu~~ 9710
irrespective of ~~entering into an~~ any agreement with the adult 9711
parole authority as described in division (B) of section 2301.32 9712
of the Revised Code, the court of common pleas may request the 9713
board of county commissioners to contract with, and upon that 9714
request the board may contract with, any nonprofit, public or 9715

private agency, association, or organization for the provision of 9716
probation services and supervisory services for persons placed 9717
under community control sanctions. The contract shall specify that 9718
each individual providing the probation services and supervisory 9719
services shall possess the training, experience, and other 9720
qualifications prescribed by the adult parole authority or the 9721
department of youth services, as applicable. The individuals who 9722
provide the probation services and supervisory services shall not 9723
be included in the classified or unclassified civil service of the 9724
county. 9725

(b) A court of common pleas that has established a county 9726
probation department or has entered into an agreement with the 9727
adult parole authority as described in division (A) or (B) of 9728
section 2301.32 of the Revised Code may request the board of 9729
county commissioners to contract with, and upon that request the 9730
board may contract with, any nonprofit, public or private agency, 9731
association, or organization for the provision of probation 9732
services and supervisory services, including the preparation of 9733
presentence investigation reports to supplement the probation 9734
services and supervisory services provided by the county probation 9735
department or adult parole authority, as applicable. The contract 9736
shall specify that each individual providing the probation 9737
services and supervisory services shall possess the training, 9738
experience, and other qualifications prescribed by the adult 9739
parole authority. The individuals who provide the probation 9740
services and supervisory services shall not be included in the 9741
classified or unclassified civil service of the county. A 9742
nonprofit, public or private agency, association, or organization 9743
providing probation services or supervisory services under this 9744
division is hereby designated a criminal justice agency in the 9745
provision of those services, and as such is authorized by this 9746
state to apply for access to the computerized databases 9747
administered by the national crime information center or the law 9748

enforcement automated data system in Ohio and to other 9749
computerized databases administered for the purpose of making 9750
criminal justice information accessible to state criminal justice 9751
agencies. 9752

(2)(a) In lieu of establishing a county department of 9753
probation under division (A) of this section and ~~in lieu~~ 9754
irrespective of ~~entering into an~~ any agreement with the adult 9755
parole authority as described in division (B) of section 2301.32 9756
of the Revised Code, the courts of common pleas of two or more 9757
adjoining counties jointly may request the boards of county 9758
commissioners of those counties to contract with, and upon that 9759
request the boards of county commissioners of two or more 9760
adjoining counties jointly may contract with, any nonprofit, 9761
public or private agency, association, or organization for the 9762
provision of probation services and supervisory services for 9763
persons placed under community control sanctions for those 9764
counties. The contract shall specify that each individual 9765
providing the probation services and supervisory services shall 9766
possess the training, experience, and other qualifications 9767
prescribed by the adult parole authority or the department of 9768
youth services, as applicable. The individuals who provide the 9769
probation services and supervisory services shall not be included 9770
in the classified or unclassified civil service of any of those 9771
counties. 9772

(b) The courts of common pleas of two or more adjoining 9773
counties that have jointly established a probation department for 9774
those counties or have entered into an agreement with the adult 9775
parole authority as described in division (A) or (B) of section 9776
2301.32 of the Revised Code may jointly request the board of 9777
county commissioners of each county to contract with, and upon 9778
that request the board may contract with, any nonprofit, public or 9779
private agency, association, or organization for the provision of 9780

probation services and supervisory services, including the 9781
preparation of presentence investigation reports to supplement the 9782
probation services and supervisory services provided by the 9783
probation department or adult parole authority, as applicable. The 9784
contract shall specify that each individual providing the 9785
probation services and supervisory services shall possess the 9786
training, experience, and other qualifications prescribed by the 9787
adult parole authority. The individuals who provide the probation 9788
services and supervisory services shall not be included in the 9789
classified or unclassified civil service of the county. A 9790
nonprofit, public or private agency, association, or organization 9791
providing probation services or supervisory services under this 9792
division is hereby designated a criminal justice agency in the 9793
provision of those services, and as such is authorized by this 9794
state to apply for access to the computerized databases 9795
administered by the national crime information center or the law 9796
enforcement automated data system in Ohio and to other 9797
computerized databases administered for the purpose of making 9798
criminal justice information accessible to state criminal justice 9799
agencies. 9800

(C) The chief probation officer may grant permission to a 9801
probation officer to carry firearms when required in the discharge 9802
of official duties if the probation officer has successfully 9803
completed a basic firearm training program that is approved by the 9804
executive director of the Ohio peace officer training commission. 9805
A probation officer who has been granted permission to carry a 9806
firearm in the discharge of official duties, annually shall 9807
successfully complete a firearms requalification program in 9808
accordance with section 109.801 of the Revised Code. 9809

(D) As used in this section and sections 2301.28 to 2301.32 9810
of the Revised Code, "community control sanction" has the same 9811
meaning as in section 2929.01 of the Revised Code. 9812

Sec. 2301.28. The court of common pleas of a county in which 9813
a county department of probation has been established under 9814
division (A) of section 2301.27 of the Revised Code, in addition 9815
to employing the department in investigation and in the 9816
administration of its own orders imposing community control 9817
sanctions, shall receive into the legal control or supervision of 9818
the department any person who is a resident of the county and who 9819
has been placed under a community control sanction by order of any 9820
other court exercising criminal jurisdiction in this state, 9821
whether within or without the county in which the department of 9822
probation is located, upon the request of the other court and 9823
subject to its continuing jurisdiction. ~~The~~ If the court of common 9824
pleas has entered into an agreement for joint supervision with the 9825
adult parole authority pursuant to section 2967.29 of the Revised 9826
Code, the court of common pleas also shall receive into the legal 9827
custody or supervision of the department any person who is 9828
paroled, released under a post-release control sanction, or 9829
conditionally pardoned from a state correctional institution and 9830
who resides or remains in the county, ~~if requested~~ as agreed to by 9831
the adult parole authority created by section 5149.02 of the 9832
Revised Code ~~or any other authority having power to parole or~~ 9833
~~release from any institution of that nature.~~ 9834

As used in this section and section 2301.30 of the Revised 9835
Code, "post-release control sanction" has the same meaning as in 9836
section 2967.01 of the Revised Code. 9837

Sec. 2301.30. The court of common pleas of a county in which 9838
a county department of probation is established under division (A) 9839
of section 2301.27 of the Revised Code shall require the 9840
department, in the rules through which the supervision of the 9841
department is exercised or otherwise, to do all of the following: 9842

(A) Furnish to each person under its supervision or in its 9843

custody under a community control sanction or, pursuant to an 9844
agreement for joint supervision under section 2967.29 of the 9845
Revised Code, under a post-release control sanction or on parole 9846
~~under its supervision or in its custody~~, a written statement of 9847
the conditions of the community control sanction, post-release 9848
control sanction, or parole and instruct the person regarding the 9849
conditions; 9850

(B) Keep informed concerning the conduct and condition of 9851
each person in its custody or under its supervision by visiting, 9852
the requiring of reports, and otherwise; 9853

(C) Use all suitable methods, not inconsistent with the 9854
conditions of the community control sanction, post-release control 9855
sanction, or parole, to aid and encourage the persons under its 9856
supervision or in its custody and to bring about improvement in 9857
their conduct and condition; 9858

(D) Establish policies regarding the supervision of 9859
probationers that shall include, but not be limited to, ~~all~~ both 9860
of the following: 9861

(1) The minimum number of supervision contacts required for 9862
probationers, based on each probationer's risk to reoffend as 9863
determined by the single validated risk assessment tool selected 9864
by the department of rehabilitation and correction under section 9865
5120.114 of the Revised Code, under which higher risk probationers 9866
receive the greatest amount of supervision; 9867

(2) A graduated response policy to govern which types of 9868
violations a probation officer may respond to administratively and 9869
which type require a violation hearing by the court. 9870

(E) Keep detailed records of the work of the department, keep 9871
accurate and complete accounts of all moneys collected from 9872
persons under its supervision or in its custody, and keep or give 9873
receipts for those moneys; 9874

(F) Make reports to the adult parole authority created by 9875
section 5149.02 of the Revised Code that it requires. 9876

Sec. 2301.32. (A) In any county in which a county department 9877
of probation has been established under division (A) of section 9878
2301.27 of the Revised Code and complies with standards and 9879
conditions prescribed by the adult parole authority created by 9880
section 5149.02 of the Revised Code, an agreement may be entered 9881
into between the court of common pleas and the authority under 9882
which the county department of probation may receive supplemental 9883
investigation or supervisory services from the authority. However, 9884
the authority may limit the provision of its services in order to 9885
meet caseload and supervision standards developed by the authority 9886
for its officers under section 5149.04 of the Revised Code. 9887

(B) In any county in which a county department of probation 9888
has not been established under division (A) of section 2301.27 of 9889
the Revised Code, an agreement may be entered into between the 9890
court of common pleas of that county and the adult parole 9891
authority under which the court of common pleas may place 9892
defendants under a community control sanction in charge of the 9893
authority, and, in consideration of those placements, the county 9894
shall pay to the state from time to time the amounts that are 9895
provided for in the agreement. However, the authority may limit 9896
the provision of its services in order to meet caseload and 9897
supervision standards developed by the authority for its officers 9898
under section 5149.04 of the Revised Code. 9899

(C) If the adult parole authority does not have an existing 9900
agreement to provide investigation or supervisory services to a 9901
county pursuant to division (A) or (B) of this section, the 9902
authority may choose not to enter into a new agreement for those 9903
services. The authority may terminate or choose not to renew an 9904
existing agreement, subject to the terms of that agreement, but if 9905

the authority terminates or chooses not to renew an existing 9906
agreement, the county shall instead be offered funding from the 9907
division of parole and community services of the department of 9908
rehabilitation and correction, provided the general assembly has 9909
appropriated sufficient funds for that purpose. 9910

Sec. 2317.54. No hospital, home health agency, ambulatory 9911
surgical facility, or provider of a hospice care program or 9912
pediatric respite care program shall be held liable for a 9913
physician's failure to obtain an informed consent from the 9914
physician's patient prior to a surgical or medical procedure or 9915
course of procedures, unless the physician is an employee of the 9916
hospital, home health agency, ambulatory surgical facility, or 9917
provider of a hospice care program or pediatric respite care 9918
program. 9919

Written consent to a surgical or medical procedure or course 9920
of procedures shall, to the extent that it fulfills all the 9921
requirements in divisions (A), (B), and (C) of this section, be 9922
presumed to be valid and effective, in the absence of proof by a 9923
preponderance of the evidence that the person who sought such 9924
consent was not acting in good faith, or that the execution of the 9925
consent was induced by fraudulent misrepresentation of material 9926
facts, or that the person executing the consent was not able to 9927
communicate effectively in spoken and written English or any other 9928
language in which the consent is written. Except as herein 9929
provided, no evidence shall be admissible to impeach, modify, or 9930
limit the authorization for performance of the procedure or 9931
procedures set forth in such written consent. 9932

(A) The consent sets forth in general terms the nature and 9933
purpose of the procedure or procedures, and what the procedures 9934
are expected to accomplish, together with the reasonably known 9935
risks, and, except in emergency situations, sets forth the names 9936

of the physicians who shall perform the intended surgical 9937
procedures. 9938

(B) The person making the consent acknowledges that such 9939
disclosure of information has been made and that all questions 9940
asked about the procedure or procedures have been answered in a 9941
satisfactory manner. 9942

(C) The consent is signed by the patient for whom the 9943
procedure is to be performed, or, if the patient for any reason 9944
including, but not limited to, competence, minority, or the fact 9945
that, at the latest time that the consent is needed, the patient 9946
is under the influence of alcohol, hallucinogens, or drugs, lacks 9947
legal capacity to consent, by a person who has legal authority to 9948
consent on behalf of such patient in such circumstances, including 9949
either of the following: 9950

(1) The parent, whether the parent is an adult or a minor, of 9951
the parent's minor child; 9952

(2) An adult whom the parent of the minor child has given 9953
written authorization to consent to a surgical or medical 9954
procedure or course of procedures for the parent's minor child. 9955

Any use of a consent form that fulfills the requirements 9956
stated in divisions (A), (B), and (C) of this section has no 9957
effect on the common law rights and liabilities, including the 9958
right of a physician to obtain the oral or implied consent of a 9959
patient to a medical procedure, that may exist as between 9960
physicians and patients on July 28, 1975. 9961

As used in this section the term "hospital" has the same 9962
meaning as in section 2305.113 of the Revised Code; "home health 9963
agency" has the same meaning as in section 5101.61 of the Revised 9964
Code; "ambulatory surgical facility" has the same meaning as in 9965
~~division (A) of~~ section 3702.30 of the Revised Code; and "hospice 9966
care program" and "pediatric respite care program" have the same 9967

meanings as in section 3712.01 of the Revised Code. The provisions 9968
of this division apply to hospitals, doctors of medicine, doctors 9969
of osteopathic medicine, and doctors of podiatric medicine. 9970

Sec. 2925.01. As used in this chapter: 9971

(A) "Administer," "controlled substance," "controlled 9972
substance analog," "dispense," "distribute," "hypodermic," 9973
"manufacturer," "official written order," "person," "pharmacist," 9974
"pharmacy," "sale," "schedule I," "schedule II," "schedule III," 9975
"schedule IV," "schedule V," and "wholesaler" have the same 9976
meanings as in section 3719.01 of the Revised Code. 9977

(B) "Drug dependent person" and "drug of abuse" have the same 9978
meanings as in section 3719.011 of the Revised Code. 9979

(C) "Drug," "dangerous drug," "licensed health professional 9980
authorized to prescribe drugs," and "prescription" have the same 9981
meanings as in section 4729.01 of the Revised Code. 9982

(D) "Bulk amount" of a controlled substance means any of the 9983
following: 9984

(1) For any compound, mixture, preparation, or substance 9985
included in schedule I, schedule II, or schedule III, with the 9986
exception of any controlled substance analog, marihuana, cocaine, 9987
L.S.D., heroin, any fentanyl-related compound, a d hashish and 9988
except as provided in division (D)(2), (5), or (6) of this 9989
section, whichever of the following is applicable: 9990

(a) An amount equal to or exceeding ten grams or twenty-five 9991
unit doses of a compound, mixture, preparation, or substance that 9992
is or contains any amount of a schedule I opiate or opium 9993
derivative; 9994

(b) An amount equal to or exceeding ten grams of a compound, 9995
mixture, preparation, or substance that is or contains any amount 9996
of raw or gum opium; 9997

(c) An amount equal to or exceeding thirty grams or ten unit 9998
doses of a compound, mixture, preparation, or substance that is or 9999
contains any amount of a schedule I hallucinogen other than 10000
tetrahydrocannabinol or lysergic acid amide, or a schedule I 10001
stimulant or depressant; 10002

(d) An amount equal to or exceeding twenty grams or five 10003
times the maximum daily dose in the usual dose range specified in 10004
a standard pharmaceutical reference manual of a compound, mixture, 10005
preparation, or substance that is or contains any amount of a 10006
schedule II opiate or opium derivative; 10007

(e) An amount equal to or exceeding five grams or ten unit 10008
doses of a compound, mixture, preparation, or substance that is or 10009
contains any amount of phencyclidine; 10010

(f) An amount equal to or exceeding one hundred twenty grams 10011
or thirty times the maximum daily dose in the usual dose range 10012
specified in a standard pharmaceutical reference manual of a 10013
compound, mixture, preparation, or substance that is or contains 10014
any amount of a schedule II stimulant that is in a final dosage 10015
form manufactured by a person authorized by the "Federal Food, 10016
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as 10017
amended, and the federal drug abuse control laws, as defined in 10018
section 3719.01 of the Revised Code, that is or contains any 10019
amount of a schedule II depressant substance or a schedule II 10020
hallucinogenic substance; 10021

(g) An amount equal to or exceeding three grams of a 10022
compound, mixture, preparation, or substance that is or contains 10023
any amount of a schedule II stimulant, or any of its salts or 10024
isomers, that is not in a final dosage form manufactured by a 10025
person authorized by the Federal Food, Drug, and Cosmetic Act and 10026
the federal drug abuse control laws. 10027

(2) An amount equal to or exceeding one hundred twenty grams 10028

or thirty times the maximum daily dose in the usual dose range 10029
specified in a standard pharmaceutical reference manual of a 10030
compound, mixture, preparation, or substance that is or contains 10031
any amount of a schedule III or IV substance other than an 10032
anabolic steroid or a schedule III opiate or opium derivative; 10033

(3) An amount equal to or exceeding twenty grams or five 10034
times the maximum daily dose in the usual dose range specified in 10035
a standard pharmaceutical reference manual of a compound, mixture, 10036
preparation, or substance that is or contains any amount of a 10037
schedule III opiate or opium derivative; 10038

(4) An amount equal to or exceeding two hundred fifty 10039
milliliters or two hundred fifty grams of a compound, mixture, 10040
preparation, or substance that is or contains any amount of a 10041
schedule V substance; 10042

(5) An amount equal to or exceeding two hundred solid dosage 10043
units, sixteen grams, or sixteen milliliters of a compound, 10044
mixture, preparation, or substance that is or contains any amount 10045
of a schedule III anabolic steroid; 10046

(6) For any compound, mixture, preparation, or substance that 10047
is a combination of a fentanyl-related compound and any other 10048
compound, mixture, preparation, or substance included in schedule 10049
III, schedule IV, or schedule V, if the defendant is charged with 10050
a violation of section 2925.11 of the Revised Code and the 10051
sentencing provisions set forth in divisions (C)(10)(b) and 10052
(C)(11) of that section will not apply regarding the defendant and 10053
the violation, the bulk amount of the controlled substance for 10054
purposes of the violation is the amount specified in division 10055
(D)(1), (2), (3), (4), or (5) of this section for the other 10056
schedule III, IV, or V controlled substance that is combined with 10057
the fentanyl-related compound. 10058

(E) "Unit dose" means an amount or unit of a compound, 10059

mixture, or preparation containing a controlled substance that is 10060
separately identifiable and in a form that indicates that it is 10061
the amount or unit by which the controlled substance is separately 10062
administered to or taken by an individual. 10063

(F) "Cultivate" includes planting, watering, fertilizing, or 10064
tilling. 10065

(G) "Drug abuse offense" means any of the following: 10066

(1) A violation of division (A) of section 2913.02 that 10067
constitutes theft of drugs, or a violation of section 2925.02, 10068
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 10069
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, or 10070
2925.37 of the Revised Code; 10071

(2) A violation of an existing or former law of this or any 10072
other state or of the United States that is substantially 10073
equivalent to any section listed in division (G)(1) of this 10074
section; 10075

(3) An offense under an existing or former law of this or any 10076
other state, or of the United States, of which planting, 10077
cultivating, harvesting, processing, making, manufacturing, 10078
producing, shipping, transporting, delivering, acquiring, 10079
possessing, storing, distributing, dispensing, selling, inducing 10080
another to use, administering to another, using, or otherwise 10081
dealing with a controlled substance is an element; 10082

(4) A conspiracy to commit, attempt to commit, or complicity 10083
in committing or attempting to commit any offense under division 10084
(G)(1), (2), or (3) of this section. 10085

(H) "Felony drug abuse offense" means any drug abuse offense 10086
that would constitute a felony under the laws of this state, any 10087
other state, or the United States. 10088

(I) "Harmful intoxicant" does not include beer or 10089

intoxicating liquor but means any of the following:	10090
(1) Any compound, mixture, preparation, or substance the gas,	10091
fumes, or vapor of which when inhaled can induce intoxication,	10092
excitement, giddiness, irrational behavior, depression,	10093
stupefaction, paralysis, unconsciousness, asphyxiation, or other	10094
harmful physiological effects, and includes, but is not limited	10095
to, any of the following:	10096
(a) Any volatile organic solvent, plastic cement, model	10097
cement, fingernail polish remover, lacquer thinner, cleaning	10098
fluid, gasoline, or other preparation containing a volatile	10099
organic solvent;	10100
(b) Any aerosol propellant;	10101
(c) Any fluorocarbon refrigerant;	10102
(d) Any anesthetic gas.	10103
(2) Gamma Butyrolactone;	10104
(3) 1,4 Butanediol.	10105
(J) "Manufacture" means to plant, cultivate, harvest,	10106
process, make, prepare, or otherwise engage in any part of the	10107
production of a drug, by propagation, extraction, chemical	10108
synthesis, or compounding, or any combination of the same, and	10109
includes packaging, repackaging, labeling, and other activities	10110
incident to production.	10111
(K) "Possess" or "possession" means having control over a	10112
thing or substance, but may not be inferred solely from mere	10113
access to the thing or substance through ownership or occupation	10114
of the premises upon which the thing or substance is found.	10115
(L) "Sample drug" means a drug or pharmaceutical preparation	10116
that would be hazardous to health or safety if used without the	10117
supervision of a licensed health professional authorized to	10118
prescribe drugs, or a drug of abuse, and that, at one time, had	10119

been placed in a container plainly marked as a sample by a 10120
manufacturer. 10121

(M) "Standard pharmaceutical reference manual" means the 10122
current edition, with cumulative changes if any, of references 10123
that are approved by the state board of pharmacy. 10124

(N) "Juvenile" means a person under eighteen years of age. 10125

(O) "Counterfeit controlled substance" means any of the 10126
following: 10127

(1) Any drug that bears, or whose container or label bears, a 10128
trademark, trade name, or other identifying mark used without 10129
authorization of the owner of rights to that trademark, trade 10130
name, or identifying mark; 10131

(2) Any unmarked or unlabeled substance that is represented 10132
to be a controlled substance manufactured, processed, packed, or 10133
distributed by a person other than the person that manufactured, 10134
processed, packed, or distributed it; 10135

(3) Any substance that is represented to be a controlled 10136
substance but is not a controlled substance or is a different 10137
controlled substance; 10138

(4) Any substance other than a controlled substance that a 10139
reasonable person would believe to be a controlled substance 10140
because of its similarity in shape, size, and color, or its 10141
markings, labeling, packaging, distribution, or the price for 10142
which it is sold or offered for sale. 10143

(P) An offense is "committed in the vicinity of a school" if 10144
the offender commits the offense on school premises, in a school 10145
building, or within one thousand feet of the boundaries of any 10146
school premises, regardless of whether the offender knows the 10147
offense is being committed on school premises, in a school 10148
building, or within one thousand feet of the boundaries of any 10149

school premises. 10150

(Q) "School" means any school operated by a board of 10151
education, any community school established under Chapter 3314. of 10152
the Revised Code, or any nonpublic school for which the state 10153
board of education prescribes minimum standards under section 10154
3301.07 of the Revised Code, whether or not any instruction, 10155
extracurricular activities, or training provided by the school is 10156
being conducted at the time a criminal offense is committed. 10157

(R) "School premises" means either of the following: 10158

(1) The parcel of real property on which any school is 10159
situated, whether or not any instruction, extracurricular 10160
activities, or training provided by the school is being conducted 10161
on the premises at the time a criminal offense is committed; 10162

(2) Any other parcel of real property that is owned or leased 10163
by a board of education of a school, the governing authority of a 10164
community school established under Chapter 3314. of the Revised 10165
Code, or the governing body of a nonpublic school for which the 10166
state board of education prescribes minimum standards under 10167
section 3301.07 of the Revised Code and on which some of the 10168
instruction, extracurricular activities, or training of the school 10169
is conducted, whether or not any instruction, extracurricular 10170
activities, or training provided by the school is being conducted 10171
on the parcel of real property at the time a criminal offense is 10172
committed. 10173

(S) "School building" means any building in which any of the 10174
instruction, extracurricular activities, or training provided by a 10175
school is conducted, whether or not any instruction, 10176
extracurricular activities, or training provided by the school is 10177
being conducted in the school building at the time a criminal 10178
offense is committed. 10179

(T) "Disciplinary counsel" means the disciplinary counsel 10180

appointed by the board of commissioners on grievances and 10181
discipline of the supreme court under the Rules for the Government 10182
of the Bar of Ohio. 10183

(U) "Certified grievance committee" means a duly constituted 10184
and organized committee of the Ohio state bar association or of 10185
one or more local bar associations of the state of Ohio that 10186
complies with the criteria set forth in Rule V, section 6 of the 10187
Rules for the Government of the Bar of Ohio. 10188

(V) "Professional license" means any license, permit, 10189
certificate, registration, qualification, admission, temporary 10190
license, temporary permit, temporary certificate, or temporary 10191
registration that is described in divisions (W)(1) to (37) of this 10192
section and that qualifies a person as a professionally licensed 10193
person. 10194

(W) "Professionally licensed person" means any of the 10195
following: 10196

(1) A person who has received a certificate or temporary 10197
certificate as a certified public accountant or who has registered 10198
as a public accountant under Chapter 4701. of the Revised Code and 10199
who holds an Ohio permit issued under that chapter; 10200

(2) A person who holds a certificate of qualification to 10201
practice architecture issued or renewed and registered under 10202
Chapter 4703. of the Revised Code; 10203

(3) A person who is registered as a landscape architect under 10204
Chapter 4703. of the Revised Code or who holds a permit as a 10205
landscape architect issued under that chapter; 10206

(4) A person licensed under Chapter 4707. of the Revised 10207
Code; 10208

(5) A person who has been issued a certificate of 10209
registration as a registered barber under Chapter 4709. of the 10210

Revised Code;	10211
(6) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of Chapter 4710. of the Revised Code;	10212 10213 10214
(7) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, advanced cosmetologist's license, advanced hair designer's license, advanced manicurist's license, advanced esthetician's license, advanced natural hair stylist's license, cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetics instructor's license, natural hair style instructor's license, independent contractor's license, or tanning facility permit under Chapter 4713. of the Revised Code;	10215 10216 10217 10218 10219 10220 10221 10222 10223 10224
(8) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious sedation permit, a limited resident's license, a limited teaching license, a dental hygienist's license, or a dental hygienist's teacher's certificate under Chapter 4715. of the Revised Code;	10225 10226 10227 10228 10229
(9) A person who has been issued an embalmer's license, a funeral director's license, a funeral home license, or a crematory license, or who has been registered for an embalmer's or funeral director's apprenticeship under Chapter 4717. of the Revised Code;	10230 10231 10232 10233
(10) A person who has been licensed as a registered nurse or practical nurse, or who has been issued a certificate for the practice of nurse-midwifery under Chapter 4723. of the Revised Code;	10234 10235 10236 10237
(11) A person who has been licensed to practice optometry or to engage in optical dispensing under Chapter 4725. of the Revised Code;	10238 10239 10240
(12) A person licensed to act as a pawnbroker under Chapter	10241

4727. of the Revised Code;	10242
(13) A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code;	10243 10244
(14) A person licensed under Chapter 4729. of the Revised Code as a pharmacist or pharmacy intern or registered under that chapter as a registered pharmacy technician, certified pharmacy technician, or pharmacy technician trainee;	10245 10246 10247 10248
(15) A person licensed under Chapter 4729. of the Revised Code as a manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, wholesale distributor of dangerous drugs, or terminal distributor of dangerous drugs;	10249 10250 10251 10252 10253
(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;	10254 10255
(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;	10256 10257 10258 10259 10260
(18) A person licensed as a psychologist or school psychologist under Chapter 4732. of the Revised Code;	10261 10262
(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;	10263 10264
(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	10265 10266
(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;	10267 10268
(22) A person registered as a registered sanitarian under Chapter 4736. <u>3722.</u> of the Revised Code;	10269 10270
(23) A person licensed to operate or maintain a junkyard	10271

under Chapter 4737. of the Revised Code;	10272
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	10273 10274
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	10275 10276
(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 Chapter 4741. of the Revised Code;	10277 10278 10279 10280
(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	10281 10282 10283
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	10284 10285 10286
(29) A person licensed and registered to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	10287 10288 10289
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	10290 10291 10292
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	10293 10294
(32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a social work assistant under Chapter 4757. of the Revised Code;	10295 10296 10297 10298 10299
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	10300 10301

(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;	10302 10303 10304
(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;	10305 10306
(36) A person who has been issued a home inspector license under Chapter 4764. of the Revised Code;	10307 10308
(37) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules.	10309 10310 10311
(X) "Cocaine" means any of the following:	10312
(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;	10313 10314
(2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine;	10315 10316 10317 10318
(3) A salt, compound, derivative, or preparation of a substance identified in division (X)(1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine.	10319 10320 10321 10322 10323 10324
(Y) "L.S.D." means lysergic acid diethylamide.	10325
(Z) "Hashish" means the resin or a preparation of the resin contained in marihuana, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.	10326 10327 10328
(AA) "Marihuana" has the same meaning as in section 3719.01 of the Revised Code, except that it does not include hashish.	10329 10330
(BB) An offense is "committed in the vicinity of a juvenile"	10331

if the offender commits the offense within one hundred feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender knows the offense is being committed within one hundred feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense.

(CC) "Presumption for a prison term" or "presumption that a prison term shall be imposed" means a presumption, as described in division (D) of section 2929.13 of the Revised Code, that a prison term is a necessary sanction for a felony in order to comply with the purposes and principles of sentencing under section 2929.11 of the Revised Code.

(DD) "Major drug offender" has the same meaning as in section 2929.01 of the Revised Code.

(EE) "Minor drug possession offense" means either of the following:

(1) A violation of section 2925.11 of the Revised Code as it existed prior to July 1, 1996;

(2) A violation of section 2925.11 of the Revised Code as it exists on and after July 1, 1996, that is a misdemeanor or a felony of the fifth degree.

(FF) "Mandatory prison term" has the same meaning as in section 2929.01 of the Revised Code.

(GG) "Adulterate" means to cause a drug to be adulterated as described in section 3715.63 of the Revised Code.

(HH) "Public premises" means any hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort.

(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.	10362 10363
(JJ) "Deception" has the same meaning as in section 2913.01 of the Revised Code.	10364 10365
(KK) "Fentanyl-related compound" means any of the following:	10366
(1) Fentanyl;	10367
(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);	10368 10369 10370
(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);	10371 10372
(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenylpropanamide);	10373 10374
(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);	10375 10376 10377
(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N- phenylpropanamide);	10378 10379
(7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide);	10380 10381
(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide;	10382 10383
(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide;	10384 10385
(10) Alfentanil;	10386
(11) Carfentanil;	10387
(12) Remifentanil;	10388
(13) Sufentanil;	10389

(14) Acetyl-alpha-methylfentanyl	10390
(N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide);	10391
and	10392
(15) Any compound that meets all of the following fentanyl	10393
pharmacophore requirements to bind at the mu receptor, as	10394
identified by a report from an established forensic laboratory,	10395
including acetylfentanyl, furanylfentanyl, valerylfentanyl,	10396
butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl,	10397
para-fluorobutyrylfentanyl, acrylfentanyl, and	10398
ortho-fluorofentanyl:	10399
(a) A chemical scaffold consisting of both of the following:	10400
(i) A five, six, or seven member ring structure containing a	10401
nitrogen, whether or not further substituted;	10402
(ii) An attached nitrogen to the ring, whether or not that	10403
nitrogen is enclosed in a ring structure, including an attached	10404
aromatic ring or other lipophilic group to that nitrogen.	10405
(b) A polar functional group attached to the chemical	10406
scaffold, including but not limited to a hydroxyl, ketone, amide,	10407
or ester;	10408
(c) An alkyl or aryl substitution off the ring nitrogen of	10409
the chemical scaffold; and	10410
(d) The compound has not been approved for medical use by the	10411
United States food and drug administration.	10412
(LL) "First degree felony mandatory prison term" means one of	10413
the definite prison terms prescribed in division (A)(1)(b) of	10414
section 2929.14 of the Revised Code for a felony of the first	10415
degree, except that if the violation for which sentence is being	10416
imposed is committed on or after the effective date of this	10417
amendment, it means one of the minimum prison terms prescribed in	10418
division (A)(1)(a) of that section for a felony of the first	10419

degree. 10420

(MM) "Second degree felony mandatory prison term" means one 10421
of the definite prison terms prescribed in division (A)(2)(b) of 10422
section 2929.14 of the Revised Code for a felony of the second 10423
degree, except that if the violation for which sentence is being 10424
imposed is committed on or after the effective date of this 10425
amendment, it means one of the minimum prison terms prescribed in 10426
division (A)(2)(a) of that section for a felony of the second 10427
degree. 10428

(NN) "Maximum first degree felony mandatory prison term" 10429
means the maximum definite prison term prescribed in division 10430
(A)(1)(b) of section 2929.14 of the Revised Code for a felony of 10431
the first degree, except that if the violation for which sentence 10432
is being imposed is committed on or after the effective date of 10433
this amendment, it means the longest minimum prison term 10434
prescribed in division (A)(1)(a) of that section for a felony of 10435
the first degree. 10436

(OO) "Maximum second degree felony mandatory prison term" 10437
means the maximum definite prison term prescribed in division 10438
(A)(2)(b) of section 2929.14 of the Revised Code for a felony of 10439
the second degree, except that if the violation for which sentence 10440
is being imposed is committed on or after the effective date of 10441
this amendment, it means the longest minimum prison term 10442
prescribed in division (A)(2)(a) of that section for a felony of 10443
the second degree. 10444

Sec. 2927.02. (A) As used in this section and sections 10445
2927.021 and 2927.022 of the Revised Code: 10446

(1) "Age verification" means a service provided by an 10447
independent third party (other than a manufacturer, producer, 10448
distributor, wholesaler, or retailer of cigarettes, other tobacco 10449
products, alternative nicotine products, or papers used to roll 10450

cigarettes) that compares information available from a 10451
commercially available database, or aggregate of databases, that 10452
regularly are used by government and businesses for the purpose of 10453
age and identity verification to personal information provided 10454
during an internet sale or other remote method of sale to 10455
establish that the purchaser is ~~eighteen~~ twenty-one years of age 10456
or older. 10457

(2)(a) "Alternative nicotine product" means, subject to 10458
division (A)(2)(b) of this section, an electronic cigarette, vapor 10459
product, or any other product or device that consists of or 10460
contains nicotine that can be ingested into the body by any means, 10461
including, but not limited to, chewing, smoking, absorbing, 10462
dissolving, or inhaling. 10463

(b) "Alternative nicotine product" does not include any of 10464
the following: 10465

(i) Any cigarette or other tobacco product; 10466

(ii) Any product that is a "drug" as that term is defined in 10467
21 U.S.C. 321(g)(1); 10468

(iii) Any product that is a "device" as that term is defined 10469
in 21 U.S.C. 321(h); 10470

(iv) Any product that is a "combination product" as described 10471
in 21 U.S.C. 353(g). 10472

(3) ~~"Child" has the same meaning as in section 2151.011 of~~ 10473
~~the Revised Code.~~ 10474

~~(4)~~ "Cigarette" includes clove cigarettes and hand-rolled 10475
cigarettes. 10476

~~(5)~~(4) "Distribute" means to furnish, give, or provide 10477
cigarettes, other tobacco products, alternative nicotine products, 10478
or papers used to roll cigarettes to the ultimate consumer of the 10479
cigarettes, other tobacco products, alternative nicotine products, 10480

or papers used to roll cigarettes. 10481

~~(6)~~(5)(a) "Electronic cigarette" means, subject to division 10482
(A)~~(6)~~(5)(b) of this section, any electronic product or device 10483
that produces a vapor that delivers nicotine or any other 10484
substance to the person inhaling from the device to simulate 10485
smoking and that is likely to be offered to or purchased by 10486
consumers as an electronic cigarette, electronic cigar, electronic 10487
cigarillo, or electronic pipe. 10488

(b) "Electronic cigarette" does not include any item, 10489
product, or device described in divisions (A)(2)(b)(i) to (iv) of 10490
this section. 10491

~~(7)~~(6) "Proof of age" means a driver's license, a commercial 10492
driver's license, a military identification card, a passport, or 10493
an identification card issued under sections 4507.50 to 4507.52 of 10494
the Revised Code that shows that a person is eighteen years of age 10495
or older. 10496

~~(8)~~(7) "Tobacco product" means any product that is made from 10497
tobacco, including, but not limited to, a cigarette, a cigar, pipe 10498
tobacco, chewing tobacco, or snuff. 10499

~~(9)~~(8) "Vapor product" means a product, other than a 10500
cigarette or other tobacco product as defined in Chapter 5743. of 10501
the Revised Code, that contains or is made or derived from 10502
nicotine and that is intended and marketed for human consumption, 10503
including by smoking, inhaling, snorting, or sniffing. "Vapor 10504
product" includes any component, part, or additive that is 10505
intended for use in a mechanical heating element, battery, or 10506
electronic circuit and is used to deliver the product, provided 10507
that the component, part, or additive is sold with the product and 10508
not separately stated on an invoice or other document of sale. 10509
"Vapor product" does not include any product that is a drug, 10510
device, or combination product, as those terms are defined or 10511

described in 21 U.S.C. 321 and 353(g). "Vapor product" includes 10512
any product containing nicotine, regardless of concentration. 10513

(9) "Vending machine" has the same meaning as "coin machine" 10514
in section 2913.01 of the Revised Code. 10515

(B) No manufacturer, producer, distributor, wholesaler, or 10516
retailer of cigarettes, other tobacco products, alternative 10517
nicotine products, or papers used to roll cigarettes, no agent, 10518
employee, or representative of a manufacturer, producer, 10519
distributor, wholesaler, or retailer of cigarettes, other tobacco 10520
products, alternative nicotine products, or papers used to roll 10521
cigarettes, and no other person shall do any of the following: 10522

(1) Give, sell, or otherwise distribute cigarettes, other 10523
tobacco products, alternative nicotine products, or papers used to 10524
roll cigarettes to any ~~child~~ person under twenty-one years of age; 10525

(2) Give away, sell, or distribute cigarettes, other tobacco 10526
products, alternative nicotine products, or papers used to roll 10527
cigarettes in any place that does not have posted in a conspicuous 10528
place a legibly printed sign in letters at least one-half inch 10529
high stating that giving, selling, or otherwise distributing 10530
cigarettes, other tobacco products, alternative nicotine products, 10531
or papers used to roll cigarettes to a person under ~~eighteen~~ 10532
twenty-one years of age is prohibited by law; 10533

(3) Knowingly furnish any false information regarding the 10534
name, age, or other identification of any ~~child~~ person under 10535
twenty-one years of age with purpose to obtain cigarettes, other 10536
tobacco products, alternative nicotine products, or papers used to 10537
roll cigarettes for that ~~child~~ person; 10538

(4) Manufacture, sell, or distribute in this state any pack 10539
or other container of cigarettes containing fewer than twenty 10540
cigarettes or any package of roll-your-own tobacco containing less 10541
than six-tenths of one ounce of tobacco; 10542

(5) Sell cigarettes or alternative nicotine products in a smaller quantity than that placed in the pack or other container by the manufacturer;

(6) Give, sell, or otherwise distribute alternative nicotine products, papers used to roll cigarettes, or tobacco products other than cigarettes over the internet or through another remote method without age verification.

(C) No person shall sell or offer to sell cigarettes, other tobacco products, or alternative nicotine products by or from a vending machine, except in the following locations:

(1) An area within a factory, business, office, or other place not open to the general public;

(2) An area to which ~~children~~ persons under twenty-one years of age are not generally permitted access;

(3) Any other place not identified in division (C)(1) or (2) of this section, upon all of the following conditions:

(a) The vending machine is located within the immediate vicinity, plain view, and control of the person who owns or operates the place, or an employee of that person, so that all cigarettes, other tobacco product, and alternative nicotine product purchases from the vending machine will be readily observed by the person who owns or operates the place or an employee of that person. For the purpose of this section, a vending machine located in any unmonitored area, including an unmonitored coatroom, restroom, hallway, or outer waiting area, shall not be considered located within the immediate vicinity, plain view, and control of the person who owns or operates the place, or an employee of that person.

(b) The vending machine is inaccessible to the public when the place is closed.

(c) A clearly visible notice is posted in the area where the vending machine is located that states the following in letters that are legibly printed and at least one-half inch high: 10573
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10575

"It is illegal for any person under the age of 21 to purchase tobacco products." 10576
10577

(D) The following are affirmative defenses to a charge under division (B)(1) of this section: 10578
10579

(1) The ~~child~~ person under twenty-one years of age was accompanied by a parent, spouse who is ~~eighteen~~ twenty-one years of age or older, or legal guardian of the ~~child~~ person under twenty-one years of age. 10580
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(2) The person who gave, sold, or distributed cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to a ~~child~~ person under twenty-one years of age under division (B)(1) of this section is a parent, spouse who is ~~eighteen~~ twenty-one years of age or older, or legal guardian of the ~~child~~ person under twenty-one years of age. 10584
10585
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(E) It is not a violation of division (B)(1) or (2) of this section for a person to give or otherwise distribute to a ~~child~~ person under twenty-one years of age cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes while the ~~child~~ person under twenty-one years of age is participating in a research protocol if all of the following apply: 10590
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10596

(1) The parent, guardian, or legal custodian of the ~~child~~ person under twenty-one years of age has consented in writing to the ~~child~~ person under twenty-one years of age participating in the research protocol. 10597
10598
10599
10600

(2) An institutional human subjects protection review board, or an equivalent entity, has approved the research protocol. 10601
10602

(3) The ~~child~~ person under twenty-one years of age is 10603
participating in the research protocol at the facility or location 10604
specified in the research protocol. 10605

(F)(1) Whoever violates division (B)(1), (2), (4), (5), or 10606
(6) or (C) of this section is guilty of illegal distribution of 10607
cigarettes, other tobacco products, or alternative nicotine 10608
products. Except as otherwise provided in this division, illegal 10609
distribution of cigarettes, other tobacco products, or alternative 10610
nicotine products is a misdemeanor of the fourth degree. If the 10611
offender previously has been convicted of a violation of division 10612
(B)(1), (2), (4), (5), or (6) or (C) of this section, illegal 10613
distribution of cigarettes, other tobacco products, or alternative 10614
nicotine products is a misdemeanor of the third degree. 10615

(2) Whoever violates division (B)(3) of this section is 10616
guilty of permitting ~~children~~ a person under twenty-one years of 10617
age to use cigarettes, other tobacco products, or alternative 10618
nicotine products. Except as otherwise provided in this division, 10619
permitting ~~children~~ a person under twenty-one years of age to use 10620
cigarettes, other tobacco products, or alternative nicotine 10621
products is a misdemeanor of the fourth degree. If the offender 10622
previously has been convicted of a violation of division (B)(3) of 10623
this section, permitting ~~children~~ a person under twenty-one years 10624
of age to use cigarettes, other tobacco products, or alternative 10625
nicotine products is a misdemeanor of the third degree. 10626

(G) Any cigarettes, other tobacco products, alternative 10627
nicotine products, or papers used to roll cigarettes that are 10628
given, sold, or otherwise distributed to a ~~child~~ person under 10629
twenty-one years of age in violation of this section and that are 10630
used, possessed, purchased, or received by a ~~child~~ person under 10631
twenty-one years of age in violation of section 2151.87 of the 10632
Revised Code are subject to seizure and forfeiture as contraband 10633
under Chapter 2981. of the Revised Code. 10634

Sec. 2927.022. (A) A seller or an agent or employee of a 10635
seller may not be found guilty of a charge of a violation of 10636
section 2927.02 of the Revised Code in which the age of the 10637
purchaser or other recipient of cigarettes, other tobacco 10638
products, or alternative nicotine products is an element of the 10639
alleged violation, if the seller, agent, or employee raises and 10640
proves as an affirmative defense that all of the following 10641
occurred: 10642

(1) A card holder attempting to purchase or receive 10643
cigarettes, other tobacco products, or alternative nicotine 10644
products presented a driver's or commercial driver's license or an 10645
identification card. 10646

(2) A transaction scan of the driver's or commercial driver's 10647
license or identification card that the card holder presented 10648
indicated that the license or card was valid. 10649

(3) The cigarettes, other tobacco products, or alternative 10650
nicotine products were sold, given away, or otherwise distributed 10651
to the card holder in reasonable reliance upon the identification 10652
presented and the completed transaction scan. 10653

(B) In determining whether a seller or an agent or employee 10654
of a seller has proven the affirmative defense provided by 10655
division (A) of this section, the trier of fact in the action for 10656
the alleged violation of section 2927.02 of the Revised Code shall 10657
consider any written policy that the seller has adopted and 10658
implemented and that is intended to prevent violations of section 10659
2927.02 of the Revised Code. For purposes of division (A)(3) of 10660
this section, the trier of fact shall consider that reasonable 10661
reliance upon the identification presented and the completed 10662
transaction scan may require a seller or an agent or employee of a 10663
seller to exercise reasonable diligence to determine, and that the 10664
use of a transaction scan device does not excuse a seller or an 10665

agent or employee of a seller from exercising reasonable diligence 10666
to determine, the following: 10667

(1) Whether a person to whom the seller or agent or employee 10668
of a seller sells, gives away, or otherwise distributes 10669
cigarettes, other tobacco products, or alternative nicotine 10670
products is ~~eighteen~~ twenty-one years of age or older; 10671

(2) Whether the description and picture appearing on the 10672
driver's or commercial driver's license or identification card 10673
presented by a card holder is that of the card holder. 10674

(C) In any criminal action in which the affirmative defense 10675
provided by division (A) of this section is raised, the registrar 10676
of motor vehicles or a deputy registrar who issued an 10677
identification card under sections 4507.50 to 4507.52 of the 10678
Revised Code shall be permitted to submit certified copies of the 10679
records of that issuance in lieu of the testimony of the personnel 10680
of or contractors with the bureau of motor vehicles in the action. 10681

Sec. 2929.13. (A) Except as provided in division (E), (F), or 10682
(G) of this section and unless a specific sanction is required to 10683
be imposed or is precluded from being imposed pursuant to law, a 10684
court that imposes a sentence upon an offender for a felony may 10685
impose any sanction or combination of sanctions on the offender 10686
that are provided in sections 2929.14 to 2929.18 of the Revised 10687
Code. 10688

If the offender is eligible to be sentenced to community 10689
control sanctions, the court shall consider the appropriateness of 10690
imposing a financial sanction pursuant to section 2929.18 of the 10691
Revised Code or a sanction of community service pursuant to 10692
section 2929.17 of the Revised Code as the sole sanction for the 10693
offense. Except as otherwise provided in this division, if the 10694
court is required to impose a mandatory prison term for the 10695
offense for which sentence is being imposed, the court also shall 10696

impose any financial sanction pursuant to section 2929.18 of the Revised Code that is required for the offense and may impose any other financial sanction pursuant to that section but may not impose any additional sanction or combination of sanctions under section 2929.16 or 2929.17 of the Revised Code.

If the offender is being sentenced for a fourth degree felony OVI offense or for a third degree felony OVI offense, in addition to the mandatory term of local incarceration or the mandatory prison term required for the offense by division (G)(1) or (2) of this section, the court shall impose upon the offender a mandatory fine in accordance with division (B)(3) of section 2929.18 of the Revised Code and may impose whichever of the following is applicable:

(1) For a fourth degree felony OVI offense for which sentence is imposed under division (G)(1) of this section, an additional community control sanction or combination of community control sanctions under section 2929.16 or 2929.17 of the Revised Code. If the court imposes upon the offender a community control sanction and the offender violates any condition of the community control sanction, the court may take any action prescribed in division (B) of section 2929.15 of the Revised Code relative to the offender, including imposing a prison term on the offender pursuant to that division.

(2) For a third or fourth degree felony OVI offense for which sentence is imposed under division (G)(2) of this section, an additional prison term as described in division (B)(4) of section 2929.14 of the Revised Code or a community control sanction as described in division (G)(2) of this section.

(B)(1)(a) Except as provided in division (B)(1)(b) of this section, if an offender is convicted of or pleads guilty to a felony of the fourth or fifth degree that is not an offense of violence or that is a qualifying assault offense, the court shall

sentence the offender to a community control sanction or 10729
combination of community control sanctions if all of the following 10730
apply: 10731

(i) The offender previously has not been convicted of or 10732
pleaded guilty to a felony offense. 10733

(ii) The most serious charge against the offender at the time 10734
of sentencing is a felony of the fourth or fifth degree. 10735

~~(iii) If the court made a request of the department of 10736
rehabilitation and correction pursuant to division (B)(1)(c) of 10737
this section, the department, within the forty five day period 10738
specified in that division, provided the court with the names of, 10739
contact information for, and program details of one or more 10740
community control sanctions that are available for persons 10741
sentenced by the court. 10742~~

~~(iv) The offender previously has not been convicted of or 10743
pleaded guilty to a misdemeanor offense of violence that the 10744
offender committed within two years prior to the offense for which 10745
sentence is being imposed. 10746~~

(b) The court has discretion to impose a prison term upon an 10747
offender who is convicted of or pleads guilty to a felony of the 10748
fourth or fifth degree that is not an offense of violence or that 10749
is a qualifying assault offense if any of the following apply: 10750

(i) The offender committed the offense while having a firearm 10751
on or about the offender's person or under the offender's control. 10752

(ii) If the offense is a qualifying assault offense, the 10753
offender caused serious physical harm to another person while 10754
committing the offense, and, if the offense is not a qualifying 10755
assault offense, the offender caused physical harm to another 10756
person while committing the offense. 10757

(iii) The offender violated a term of the conditions of bond 10758

as set by the court. 10759

~~(iv) The court made a request of the department of 10760
rehabilitation and correction pursuant to division (B)(1)(c) of 10761
this section, and the department, within the forty five day period 10762
specified in that division, did not provide the court with the 10763
name of, contact information for, and program details of any 10764
community control sanction that is available for persons sentenced 10765
by the court. 10766~~

~~(v) The offense is a sex offense that is a fourth or fifth 10767
degree felony violation of any provision of Chapter 2907. of the 10768
Revised Code. 10769~~

~~(vi)(v) In committing the offense, the offender attempted to 10770
cause or made an actual threat of physical harm to a person with a 10771
deadly weapon. 10772~~

~~(vii)(vi) In committing the offense, the offender attempted 10773
to cause or made an actual threat of physical harm to a person, 10774
and the offender previously was convicted of an offense that 10775
caused physical harm to a person. 10776~~

~~(viii)(vii) The offender held a public office or position of 10777
trust, and the offense related to that office or position; the 10778
offender's position obliged the offender to prevent the offense or 10779
to bring those committing it to justice; or the offender's 10780
professional reputation or position facilitated the offense or was 10781
likely to influence the future conduct of others. 10782~~

~~(ix)(viii) The offender committed the offense for hire or as 10783
part of an organized criminal activity. 10784~~

~~(x)(ix) The offender at the time of the offense was serving, 10785
or the offender previously had served, a prison term. 10786~~

~~(xi)(x) The offender committed the offense while under a 10787
community control sanction, while on probation, or while released 10788~~

from custody on a bond or personal recognizance. 10789

~~(c) If a court that is sentencing an offender who is 10790
convicted of or pleads guilty to a felony of the fourth or fifth 10791
degree that is not an offense of violence or that is a qualifying 10792
assault offense believes that no community control sanctions are 10793
available for its use that, if imposed on the offender, will 10794
adequately fulfill the overriding principles and purposes of 10795
sentencing, the court shall contact the department of 10796
rehabilitation and correction and ask the department to provide 10797
the court with the names of, contact information for, and program 10798
details of one or more community control sanctions that are 10799
available for persons sentenced by the court. Not later than 10800
forty five days after receipt of a request from a court under this 10801
division, the department shall provide the court with the names 10802
of, contact information for, and program details of one or more 10803
community control sanctions that are available for persons 10804
sentenced by the court, if any. Upon making a request under this 10805
division that relates to a particular offender, a court shall 10806
defer sentencing of that offender until it receives from the 10807
department the names of, contact information for, and program 10808
details of one or more community control sanctions that are 10809
available for persons sentenced by the court or for forty five 10810
days, whichever is the earlier. 10811~~

~~If the department provides the court with the names of, 10812
contact information for, and program details of one or more 10813
community control sanctions that are available for persons 10814
sentenced by the court within the forty five day period specified 10815
in this division, the court shall impose upon the offender a 10816
community control sanction under division (B)(1)(a) of this 10817
section, except that the court may impose a prison term under 10818
division (B)(1)(b) of this section if a factor described in 10819
division (B)(1)(b)(i) or (ii) of this section applies. If the 10820~~

~~department does not provide the court with the names of, contact 10821
information for, and program details of one or more community 10822
control sanctions that are available for persons sentenced by the 10823
court within the forty five day period specified in this division, 10824
the court may impose upon the offender a prison term under 10825
division (B)(1)(b)(iv) of this section. 10826~~

~~(d)~~ A sentencing court may impose an additional penalty under 10827
division (B) of section 2929.15 of the Revised Code upon an 10828
offender sentenced to a community control sanction under division 10829
(B)(1)(a) of this section if the offender violates the conditions 10830
of the community control sanction, violates a law, or leaves the 10831
state without the permission of the court or the offender's 10832
probation officer. 10833

(2) If division (B)(1) of this section does not apply, except 10834
as provided in division (E), (F), or (G) of this section, in 10835
determining whether to impose a prison term as a sanction for a 10836
felony of the fourth or fifth degree, the sentencing court shall 10837
comply with the purposes and principles of sentencing under 10838
section 2929.11 of the Revised Code and with section 2929.12 of 10839
the Revised Code. 10840

(C) Except as provided in division (D), (E), (F), or (G) of 10841
this section, in determining whether to impose a prison term as a 10842
sanction for a felony of the third degree or a felony drug offense 10843
that is a violation of a provision of Chapter 2925. of the Revised 10844
Code and that is specified as being subject to this division for 10845
purposes of sentencing, the sentencing court shall comply with the 10846
purposes and principles of sentencing under section 2929.11 of the 10847
Revised Code and with section 2929.12 of the Revised Code. 10848

(D)(1) Except as provided in division (E) or (F) of this 10849
section, for a felony of the first or second degree, for a felony 10850
drug offense that is a violation of any provision of Chapter 10851
2925., 3719., or 4729. of the Revised Code for which a presumption 10852

in favor of a prison term is specified as being applicable, and 10853
for a violation of division (A)(4) or (B) of section 2907.05 of 10854
the Revised Code for which a presumption in favor of a prison term 10855
is specified as being applicable, it is presumed that a prison 10856
term is necessary in order to comply with the purposes and 10857
principles of sentencing under section 2929.11 of the Revised 10858
Code. Division (D)(2) of this section does not apply to a 10859
presumption established under this division for a violation of 10860
division (A)(4) of section 2907.05 of the Revised Code. 10861

(2) Notwithstanding the presumption established under 10862
division (D)(1) of this section for the offenses listed in that 10863
division other than a violation of division (A)(4) or (B) of 10864
section 2907.05 of the Revised Code, the sentencing court may 10865
impose a community control sanction or a combination of community 10866
control sanctions instead of a prison term on an offender for a 10867
felony of the first or second degree or for a felony drug offense 10868
that is a violation of any provision of Chapter 2925., 3719., or 10869
4729. of the Revised Code for which a presumption in favor of a 10870
prison term is specified as being applicable if it makes both of 10871
the following findings: 10872

(a) A community control sanction or a combination of 10873
community control sanctions would adequately punish the offender 10874
and protect the public from future crime, because the applicable 10875
factors under section 2929.12 of the Revised Code indicating a 10876
lesser likelihood of recidivism outweigh the applicable factors 10877
under that section indicating a greater likelihood of recidivism. 10878

(b) A community control sanction or a combination of 10879
community control sanctions would not demean the seriousness of 10880
the offense, because one or more factors under section 2929.12 of 10881
the Revised Code that indicate that the offender's conduct was 10882
less serious than conduct normally constituting the offense are 10883
applicable, and they outweigh the applicable factors under that 10884

section that indicate that the offender's conduct was more serious 10885
than conduct normally constituting the offense. 10886

(E)(1) Except as provided in division (F) of this section, 10887
for any drug offense that is a violation of any provision of 10888
Chapter 2925. of the Revised Code and that is a felony of the 10889
third, fourth, or fifth degree, the applicability of a presumption 10890
under division (D) of this section in favor of a prison term or of 10891
division (B) or (C) of this section in determining whether to 10892
impose a prison term for the offense shall be determined as 10893
specified in section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 10894
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the 10895
Revised Code, whichever is applicable regarding the violation. 10896

(2) If an offender who was convicted of or pleaded guilty to 10897
a felony violates the conditions of a community control sanction 10898
imposed for the offense solely by reason of producing positive 10899
results on a drug test or by acting pursuant to division (B)(2)(b) 10900
of section 2925.11 of the Revised Code with respect to a minor 10901
drug possession offense, the court, as punishment for the 10902
violation of the sanction, shall not order that the offender be 10903
imprisoned unless the court determines on the record either of the 10904
following: 10905

(a) The offender had been ordered as a sanction for the 10906
felony to participate in a drug treatment program, in a drug 10907
education program, or in narcotics anonymous or a similar program, 10908
and the offender continued to use illegal drugs after a reasonable 10909
period of participation in the program. 10910

(b) The imprisonment of the offender for the violation is 10911
consistent with the purposes and principles of sentencing set 10912
forth in section 2929.11 of the Revised Code. 10913

(3) A court that sentences an offender for a drug abuse 10914
offense that is a felony of the third, fourth, or fifth degree may 10915

require that the offender be assessed by a properly credentialed professional within a specified period of time. The court shall require the professional to file a written assessment of the offender with the court. If the offender is eligible for a community control sanction and after considering the written assessment, the court may impose a community control sanction that includes addiction services and recovery supports included in a community-based continuum of care established under section 340.032 of the Revised Code. If the court imposes addiction services and recovery supports as a community control sanction, the court shall direct the level and type of addiction services and recovery supports after considering the assessment and recommendation of community addiction services providers.

(F) Notwithstanding divisions (A) to (E) of this section, the court shall impose a prison term or terms under sections 2929.02 to 2929.06, section 2929.14, section 2929.142, or section 2971.03 of the Revised Code and except as specifically provided in section 2929.20, divisions (C) to (I) of section 2967.19, or section 2967.191 of the Revised Code or when parole is authorized for the offense under section 2967.13 of the Revised Code shall not reduce the term or terms pursuant to section 2929.20, section 2967.19, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code for any of the following offenses:

(1) Aggravated murder when death is not imposed or murder;

(2) Any rape, regardless of whether force was involved and regardless of the age of the victim, or an attempt to commit rape if, had the offender completed the rape that was attempted, the offender would have been guilty of a violation of division (A)(1)(b) of section 2907.02 of the Revised Code and would be sentenced under section 2971.03 of the Revised Code;

(3) Gross sexual imposition or sexual battery, if the victim

is less than thirteen years of age and if any of the following 10948
applies: 10949

(a) Regarding gross sexual imposition, the offender 10950
previously was convicted of or pleaded guilty to rape, the former 10951
offense of felonious sexual penetration, gross sexual imposition, 10952
or sexual battery, and the victim of the previous offense was less 10953
than thirteen years of age; 10954

(b) Regarding gross sexual imposition, the offense was 10955
committed on or after August 3, 2006, and evidence other than the 10956
testimony of the victim was admitted in the case corroborating the 10957
violation. 10958

(c) Regarding sexual battery, either of the following 10959
applies: 10960

(i) The offense was committed prior to August 3, 2006, the 10961
offender previously was convicted of or pleaded guilty to rape, 10962
the former offense of felonious sexual penetration, or sexual 10963
battery, and the victim of the previous offense was less than 10964
thirteen years of age. 10965

(ii) The offense was committed on or after August 3, 2006. 10966

(4) A felony violation of section 2903.04, 2903.06, 2903.08, 10967
2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321, or 2923.132 10968
of the Revised Code if the section requires the imposition of a 10969
prison term; 10970

(5) A first, second, or third degree felony drug offense for 10971
which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 10972
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or 10973
4729.99 of the Revised Code, whichever is applicable regarding the 10974
violation, requires the imposition of a mandatory prison term; 10975

(6) Any offense that is a first or second degree felony and 10976
that is not set forth in division (F)(1), (2), (3), or (4) of this 10977

section, if the offender previously was convicted of or pleaded 10978
guilty to aggravated murder, murder, any first or second degree 10979
felony, or an offense under an existing or former law of this 10980
state, another state, or the United States that is or was 10981
substantially equivalent to one of those offenses; 10982

(7) Any offense that is a third degree felony and either is a 10983
violation of section 2903.04 of the Revised Code or an attempt to 10984
commit a felony of the second degree that is an offense of 10985
violence and involved an attempt to cause serious physical harm to 10986
a person or that resulted in serious physical harm to a person if 10987
the offender previously was convicted of or pleaded guilty to any 10988
of the following offenses: 10989

(a) Aggravated murder, murder, involuntary manslaughter, 10990
rape, felonious sexual penetration as it existed under section 10991
2907.12 of the Revised Code prior to September 3, 1996, a felony 10992
of the first or second degree that resulted in the death of a 10993
person or in physical harm to a person, or complicity in or an 10994
attempt to commit any of those offenses; 10995

(b) An offense under an existing or former law of this state, 10996
another state, or the United States that is or was substantially 10997
equivalent to an offense listed in division (F)(7)(a) of this 10998
section that resulted in the death of a person or in physical harm 10999
to a person. 11000

(8) Any offense, other than a violation of section 2923.12 of 11001
the Revised Code, that is a felony, if the offender had a firearm 11002
on or about the offender's person or under the offender's control 11003
while committing the felony, with respect to a portion of the 11004
sentence imposed pursuant to division (B)(1)(a) of section 2929.14 11005
of the Revised Code for having the firearm; 11006

(9) Any offense of violence that is a felony, if the offender 11007
wore or carried body armor while committing the felony offense of 11008

violence, with respect to the portion of the sentence imposed 11009
pursuant to division (B)(1)(d) of section 2929.14 of the Revised 11010
Code for wearing or carrying the body armor; 11011

(10) Corrupt activity in violation of section 2923.32 of the 11012
Revised Code when the most serious offense in the pattern of 11013
corrupt activity that is the basis of the offense is a felony of 11014
the first degree; 11015

(11) Any violent sex offense or designated homicide, assault, 11016
or kidnapping offense if, in relation to that offense, the 11017
offender is adjudicated a sexually violent predator; 11018

(12) A violation of division (A)(1) or (2) of section 2921.36 11019
of the Revised Code, or a violation of division (C) of that 11020
section involving an item listed in division (A)(1) or (2) of that 11021
section, if the offender is an officer or employee of the 11022
department of rehabilitation and correction; 11023

(13) A violation of division (A)(1) or (2) of section 2903.06 11024
of the Revised Code if the victim of the offense is a peace 11025
officer, as defined in section 2935.01 of the Revised Code, or an 11026
investigator of the bureau of criminal identification and 11027
investigation, as defined in section 2903.11 of the Revised Code, 11028
with respect to the portion of the sentence imposed pursuant to 11029
division (B)(5) of section 2929.14 of the Revised Code; 11030

(14) A violation of division (A)(1) or (2) of section 2903.06 11031
of the Revised Code if the offender has been convicted of or 11032
pleaded guilty to three or more violations of division (A) or (B) 11033
of section 4511.19 of the Revised Code or an equivalent offense, 11034
as defined in section 2941.1415 of the Revised Code, or three or 11035
more violations of any combination of those divisions and 11036
offenses, with respect to the portion of the sentence imposed 11037
pursuant to division (B)(6) of section 2929.14 of the Revised 11038
Code; 11039

(15) Kidnapping, in the circumstances specified in section 11040
2971.03 of the Revised Code and when no other provision of 11041
division (F) of this section applies; 11042

(16) Kidnapping, abduction, compelling prostitution, 11043
promoting prostitution, engaging in a pattern of corrupt activity, 11044
a violation of division (A)(1) or (2) of section 2907.323 of the 11045
Revised Code that involves a minor, or endangering children in 11046
violation of division (B)(1), (2), (3), (4), or (5) of section 11047
2919.22 of the Revised Code, if the offender is convicted of or 11048
pleads guilty to a specification as described in section 2941.1422 11049
of the Revised Code that was included in the indictment, count in 11050
the indictment, or information charging the offense; 11051

(17) A felony violation of division (A) or (B) of section 11052
2919.25 of the Revised Code if division (D)(3), (4), or (5) of 11053
that section, and division (D)(6) of that section, require the 11054
imposition of a prison term; 11055

(18) A felony violation of section 2903.11, 2903.12, or 11056
2903.13 of the Revised Code, if the victim of the offense was a 11057
woman that the offender knew was pregnant at the time of the 11058
violation, with respect to a portion of the sentence imposed 11059
pursuant to division (B)(8) of section 2929.14 of the Revised 11060
Code; 11061

(19)(a) Any violent felony offense if the offender is a 11062
violent career criminal and had a firearm on or about the 11063
offender's person or under the offender's control during the 11064
commission of the violent felony offense and displayed or 11065
brandished the firearm, indicated that the offender possessed a 11066
firearm, or used the firearm to facilitate the offense, with 11067
respect to the portion of the sentence imposed under division (K) 11068
of section 2929.14 of the Revised Code. 11069

(b) As used in division (F)(19)(a) of this section, "violent 11070

career criminal" and "violent felony offense" have the same 11071
meanings as in section 2923.132 of the Revised Code; 11072

(20) Any violation of division (A)(1) of section 2903.11 of 11073
the Revised Code if the offender used an accelerant in committing 11074
the violation and the serious physical harm to another or 11075
another's unborn caused by the violation resulted in a permanent, 11076
serious disfigurement or permanent, substantial incapacity or any 11077
violation of division (A)(2) of that section if the offender used 11078
an accelerant in committing the violation, the violation caused 11079
physical harm to another or another's unborn, and the physical 11080
harm resulted in a permanent, serious disfigurement or permanent, 11081
substantial incapacity, with respect to a portion of the sentence 11082
imposed pursuant to division (B)(9) of section 2929.14 of the 11083
Revised Code. The provisions of this division and of division 11084
(D)(2) of section 2903.11, divisions (B)(9) and (C)(6) of section 11085
2929.14, and section 2941.1425 of the Revised Code shall be known 11086
as "Judy's Law." 11087

(21) Any violation of division (A) of section 2903.11 of the 11088
Revised Code if the victim of the offense suffered permanent 11089
disabling harm as a result of the offense and the victim was under 11090
ten years of age at the time of the offense, with respect to a 11091
portion of the sentence imposed pursuant to division (B)(10) of 11092
section 2929.14 of the Revised Code. 11093

(22) A felony violation of section 2925.03, 2925.05, or 11094
2925.11 of the Revised Code, if the drug involved in the violation 11095
is a fentanyl-related compound or a compound, mixture, 11096
preparation, or substance containing a fentanyl-related compound 11097
and the offender is convicted of or pleads guilty to a 11098
specification of the type described in division (B) of section 11099
2941.1410 of the Revised Code that was included in the indictment, 11100
count in the indictment, or information charging the offense, with 11101
respect to the portion of the sentence imposed under division 11102

(B)(11) of section 2929.14 of the Revised Code. 11103

(G) Notwithstanding divisions (A) to (E) of this section, if 11104
an offender is being sentenced for a fourth degree felony OVI 11105
offense or for a third degree felony OVI offense, the court shall 11106
impose upon the offender a mandatory term of local incarceration 11107
or a mandatory prison term in accordance with the following: 11108

(1) If the offender is being sentenced for a fourth degree 11109
felony OVI offense and if the offender has not been convicted of 11110
and has not pleaded guilty to a specification of the type 11111
described in section 2941.1413 of the Revised Code, the court may 11112
impose upon the offender a mandatory term of local incarceration 11113
of sixty days or one hundred twenty days as specified in division 11114
(G)(1)(d) of section 4511.19 of the Revised Code. The court shall 11115
not reduce the term pursuant to section 2929.20, 2967.193, or any 11116
other provision of the Revised Code. The court that imposes a 11117
mandatory term of local incarceration under this division shall 11118
specify whether the term is to be served in a jail, a 11119
community-based correctional facility, a halfway house, or an 11120
alternative residential facility, and the offender shall serve the 11121
term in the type of facility specified by the court. A mandatory 11122
term of local incarceration imposed under division (G)(1) of this 11123
section is not subject to any other Revised Code provision that 11124
pertains to a prison term except as provided in division (A)(1) of 11125
this section. 11126

(2) If the offender is being sentenced for a third degree 11127
felony OVI offense, or if the offender is being sentenced for a 11128
fourth degree felony OVI offense and the court does not impose a 11129
mandatory term of local incarceration under division (G)(1) of 11130
this section, the court shall impose upon the offender a mandatory 11131
prison term of one, two, three, four, or five years if the 11132
offender also is convicted of or also pleads guilty to a 11133
specification of the type described in section 2941.1413 of the 11134

Revised Code or shall impose upon the offender a mandatory prison 11135
term of sixty days or one hundred twenty days as specified in 11136
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 11137
if the offender has not been convicted of and has not pleaded 11138
guilty to a specification of that type. Subject to divisions (C) 11139
to (I) of section 2967.19 of the Revised Code, the court shall not 11140
reduce the term pursuant to section 2929.20, 2967.19, 2967.193, or 11141
any other provision of the Revised Code. The offender shall serve 11142
the one-, two-, three-, four-, or five-year mandatory prison term 11143
consecutively to and prior to the prison term imposed for the 11144
underlying offense and consecutively to any other mandatory prison 11145
term imposed in relation to the offense. In no case shall an 11146
offender who once has been sentenced to a mandatory term of local 11147
incarceration pursuant to division (G)(1) of this section for a 11148
fourth degree felony OVI offense be sentenced to another mandatory 11149
term of local incarceration under that division for any violation 11150
of division (A) of section 4511.19 of the Revised Code. In 11151
addition to the mandatory prison term described in division (G)(2) 11152
of this section, the court may sentence the offender to a 11153
community control sanction under section 2929.16 or 2929.17 of the 11154
Revised Code, but the offender shall serve the prison term prior 11155
to serving the community control sanction. The department of 11156
rehabilitation and correction may place an offender sentenced to a 11157
mandatory prison term under this division in an intensive program 11158
prison established pursuant to section 5120.033 of the Revised 11159
Code if the department gave the sentencing judge prior notice of 11160
its intent to place the offender in an intensive program prison 11161
established under that section and if the judge did not notify the 11162
department that the judge disapproved the placement. Upon the 11163
establishment of the initial intensive program prison pursuant to 11164
section 5120.033 of the Revised Code that is privately operated 11165
and managed by a contractor pursuant to a contract entered into 11166
under section 9.06 of the Revised Code, both of the following 11167

apply: 11168

(a) The department of rehabilitation and correction shall 11169
make a reasonable effort to ensure that a sufficient number of 11170
offenders sentenced to a mandatory prison term under this division 11171
are placed in the privately operated and managed prison so that 11172
the privately operated and managed prison has full occupancy. 11173

(b) Unless the privately operated and managed prison has full 11174
occupancy, the department of rehabilitation and correction shall 11175
not place any offender sentenced to a mandatory prison term under 11176
this division in any intensive program prison established pursuant 11177
to section 5120.033 of the Revised Code other than the privately 11178
operated and managed prison. 11179

(H) If an offender is being sentenced for a sexually oriented 11180
offense or child-victim oriented offense that is a felony 11181
committed on or after January 1, 1997, the judge shall require the 11182
offender to submit to a DNA specimen collection procedure pursuant 11183
to section 2901.07 of the Revised Code. 11184

(I) If an offender is being sentenced for a sexually oriented 11185
offense or a child-victim oriented offense committed on or after 11186
January 1, 1997, the judge shall include in the sentence a summary 11187
of the offender's duties imposed under sections 2950.04, 2950.041, 11188
2950.05, and 2950.06 of the Revised Code and the duration of the 11189
duties. The judge shall inform the offender, at the time of 11190
sentencing, of those duties and of their duration. If required 11191
under division (A)(2) of section 2950.03 of the Revised Code, the 11192
judge shall perform the duties specified in that section, or, if 11193
required under division (A)(6) of section 2950.03 of the Revised 11194
Code, the judge shall perform the duties specified in that 11195
division. 11196

(J)(1) Except as provided in division (J)(2) of this section, 11197
when considering sentencing factors under this section in relation 11198

to an offender who is convicted of or pleads guilty to an attempt 11199
to commit an offense in violation of section 2923.02 of the 11200
Revised Code, the sentencing court shall consider the factors 11201
applicable to the felony category of the violation of section 11202
2923.02 of the Revised Code instead of the factors applicable to 11203
the felony category of the offense attempted. 11204

(2) When considering sentencing factors under this section in 11205
relation to an offender who is convicted of or pleads guilty to an 11206
attempt to commit a drug abuse offense for which the penalty is 11207
determined by the amount or number of unit doses of the controlled 11208
substance involved in the drug abuse offense, the sentencing court 11209
shall consider the factors applicable to the felony category that 11210
the drug abuse offense attempted would be if that drug abuse 11211
offense had been committed and had involved an amount or number of 11212
unit doses of the controlled substance that is within the next 11213
lower range of controlled substance amounts than was involved in 11214
the attempt. 11215

(K) As used in this section: 11216

(1) "Community addiction services provider" has the same 11217
meaning as in section 5119.01 of the Revised Code. 11218

(2) "Drug abuse offense" has the same meaning as in section 11219
2925.01 of the Revised Code. 11220

(3) "Minor drug possession offense" has the same meaning as 11221
in section 2925.11 of the Revised Code. 11222

(4) "Qualifying assault offense" means a violation of section 11223
2903.13 of the Revised Code for which the penalty provision in 11224
division (C)(8)(b) or (C)(9)(b) of that section applies. 11225

(L) At the time of sentencing an offender for any sexually 11226
oriented offense, if the offender is a tier III sex 11227
offender/child-victim offender relative to that offense and the 11228
offender does not serve a prison term or jail term, the court may 11229

require that the offender be monitored by means of a global 11230
positioning device. If the court requires such monitoring, the 11231
cost of monitoring shall be borne by the offender. If the offender 11232
is indigent, the cost of compliance shall be paid by the crime 11233
victims reparations fund. 11234

Sec. 2929.15. (A)(1) If in sentencing an offender for a 11235
felony the court is not required to impose a prison term, a 11236
mandatory prison term, or a term of life imprisonment upon the 11237
offender, the court may directly impose a sentence that consists 11238
of one or more community control sanctions authorized pursuant to 11239
section 2929.16, 2929.17, or 2929.18 of the Revised Code. If the 11240
court is sentencing an offender for a fourth degree felony OVI 11241
offense under division (G)(1) of section 2929.13 of the Revised 11242
Code, in addition to the mandatory term of local incarceration 11243
imposed under that division and the mandatory fine required by 11244
division (B)(3) of section 2929.18 of the Revised Code, the court 11245
may impose upon the offender a community control sanction or 11246
combination of community control sanctions in accordance with 11247
sections 2929.16 and 2929.17 of the Revised Code. If the court is 11248
sentencing an offender for a third or fourth degree felony OVI 11249
offense under division (G)(2) of section 2929.13 of the Revised 11250
Code, in addition to the mandatory prison term or mandatory prison 11251
term and additional prison term imposed under that division, the 11252
court also may impose upon the offender a community control 11253
sanction or combination of community control sanctions under 11254
section 2929.16 or 2929.17 of the Revised Code, but the offender 11255
shall serve all of the prison terms so imposed prior to serving 11256
the community control sanction. 11257

The duration of all community control sanctions imposed upon 11258
an offender under this division shall not exceed five years. If 11259
the offender absconds or otherwise leaves the jurisdiction of the 11260
court in which the offender resides without obtaining permission 11261

from the court or the offender's probation officer to leave the 11262
jurisdiction of the court, or if the offender is confined in any 11263
institution for the commission of any offense while under a 11264
community control sanction, the period of the community control 11265
sanction ceases to run until the offender is brought before the 11266
court for its further action. If the court sentences the offender 11267
to one or more nonresidential sanctions under section 2929.17 of 11268
the Revised Code, the court shall impose as a condition of the 11269
nonresidential sanctions that, during the period of the sanctions, 11270
the offender must abide by the law and must not leave the state 11271
without the permission of the court or the offender's probation 11272
officer. The court may impose any other conditions of release 11273
under a community control sanction that the court considers 11274
appropriate, including, but not limited to, requiring that the 11275
offender not ingest or be injected with a drug of abuse and submit 11276
to random drug testing as provided in division (D) of this section 11277
to determine whether the offender ingested or was injected with a 11278
drug of abuse and requiring that the results of the drug test 11279
indicate that the offender did not ingest or was not injected with 11280
a drug of abuse. 11281

(2)(a) If a court sentences an offender to any community 11282
control sanction or combination of community control sanctions 11283
authorized pursuant to section 2929.16, 2929.17, or 2929.18 of the 11284
Revised Code, the court shall place the offender under the general 11285
control and supervision of a department of probation in the county 11286
that serves the court for purposes of reporting to the court a 11287
violation of any condition of the sanctions, any condition of 11288
release under a community control sanction imposed by the court, a 11289
violation of law, or the departure of the offender from this state 11290
without the permission of the court or the offender's probation 11291
officer. Alternatively, if the offender resides in another county 11292
and a county department of probation has been established in that 11293
county or that county is served by a multicounty probation 11294

department established under section 2301.27 of the Revised Code, 11295
the court may request the court of common pleas of that county to 11296
receive the offender into the general control and supervision of 11297
that county or multicounty department of probation for purposes of 11298
reporting to the court a violation of any condition of the 11299
sanctions, any condition of release under a community control 11300
sanction imposed by the court, a violation of law, or the 11301
departure of the offender from this state without the permission 11302
of the court or the offender's probation officer, subject to the 11303
jurisdiction of the trial judge over and with respect to the 11304
person of the offender, and to the rules governing that department 11305
of probation. 11306

If there is no department of probation in the county that 11307
serves the court, the court shall place the offender, regardless 11308
of the offender's county of residence, under the general control 11309
and supervision of the adult parole authority if the court has 11310
entered into an agreement with the authority as described in 11311
division (B) of section 2301.32 of the Revised Code or under an 11312
entity authorized under division (B) of section 2301.27 of the 11313
Revised Code to provide probation and supervisory services to 11314
counties for purposes of reporting to the court a violation of any 11315
of the sanctions, any condition of release under a community 11316
control sanction imposed by the court, a violation of law, or the 11317
departure of the offender from this state without the permission 11318
of the court or the offender's probation officer. 11319

(b) If the court imposing sentence upon an offender sentences 11320
the offender to any community control sanction or combination of 11321
community control sanctions authorized pursuant to section 11322
2929.16, 2929.17, or 2929.18 of the Revised Code, and if the 11323
offender violates any condition of the sanctions, any condition of 11324
release under a community control sanction imposed by the court, 11325
violates any law, or departs the state without the permission of 11326

the court or the offender's probation officer, the public or 11327
private person or entity that operates or administers the sanction 11328
or the program or activity that comprises the sanction shall 11329
report the violation or departure directly to the sentencing 11330
court, or shall report the violation or departure to the county or 11331
multicounty department of probation with general control and 11332
supervision over the offender under division (A)(2)(a) of this 11333
section or the officer of that department who supervises the 11334
offender, or, if there is no such department with general control 11335
and supervision over the offender under that division, to the 11336
adult parole authority if the court has entered into an agreement 11337
with the authority as described in division (B) of section 2301.32 11338
of the Revised Code, or an entity authorized under division (B) of 11339
section 2301.27 of the Revised Code to provide probation and 11340
supervisory services to the county. If the public or private 11341
person or entity that operates or administers the sanction or the 11342
program or activity that comprises the sanction reports the 11343
violation or departure to the county or multicounty department of 11344
probation, the adult parole authority, or any other entity 11345
providing probation and supervisory services to the county, the 11346
department's, authority's, or other entity's officers may treat 11347
the offender as if the offender were on probation and in violation 11348
of the probation, and shall report the violation of the condition 11349
of the sanction, any condition of release under a community 11350
control sanction imposed by the court, the violation of law, or 11351
the departure from the state without the required permission to 11352
the sentencing court. 11353

(3) If an offender who is eligible for community control 11354
sanctions under this section admits to being drug addicted or the 11355
court has reason to believe that the offender is drug addicted, 11356
and if the offense for which the offender is being sentenced was 11357
related to the addiction, the court may require that the offender 11358
be assessed by a properly credentialed professional within a 11359

specified period of time and shall require the professional to 11360
file a written assessment of the offender with the court. If a 11361
court imposes treatment and recovery support services as a 11362
community control sanction, the court shall direct the level and 11363
type of treatment and recovery support services after 11364
consideration of the written assessment, if available at the time 11365
of sentencing, and recommendations of the professional and other 11366
treatment and recovery support services providers. 11367

(4) If an assessment completed pursuant to division (A)(3) of 11368
this section indicates that the offender is addicted to drugs or 11369
alcohol, the court may include in any community control sanction 11370
imposed for a violation of section 2925.02, 2925.03, 2925.04, 11371
2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 11372
2925.37 of the Revised Code a requirement that the offender 11373
participate in alcohol and drug addiction services and recovery 11374
supports certified under section 5119.36 of the Revised Code or 11375
offered by a properly credentialed community addiction services 11376
provider. 11377

(B)(1) If the conditions of a community control sanction are 11378
violated or if the offender violates a law or leaves the state 11379
without the permission of the court or the offender's probation 11380
officer, the sentencing court may impose upon the violator one or 11381
more of the following penalties: 11382

(a) A longer time under the same sanction if the total time 11383
under the sanctions does not exceed the five-year limit specified 11384
in division (A) of this section; 11385

(b) A more restrictive sanction under section 2929.16, 11386
2929.17, or 2929.18 of the Revised Code, including but not limited 11387
to, a new term in a community-based correctional facility, halfway 11388
house, or jail pursuant to division (A)(6) of section 2929.16 of 11389
the Revised Code; 11390

(c) A prison term on the offender pursuant to section 2929.14 11391
of the Revised Code and division (B)(3) of this section, provided 11392
that a prison term imposed under this division is subject to the 11393
following limitations, as applicable: 11394

(i) If the prison term is imposed for any technical violation 11395
of the conditions of a community control sanction imposed for a 11396
felony of the fifth degree or for any violation of law committed 11397
while under a community control sanction imposed for such a felony 11398
that consists of a new criminal offense and that is not a felony, 11399
the prison term shall not exceed ninety days. 11400

(ii) If the prison term is imposed for any technical 11401
violation of the conditions of a community control sanction 11402
imposed for a felony of the fourth degree that is not an offense 11403
of violence and is not a sexually oriented offense or for any 11404
violation of law committed while under a community control 11405
sanction imposed for such a felony that consists of a new criminal 11406
offense and that is not a felony, the prison term shall not exceed 11407
one hundred eighty days. 11408

(2) If an offender was acting pursuant to division (B)(2)(b) 11409
of section 2925.11 of the Revised Code and in so doing violated 11410
the conditions of a community control sanction based on a minor 11411
drug possession offense, as defined in section 2925.11 of the 11412
Revised Code, the sentencing court may consider the offender's 11413
conduct in seeking or obtaining medical assistance for another in 11414
good faith or for self or may consider the offender being the 11415
subject of another person seeking or obtaining medical assistance 11416
in accordance with that division as a mitigating factor before 11417
imposing any of the penalties described in division (B)(1) of this 11418
section. 11419

(3) The prison term, if any, imposed upon a violator pursuant 11420
to this division and division (B)(1) of this section shall be 11421
within the range of prison terms described in this division and 11422

shall not exceed the prison term specified in the notice provided 11423
to the offender at the sentencing hearing pursuant to division 11424
(B)(2) of section 2929.19 of the Revised Code. The court may 11425
reduce the longer period of time that the offender is required to 11426
spend under the longer sanction, the more restrictive sanction, or 11427
a prison term imposed pursuant to division (B)(1) of this section 11428
by the time the offender successfully spent under the sanction 11429
that was initially imposed. Except as otherwise specified in this 11430
division, the prison term imposed under this division and division 11431
(B)(1) of this section shall be within the range of prison terms 11432
available as a definite term for the offense for which the 11433
sanction that was violated was imposed. If the offense for which 11434
the sanction that was violated was imposed is a felony of the 11435
first or second degree committed on or after ~~the effective date of~~ 11436
~~this amendment~~ March 22, 2019, the prison term so imposed under 11437
this division shall be within the range of prison terms available 11438
as a minimum term for the offense under division (A)(1)(a) or 11439
(2)(a) of section 2929.14 of the Revised Code. 11440

(C) If an offender, for a significant period of time, 11441
fulfills the conditions of a sanction imposed pursuant to section 11442
2929.16, 2929.17, or 2929.18 of the Revised Code in an exemplary 11443
manner, the court may reduce the period of time under the sanction 11444
or impose a less restrictive sanction, but the court shall not 11445
permit the offender to violate any law or permit the offender to 11446
leave the state without the permission of the court or the 11447
offender's probation officer. 11448

(D)(1) If a court under division (A)(1) of this section 11449
imposes a condition of release under a community control sanction 11450
that requires the offender to submit to random drug testing, the 11451
department of probation, the adult parole authority, or any other 11452
entity that has general control and supervision of the offender 11453
under division (A)(2)(a) of this section may cause the offender to 11454

submit to random drug testing performed by a laboratory or entity 11455
that has entered into a contract with any of the governmental 11456
entities or officers authorized to enter into a contract with that 11457
laboratory or entity under section 341.26, 753.33, or 5120.63 of 11458
the Revised Code. 11459

(2) If no laboratory or entity described in division (D)(1) 11460
of this section has entered into a contract as specified in that 11461
division, the department of probation, the adult parole authority, 11462
or any other entity that has general control and supervision of 11463
the offender under division (A)(2)(a) of this section shall cause 11464
the offender to submit to random drug testing performed by a 11465
reputable public laboratory to determine whether the individual 11466
who is the subject of the drug test ingested or was injected with 11467
a drug of abuse. 11468

(3) A laboratory or entity that has entered into a contract 11469
pursuant to section 341.26, 753.33, or 5120.63 of the Revised Code 11470
shall perform the random drug tests under division (D)(1) of this 11471
section in accordance with the applicable standards that are 11472
included in the terms of that contract. A public laboratory shall 11473
perform the random drug tests under division (D)(2) of this 11474
section in accordance with the standards set forth in the policies 11475
and procedures established by the department of rehabilitation and 11476
correction pursuant to section 5120.63 of the Revised Code. An 11477
offender who is required under division (A)(1) of this section to 11478
submit to random drug testing as a condition of release under a 11479
community control sanction and whose test results indicate that 11480
the offender ingested or was injected with a drug of abuse shall 11481
pay the fee for the drug test if the department of probation, the 11482
adult parole authority, or any other entity that has general 11483
control and supervision of the offender requires payment of a fee. 11484
A laboratory or entity that performs the random drug testing on an 11485
offender under division (D)(1) or (2) of this section shall 11486

transmit the results of the drug test to the appropriate 11487
department of probation, the adult parole authority, or any other 11488
entity that has general control and supervision of the offender 11489
under division (A)(2)(a) of this section. 11490

Sec. 2929.34. (A) A person who is convicted of or pleads 11491
guilty to aggravated murder, murder, or an offense punishable by 11492
life imprisonment and who is sentenced to a term of life 11493
imprisonment or a prison term pursuant to that conviction shall 11494
serve that term in an institution under the control of the 11495
department of rehabilitation and correction. 11496

(B)(1) A person who is convicted of or pleads guilty to a 11497
felony other than aggravated murder, murder, or an offense 11498
punishable by life imprisonment and who is sentenced to a term of 11499
imprisonment or a prison term pursuant to that conviction shall 11500
serve that term as follows: 11501

(a) Subject to divisions (B)(1)(b), (B)(2), and (B)(3) of 11502
this section, in an institution under the control of the 11503
department of rehabilitation and correction if the term is a 11504
prison term or as otherwise determined by the sentencing court 11505
pursuant to section 2929.16 of the Revised Code if the term is not 11506
a prison term; 11507

(b) In a facility of a type described in division (G)(1) of 11508
section 2929.13 of the Revised Code, if the offender is sentenced 11509
pursuant to that division. 11510

(2) If the term is a prison term, the person may be 11511
imprisoned in a jail that is not a minimum security jail pursuant 11512
to agreement under section 5120.161 of the Revised Code between 11513
the department of rehabilitation and correction and the local 11514
authority that operates the jail. 11515

(3)(a) As used in divisions (B)(3)(a) to (d) of this section+ 11516

~~(i) "Target county" means Franklin county, Cuyahoga county, Hamilton county, Summit county, Montgomery county, Lucas county, Butler county, Stark county, Lorain county, and Mahoning county.~~ 11517
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~~(ii) "Voluntary, "voluntary county" means any county in which the board of county commissioners of the county and the administrative judge of the general division of the court of common pleas of the county enter into an agreement of the type described in division (B)(3)(b) of this section and in which the agreement has not been terminated as described in that division.~~ 11520
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(b) In any voluntary county ~~other than a target county~~, the board of county commissioners of the county and the administrative judge of the general division of the court of common pleas of the county may agree to having the county participate in the procedures regarding local and state confinement established under division (B)(3)(c) of this section. A board of county commissioners and an administrative judge of a court of common pleas that enter into an agreement of the type described in this division may terminate the agreement, but a termination under this division shall take effect only at the end of the state fiscal biennium in which the termination decision is made. 11526
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(c) Except as provided in division (B)(3)(d) of this section, on and after July 1, 2018, no person sentenced by the court of common pleas of a ~~target county or of a~~ voluntary county to a prison term ~~that is twelve months or less~~ for a felony of the fifth degree shall serve the term in an institution under the control of the department of rehabilitation and correction. The person shall instead serve the sentence as a term of confinement in a facility of a type described in division (C) or (D) of this section. Nothing in this division relieves the state of its obligation to pay for the cost of confinement of the person in a community-based correctional facility under division (D) of this section. 11537
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(d) Division (B)(3)(c) of this section does not apply to any person to whom any of the following apply:

(i) The felony of the fifth degree was an offense of violence, as defined in section 2901.01 of the Revised Code, a sex offense under Chapter 2907. of the Revised Code, a violation of section 2925.03 of the Revised Code, or any offense for which a mandatory prison term is required.

(ii) The person previously has been convicted of or pleaded guilty to any felony offense of violence, as defined in section 2901.01 of the Revised Code, unless the felony of the fifth degree for which the person is being sentenced is a violation of division (I)(1) of section 2903.43 of the Revised Code.

(iii) The person previously has been convicted of or pleaded guilty to any felony sex offense under Chapter 2907. of the Revised Code.

(iv) The person's sentence is required to be served concurrently to any other sentence imposed upon the person for a felony that is required to be served in an institution under the control of the department of rehabilitation and correction.

(C) A person who is convicted of or pleads guilty to one or more misdemeanors and who is sentenced to a jail term or term of imprisonment pursuant to the conviction or convictions shall serve that term in a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse; in a community alternative sentencing center or district community alternative sentencing center when authorized by section 307.932 of the Revised Code; or, if the misdemeanor or misdemeanors are not offenses of violence, in a minimum security jail.

(D) Nothing in this section prohibits the commitment, referral, or sentencing of a person who is convicted of or pleads guilty to a felony to a community-based correctional facility.

Sec. 2950.08. (A) Subject to division (B) of this section, 11580
the statements, information, photographs, fingerprints, and 11581
material required by sections 2950.04, 2950.041, 2950.05, and 11582
2950.06 of the Revised Code and provided by a person who 11583
registers, who provides notice of a change of residence, school, 11584
institution of higher education, or place of employment address 11585
and registers the new residence, school, institution of higher 11586
education, or place of employment address, or who provides 11587
verification of a current residence, school, institution of higher 11588
education, or place of employment address pursuant to those 11589
sections and that are in the possession of the bureau of criminal 11590
identification and investigation and the information in the 11591
possession of the bureau that was received by the bureau pursuant 11592
to section 2950.14 of the Revised Code shall not be open to 11593
inspection by the public or by any person other than the following 11594
persons: 11595

(1) A regularly employed peace officer or other law 11596
enforcement officer; 11597

(2) An authorized employee of the bureau of criminal 11598
identification and investigation for the purpose of providing 11599
information to a board, administrator, or person pursuant to 11600
division (F) or (G) of section 109.57 of the Revised Code; 11601

(3) The registrar of motor vehicles, or an employee of the 11602
registrar of motor vehicles, for the purpose of verifying and 11603
updating any of the information so provided, upon the request of 11604
the bureau of criminal identification and investigation; 11605

(4) The director of job and family services, or an employee 11606
of the director, for the purpose of complying with division (D) of 11607
section 5104.013 of the Revised Code. 11608

(B) Division (A) of this section does not apply to any 11609
information that is contained in the internet sex offender and 11610

child-victim offender database established by the attorney general 11611
under division (A)(11) of section 2950.13 of the Revised Code 11612
regarding offenders and that is disseminated as described in that 11613
division. 11614

Sec. 2967.02. (A) The adult parole authority created by 11615
section 5149.02 of the Revised Code shall administer sections 11616
2967.01 to 2967.28 of the Revised Code, and other sections of the 11617
Revised Code governing pardon, community control sanctions, 11618
post-release control, and parole. 11619

(B) The governor may grant a pardon after conviction, may 11620
grant an absolute and entire pardon or a partial pardon, and may 11621
grant a pardon upon conditions precedent or subsequent. 11622

(C) The adult parole authority shall supervise all parolees. 11623
The department of rehabilitation and correction has legal custody 11624
of a parolee until the authority grants the parolee a final 11625
release pursuant to section 2967.16 of the Revised Code. 11626

(D) The adult parole authority shall supervise all releasees. 11627
The department of rehabilitation and correction has legal custody 11628
of a releasee until the ~~adult parole~~ authority grants the releasee 11629
a ~~final release~~ termination pursuant to section 2967.16 of the 11630
Revised Code. 11631

Sec. 2967.05. (A) As used in this section: 11632

(1) "Imminent danger of death" means that the inmate has a 11633
medically diagnosable condition that will cause death to occur 11634
within a short period of time. 11635

As used in division (A)(1) of this section, "within a short 11636
period of time" means generally within six months. 11637

(2)(a) "Medically incapacitated" means any diagnosable 11638
medical condition, including mental dementia and severe, permanent 11639

medical or cognitive disability, that prevents the inmate from 11640
completing activities of daily living without significant 11641
assistance, that incapacitates the inmate to the extent that 11642
institutional confinement does not offer additional restrictions, 11643
that is likely to continue throughout the entire period of parole, 11644
and that is unlikely to improve noticeably. 11645

(b) "Medically incapacitated" does not include conditions 11646
related solely to mental illness unless the mental illness is 11647
accompanied by injury, disease, or organic defect. 11648

(3)(a) "Terminal illness" means a condition that satisfies 11649
all of the following criteria: 11650

(i) The condition is irreversible and incurable and is caused 11651
by disease, illness, or injury from which the inmate is unlikely 11652
to recover. 11653

(ii) In accordance with reasonable medical standards and a 11654
reasonable degree of medical certainty, the condition is likely to 11655
cause death to the inmate within twelve months. 11656

(iii) Institutional confinement of the inmate does not offer 11657
additional protections for public safety or against the inmate's 11658
risk to reoffend. 11659

(b) The department of rehabilitation and correction shall 11660
adopt rules pursuant to Chapter 119. of the Revised Code to 11661
implement the definition of "terminal illness" in division 11662
(A)(3)(a) of this section. 11663

(B) ~~Upon the recommendation of the~~ The director of 11664
rehabilitation and correction, ~~accompanied by~~ upon receipt of a 11665
certificate of the attending physician that an inmate is 11666
terminally ill, medically incapacitated, or in imminent danger of 11667
death, ~~the governor~~ may order the inmate's release as if on 11668
parole, reserving the right to return the inmate to the 11669
institution pursuant to this section. If, subsequent to the 11670

inmate's release, the inmate's health improves so that the inmate 11671
is no longer terminally ill, medically incapacitated, or in 11672
imminent danger of death, the inmate ~~shall~~ may be returned, by 11673
order of the ~~governor~~ director, to the institution from which the 11674
inmate was released. If the inmate violates any rules or 11675
conditions applicable to the inmate, the inmate may be returned to 11676
an institution under the control of the department of 11677
rehabilitation and correction. The ~~governor may~~ director shall 11678
direct the adult parole authority to investigate or cause to be 11679
investigated the inmate and make a recommendation. An inmate 11680
released under this section shall be subject to supervision by the 11681
adult parole authority in accordance with any recommendation of 11682
the adult parole authority that is approved by the ~~governor~~ 11683
director. The adult parole authority shall adopt rules pursuant to 11684
section 119.03 of the Revised Code to establish the procedure for 11685
medical release of an inmate when an inmate is terminally ill, 11686
medically incapacitated, or in imminent danger of death. 11687

(C) No inmate is eligible for release under this section if 11688
the inmate is serving a death sentence, a sentence of life without 11689
parole, a sentence under Chapter 2971. of the Revised Code for a 11690
felony of the first or second degree, a sentence for aggravated 11691
murder or murder, or a mandatory prison term for an offense of 11692
violence or any specification described in Chapter 2941. of the 11693
Revised Code. 11694

Sec. 2967.29. (A) A court of common pleas may cooperate with 11695
the ~~department of rehabilitation and correction~~ adult parole 11696
authority in the supervision of offenders who return to the 11697
court's territorial jurisdiction after serving a prison term. The 11698
court, after consultation with the board of county commissioners, 11699
may enter into an agreement with the ~~department~~ authority allowing 11700
the court and the ~~parole board~~ authority to make joint decisions 11701
relating to parole and post-release control to the extent 11702

permitted by section 2967.28 of the Revised Code. 11703

(B) An agreement made under this section shall include at 11704
least all of the following: 11705

(1) The categories of offenders with regard to which the 11706
court may participate in making decisions; 11707

(2) The process by which the offenders in each category will 11708
be identified; 11709

(3) The process by which the court and the ~~parole board~~ 11710
authority will monitor offenders and make recommendations 11711
regarding programming while the offenders are in prison; 11712

(4) The process by which the court will participate in 11713
setting appropriate sanctions and conditions on offenders who 11714
leave prison on post-release control or parole; 11715

(5) The process by which the court may participate in 11716
reducing the duration of the period of post-release control; 11717

(6) Guidelines for the supervision of offenders under 11718
post-release control or parole supervision; 11719

(7) Guidelines for sanctions for violations of parole or 11720
post-release control; 11721

(8) Provisions that take into account the perspective of 11722
affected victims. 11723

(C) A court that enters into an agreement under this section 11724
shall provide the ~~department of rehabilitation and correction~~ 11725
adult parole authority with a presentence investigation upon the 11726
offender's admission to prison. The ~~department~~ authority shall 11727
provide the court with a summary of an offender's progress while 11728
in prison prior to the release of the offender. 11729

Sec. 3107.035. (A) At the time of the initial home study, and 11730

every two years thereafter, if the home study is updated, and 11731
until it becomes part of a final decree of adoption or an 11732
interlocutory order of adoption, the agency or attorney that 11733
arranges an adoption for the prospective adoptive parent shall 11734
conduct a search of the United States department of justice 11735
national sex offender public web site regarding the prospective 11736
adoptive parent and all persons eighteen years of age or older who 11737
reside with the prospective adoptive parent. 11738

(B) A petition for adoption may be denied based solely on the 11739
results of the search of the national sex offender public web 11740
site. 11741

(C) The director of job and family services shall adopt rules 11742
in accordance with Chapter 119. of the Revised Code necessary for 11743
the implementation and execution of this section. 11744

Sec. 3107.14. (A) The petitioner and the person sought to be 11745
adopted shall appear at the hearing on the petition, unless the 11746
presence of either is excused by the court for good cause shown. 11747

(B) The court may continue the hearing from time to time to 11748
permit further observation, investigation, or consideration of any 11749
facts or circumstances affecting the granting of the petition, and 11750
may examine the petitioners separate and apart from each other. 11751

(C) If, at the conclusion of the hearing, the court finds 11752
that the required consents have been obtained or excused and that 11753
the adoption is in the best interest of the person sought to be 11754
adopted as supported by the evidence, it may issue, subject to 11755
division (C)(1)~~(a)~~ of section 2151.86, section 3107.064, and 11756
division (E) of section 3107.09 of the Revised Code, and any other 11757
limitations specified in this chapter, a final decree of adoption 11758
or an interlocutory order of adoption, which by its own terms 11759
automatically becomes a final decree of adoption on a date 11760

specified in the order, which, except as provided in division (B) 11761
of section 3107.13 of the Revised Code, shall not be less than six 11762
months or more than one year from the date the person to be 11763
adopted is placed in the petitioner's home, unless sooner vacated 11764
by the court for good cause shown. In determining whether the 11765
adoption is in the best interest of the person sought to be 11766
adopted, the court shall not consider the age of the petitioner if 11767
the petitioner is old enough to adopt as provided by section 11768
3107.03 of the Revised Code. 11769

In an interlocutory order of adoption, the court shall 11770
provide for observation, investigation, and a further report on 11771
the adoptive home during the interlocutory period. 11772

(D) If the requirements for a decree under division (C) of 11773
this section have not been satisfied or the court vacates an 11774
interlocutory order of adoption, or if the court finds that a 11775
person sought to be adopted was placed in the home of the 11776
petitioner in violation of law, the court shall dismiss the 11777
petition and may determine the agency or person to have temporary 11778
or permanent custody of the person, which may include the agency 11779
or person that had custody prior to the filing of the petition or 11780
the petitioner, if the court finds it is in the best interest of 11781
the person as supported by the evidence, or if the person is a 11782
minor, the court may certify the case to the juvenile court of the 11783
county where the minor is then residing for appropriate action and 11784
disposition. 11785

(E) The issuance of a final decree or interlocutory order of 11786
adoption for an adult adoption under division (A)(4) of section 11787
3107.02 of the Revised Code shall not disqualify that adult for 11788
services under section 2151.82 or 2151.83 of the Revised Code. 11789

Sec. 3119.023. (A) At least once every four years, the 11790
department of job and family services shall review the basic child 11791

support schedule issued by the department pursuant to section 11792
3119.021 of the Revised Code to determine whether child support 11793
orders issued in accordance with that schedule and the worksheets 11794
created under rules adopted under section 3119.022 of the Revised 11795
Code adequately provide for the needs of children who are subject 11796
to the child support orders. ~~The department may consider the 11797
adequacy and appropriateness of the current schedule, whether 11798
there are substantial and permanent changes in household 11799
consumption and savings patterns, particularly those resulting in 11800
substantial and permanent changes in the per cent of total 11801
household expenditures on children, and whether there have been 11802
substantial and permanent changes to the federal and state income 11803
tax code other than inflationary adjustments to such things as the 11804
exemption amount and income tax brackets, and other factors when 11805
conducting its review.~~ The review is in addition to, and 11806
independent of, any schedule update completed as set forth in 11807
section 3119.021 of the Revised Code. The department shall prepare 11808
a report of its review and include recommendations for statutory 11809
changes, and submit a copy of the report to both houses of the 11810
general assembly. 11811

(B) Each review shall include all of the following: 11812

(1) Consideration of all of the following: 11813

(a) Economic data on the cost of raising children; 11814

(b) Labor market data, such as unemployment rates, employment 11815
rates, hours worked, and earnings, by occupation and skill level 11816
for the state and local job markets; 11817

(c) The impact of guidelines policies and amounts on 11818
custodial and noncustodial parents who have family incomes below 11819
two hundred per cent of the federal poverty level; 11820

(d) Factors that influence employment rates among 11821

<u>noncustodial parents and compliance with child support orders.</u>	11822
<u>(2) Analysis of all of the following, to be used to ensure</u>	11823
<u>that deviations from the basic child support schedule are limited</u>	11824
<u>and that support amounts are appropriate based on criteria</u>	11825
<u>established under division (G) of section 3119.05 of the Revised</u>	11826
<u>Code:</u>	11827
<u>(a) Case data on the application of and deviations from the</u>	11828
<u>basic child support schedule, as gathered through sampling or</u>	11829
<u>other methods;</u>	11830
<u>(b) Rates of default, child support orders with imputed</u>	11831
<u>income, and orders determined using low-income adjustments such as</u>	11832
<u>a self-sufficiency reserve or another method as determined by the</u>	11833
<u>state;</u>	11834
<u>(c) A comparison of payments on child support orders by case</u>	11835
<u>characteristics, including whether the order was entered by</u>	11836
<u>default, based on imputed income, or determined using the</u>	11837
<u>low-income adjustment, as described in division (B)(2)(b) of this</u>	11838
<u>section.</u>	11839
<u>(3) Meaningful opportunity for public input, including input</u>	11840
<u>from low-income custodial and noncustodial parents and their</u>	11841
<u>representatives.</u>	11842
<u>(C) For each review, the department shall establish a child</u>	11843
<u>support guideline advisory council to assist the department in the</u>	11844
<u>completion of its reviews and reports. Each council shall be</u>	11845
<u>composed of:</u>	11846
<u>(1) Obligor;</u>	11847
<u>(2) Obligees;</u>	11848
<u>(3) Judges of courts of common pleas who have jurisdiction</u>	11849
<u>over domestic relations and juvenile court cases that involve the</u>	11850
<u>determination of child support;</u>	11851

(4) Attorneys whose practice includes a significant number of domestic relations or juvenile court cases that involve the determination of child support;

(5) Representatives of child support enforcement agencies;

(6) Other persons interested in the welfare of children;

(7) Three members of the senate appointed by the president of the senate, not more than two of whom are members of the same political party; and

(8) Three members of the house of representatives appointed by the speaker of the house, not more than two of whom are members of the same political party.

~~(C)~~(D) The department shall consider input from the council prior to the completion of any report under this section. The department shall submit its report on or before the first day of March of every fourth year after 2015.

~~(D)~~(E) The department shall publish on the internet and make accessible to the public all of the following:

(1) All reports of the council;

(2) The membership of the council;

(3) The effective date of new or modified guidelines adopted after the review;

(4) The date of the next review.

(F) The advisory council shall cease to exist at the time that the department submits its review to the general assembly under this section.

~~(E)~~(G) Any expenses incurred by an advisory council shall be paid by the department.

Sec. 3119.05. When a court computes the amount of child

support required to be paid under a court child support order or a 11880
child support enforcement agency computes the amount of child 11881
support to be paid pursuant to an administrative child support 11882
order, all of the following apply: 11883

(A) The parents' current and past income and personal 11884
earnings shall be verified by electronic means or with suitable 11885
documents, including, but not limited to, paystubs, employer 11886
statements, receipts and expense vouchers related to 11887
self-generated income, tax returns, and all supporting 11888
documentation and schedules for the tax returns. 11889

(B) The annual amount of any court-ordered spousal support 11890
actually paid, excluding any ordered payment on arrears, shall be 11891
deducted from the annual income of that parent to the extent that 11892
payment of that court-ordered spousal support is verified by 11893
supporting documentation. 11894

(C) The court or agency shall adjust the amount of child 11895
support paid by a parent to give credit for children not included 11896
in the current calculation. When calculating the adjusted amount, 11897
the court or agency shall use the schedule and do the following: 11898

(1) Determine the amount of child support that each parent 11899
would be ordered to pay for all children for whom the parent has 11900
the legal duty to support, according to each parent's annual 11901
income. If the number of children subject to the order is greater 11902
than six, multiply the amount for three children in accordance 11903
with division (C)(4) of this section to determine the amount of 11904
child support. 11905

(2) Compute a child support credit amount for each parent's 11906
children who are not subject to this order by dividing the amount 11907
determined in division (C)(1) of this section by the total number 11908
of children whom the parent is obligated to support and 11909
multiplying that number by the number of the parent's children who 11910

are not subject to this order. 11911

(3) Determine the adjusted income of the parents by 11912
subtracting the credit for minor children not subject to this 11913
order computed under division (C)(2) of this section, from the 11914
annual income of each parent for the children each has a duty to 11915
support that are not subject to this order. 11916

(4) If the number of children is greater than six, multiply 11917
the amount for three children by: 11918

(a) 1.440 for seven children; 11919

(b) 1.540 for eight children; 11920

(c) 1.638 for nine children; 11921

(d) 1.734 for ten children; 11922

(e) 1.827 for eleven children; 11923

(f) 1.919 for twelve children; 11924

(g) 2.008 for thirteen children; 11925

(h) 2.096 for fourteen children; 11926

(i) 2.182 for more than fourteen children. 11927

(D) When the court or agency calculates the annual income of 11928
a parent, it shall include the lesser of the following as income 11929
from overtime and bonuses: 11930

(1) The yearly average of all overtime, commissions, and 11931
bonuses received during the three years immediately prior to the 11932
time when the person's child support obligation is being computed; 11933

(2) The total overtime, commissions, and bonuses received 11934
during the year immediately prior to the time when the person's 11935
child support obligation is being computed. 11936

(E) When the court or agency calculates the annual income of 11937
a parent, it shall not include any income earned by the spouse of 11938

that parent. 11939

(F) The court shall issue a separate medical support order 11940
for extraordinary medical expenses, including orthodontia, dental, 11941
optical, and psychological services. 11942

If the court makes an order for payment of private education, 11943
and other appropriate expenses, it shall do so by issuing a 11944
separate order. 11945

The court may consider these expenses in adjusting a child 11946
support order. 11947

(G) When a court or agency calculates the amount of child 11948
support to be paid pursuant to a court child support order or an 11949
administrative child support order, the following shall apply: 11950

(1) The court or agency shall apply the basic child support 11951
schedule to the parents' combined annual incomes and to each 11952
parent's individual income. 11953

(2) If the combined annual income of both parents or the 11954
individual annual income of a parent is an amount that is between 11955
two amounts set forth in the first column of the schedule, the 11956
court or agency may use the basic child support obligation that 11957
corresponds to the higher of the two amounts in the first column 11958
of the schedule, use the basic child support obligation that 11959
corresponds to the lower of the two amounts in the first column of 11960
the schedule, or calculate a basic child support obligation that 11961
is between those two amounts and corresponds proportionally to the 11962
parents' actual combined annual income or the individual parent's 11963
annual income. 11964

(3) If the annual individual income of either or both of the 11965
parents is within the self-sufficiency reserve in the basic child 11966
support schedule, the court or agency shall do both of the 11967
following: 11968

(a) Calculate the basic child support obligation for the parents using the schedule amount applicable to the combined annual income and the schedule amount applicable to the income in the self-sufficiency reserve;	11969 11970 11971 11972
(b) Determine the lesser of the following amounts to be the applicable basic child support obligation:	11973 11974
(i) The amount that results from using the combined annual income of the parents not in the self-sufficiency reserve of the schedule; or	11975 11976 11977
(ii) The amount that results from using the individual parent's income within the self-sufficiency reserve of the schedule.	11978 11979 11980
(H) When the court or agency calculates annual income, the court or agency, when appropriate, may average income over a reasonable period of years.	11981 11982 11983
(I) Unless it would be unjust or inappropriate and therefore not in the best interests of the child, a court or agency shall not determine a parent to be voluntarily unemployed or underemployed and shall not impute income to that parent if any of the following conditions exist:	11984 11985 11986 11987 11988
(1) The parent is receiving recurring monetary income from means-tested public assistance benefits, including cash assistance payments under the Ohio works first program established under Chapter 5107. of the Revised Code, general assistance under former Chapter 5113. of the Revised Code, supplemental security income, or means-tested veterans' benefits;	11989 11990 11991 11992 11993 11994
(2) The parent is approved for social security disability insurance benefits because of a mental or physical disability, or the court or agency determines that the parent is unable to work based on medical documentation that includes a physician's diagnosis and a physician's opinion regarding the parent's mental	11995 11996 11997 11998 11999

or physical disability and inability to work. 12000

(3) The parent has proven that the parent has made continuous 12001
and diligent efforts without success to find and accept 12002
employment, including temporary employment, part-time employment, 12003
or employment at less than the parent's previous salary or wage. 12004

(4) The parent is complying with court-ordered family 12005
reunification efforts in a child abuse, neglect, or dependency 12006
proceeding, to the extent that compliance with those efforts 12007
limits the parent's ability to earn income. 12008

(5) The parent is ~~incarcerated or~~ institutionalized for a 12009
period of twelve months or more with no other available income or 12010
~~assets, unless the parent is incarcerated for an offense relating~~ 12011
~~to the abuse or neglect of a child who is the subject of the~~ 12012
~~support order or an offense under Title XXIX of the Revised Code~~ 12013
~~against the obligee or a child who is the subject of the support~~ 12014
~~order.~~ 12015

(J) When a court or agency calculates the income of a parent, 12016
it shall not determine a parent to be voluntarily unemployed or 12017
underemployed and shall not impute income to that parent if the 12018
parent is incarcerated. 12019

(K) When a court or agency requires a parent to pay an amount 12020
for that parent's failure to support a child for a period of time 12021
prior to the date the court modifies or issues a court child 12022
support order or an agency modifies or issues an administrative 12023
child support order for the current support of the child, the 12024
court or agency shall calculate that amount using the basic child 12025
support schedule, worksheets, and child support laws in effect, 12026
and the incomes of the parents as they existed, for that prior 12027
period of time. 12028

~~(K)~~(L) A court or agency may disregard a parent's additional 12029
income from overtime or additional employment when the court or 12030

agency finds that the additional income was generated primarily to support a new or additional family member or members, or under other appropriate circumstances.

~~(L)~~(M) If both parents involved in the immediate child support determination have a prior order for support relative to a minor child or children born to both parents, the court or agency shall collect information about the existing order or orders and consider those together with the current calculation for support to ensure that the total of all orders for all children of the parties does not exceed the amount that would have been ordered if all children were addressed in a single judicial or administrative proceeding.

~~(M)~~(N) A support obligation of a parent with annual income subject to the self-sufficiency reserve of the basic child support schedule shall not exceed the support obligation that would result from application of the schedule without the reserve.

~~(N)~~(O) Any non-means tested benefit received by the child or children subject to the order resulting from the claims of either parent shall be deducted from that parent's annual child support obligation after all other adjustments have been made. If that non-means tested benefit exceeds the child support obligation of the parent from whose claim the benefit is realized, the child support obligation for that parent shall be zero.

~~(O)~~(P) As part of the child support calculation, the parents shall be ordered to share the costs of child care. Subject to the limitations in this division, a child support obligor shall pay an amount equal to the obligor's income share of the child care cost incurred for the child or children subject to the order.

(1) The child care cost used in the calculation:

(a) Shall be for the child determined to be necessary to allow a parent to work, or for activities related to employment

training; 12062

(b) Shall be verifiable by credible evidence as determined by 12063
a court or child support enforcement agency; 12064

(c) Shall exclude any reimbursed or subsidized child care 12065
cost, including any state or federal tax credit for child care 12066
available to the parent or caretaker, whether or not claimed; 12067

(d) Shall not exceed the maximum state-wide average cost 12068
~~estimate issued by the department of job and family services,~~ 12069
~~using the data collected and reported as required in section~~ 12070
~~5104.04 of the Revised Code~~ determined in accordance with 45 12071
C.F.R. 98.45. 12072

(2) When the annual income of the obligor is subject to the 12073
self-sufficiency reserve of the basic support schedule, the share 12074
of the child care cost paid by the obligor shall be equal to the 12075
lower of the obligor's income share of the child care cost, or 12076
fifty per cent of the child care cost. 12077

(O) As used in this section, a parent is considered 12078
"incarcerated" if the parent is confined under a sentence imposed 12079
for an offense or serving a term of imprisonment, jail, or local 12080
incarceration, or other term under a sentence imposed by a 12081
government entity authorized to order such confinement. 12082

Sec. 3119.23. The court may consider any of the following 12083
factors in determining whether to grant a deviation pursuant to 12084
section 3119.22 of the Revised Code: 12085

(A) Special and unusual needs of the child or children, 12086
including needs arising from the physical or psychological 12087
condition of the child or children; 12088

(B) Other court-ordered payments; 12089

(C) Extended parenting time or extraordinary costs associated 12090
with parenting time, including extraordinary travel expenses when 12091

exchanging the child or children for parenting time;	12092
(D) The financial resources and the earning ability of the child or children;	12093 12094
(E) The relative financial resources, including the disparity in income between parties or households, other assets, and the needs of each parent;	12095 12096 12097
(F) The obligee's income, if the obligee's annual income is equal to or less than one hundred per cent of the federal poverty level;	12098 12099 12100
(G) Benefits that either parent receives from remarriage or sharing living expenses with another person;	12101 12102
(H) The amount of federal, state, and local taxes actually paid or estimated to be paid by a parent or both of the parents;	12103 12104
(I) Significant in-kind contributions from a parent, including, but not limited to, direct payment for lessons, sports equipment, schooling, or clothing;	12105 12106 12107
(J) Extraordinary work-related expenses incurred by either parent;	12108 12109
(K) The standard of living and circumstances of each parent and the standard of living the child would have enjoyed had the marriage continued or had the parents been married;	12110 12111 12112
(L) The educational opportunities that would have been available to the child had the circumstances requiring a child support order not arisen;	12113 12114 12115
(M) The responsibility of each parent for the support of others, including support of a child or children with disabilities who are not subject to the support order;	12116 12117 12118
(N) Post-secondary educational expenses paid for by a parent for the parent's own child or children, regardless of whether the child or children are emancipated;	12119 12120 12121

(O) Costs incurred or reasonably anticipated to be incurred 12122
by the parents in compliance with court-ordered reunification 12123
efforts in child abuse, neglect, or dependency cases; 12124

(P) Extraordinary child care costs required for the child or 12125
children that exceed the maximum state-wide average cost estimate 12126
~~provided as described~~ in division ~~(O)~~(P)(1)(d) of section 3119.05 12127
of the Revised Code, including extraordinary costs associated with 12128
caring for a child or children with specialized physical, 12129
psychological, or educational needs; 12130

(Q) Any other relevant factor. 12131

If the court grants a deviation based on division (Q) of this 12132
section, it shall specifically state in the order the facts that 12133
are the basis for the deviation. 12134

Sec. 3119.27. (A) A court that issues or modifies a court 12135
support order, or an administrative agency that issues or modifies 12136
an administrative child support order, shall impose on the obligor 12137
under the support order a processing charge in the amount of two 12138
per cent of the support payment to be collected under a support 12139
order. No court or agency may call the charge a poundage fee. 12140

(B) In each child support case that is a Title IV-D case, the 12141
department of job and family services shall annually claim 12142
~~twenty-five~~ thirty-five dollars from the processing charge 12143
described in division (A) of this section for federal reporting 12144
purposes if the obligee has never received assistance under Title 12145
IV-A and the department has collected at least five hundred fifty 12146
dollars of child support for the obligee. The director of job and 12147
family services shall adopt rules under Chapter 119. of the 12148
Revised Code to implement this division, and the department shall 12149
implement this division not later than March 31, 2008. 12150

(C) As used in this section: 12151

(1) "Annual" means the period as defined in regulations 12152
issued by the United States secretary of health and human services 12153
to implement the Deficit Reduction Act of 2005 (P.L. 109-171). 12154

(2) "Title IV-A" has the same meaning as in section 5107.02 12155
of the Revised Code. 12156

(3) "Title IV-D case" has the same meaning as in section 12157
3125.01 of the Revised Code. 12158

Sec. 3119.29. As used in this section and sections 3119.30 to 12159
3119.56 of the Revised Code: 12160

~~(A) "Family coverage" means the health insurance plan that 12161
provides coverage for the children who are the subject of a child 12162
support order. 12163~~

~~(B)~~ "Health care coverage" means such medical support that 12164
includes ~~coverage under a~~ health insurance coverage or a public 12165
health care plan, payment of costs of premiums, copayments, and 12166
deductibles, or payment for medical expenses incurred on behalf of 12167
the child. 12168

~~(C)~~(B) "Health insurance coverage" means accessible private 12169
health insurance that provides primary care services within thirty 12170
miles from the residence of the child subject to the child support 12171
order. 12172

~~(D)~~(C) "Health plan administrator" means any entity 12173
authorized under Title XXXIX of the Revised Code to engage in the 12174
business of insurance in this state, any health insuring 12175
corporation, any legal entity that is self-insured and provides 12176
benefits to its employees or members, and the administrator of any 12177
such entity or corporation. 12178

~~(E)~~(D) "National medical support notice" means a form 12179
required by the "Child Support Performance and Incentive Act of 12180
1998," P.L. 105-200, 112 Stat. 659, 42 U.S.C. 666(a)(19), as 12181

amended, and jointly developed and promulgated by the secretary of 12182
health and human services and the secretary of labor in federal 12183
regulations adopted under that act as modified by the department 12184
of job and family services under section 3119.291 of the Revised 12185
Code. 12186

~~(F)~~(E) "Person required to provide health insurance coverage" 12187
means the obligor, obligee, or both, required by the court under a 12188
court child support order or by the child support enforcement 12189
agency under an administrative child support order to provide 12190
health insurance coverage pursuant to section 3119.30 of the 12191
Revised Code. 12192

~~(G)~~(F) "Reasonable cost" means that the cost of ~~private~~ 12193
health insurance coverage to the person required to provide health 12194
insurance coverage for the children who are the subject of the 12195
child support order does not exceed an amount equal to five per 12196
cent of the annual income of that person. ~~For purposes of this~~ 12197
~~division, the cost of health insurance is an amount equal to the~~ 12198
~~difference in cost between self only and family coverage.~~ 12199

~~However, if the United States secretary of health and human 12200
services issues a regulation that redefines "reasonable cost" or a 12201
similar term or phrase, or clarifies the elements of cost used 12202
when determining reasonable cost relating to the provision of 12203
health care for children in a child support order, and if those 12204
changes are substantively different than the definitions and terms 12205
used in this section, those terms shall have the meaning as 12206
defined by the United States secretary of health and human 12207
services.~~ 12208

Sec. 3119.30. (A) In any action or proceeding in which a 12209
child support order is issued or modified, the court, with respect 12210
to court child support orders, and the child support enforcement 12211
agency, with respect to administrative child support orders, shall 12212

determine the person or persons responsible for the health care 12213
coverage of the children subject to the child support order and 12214
shall include provisions for the health care coverage of the 12215
children in the child support order. The order shall specify that 12216
the obligor and obligee are both liable for the health care 12217
expenses for the children who are not covered by private health 12218
insurance according to a formula established by each court, with 12219
respect to a court child support order, or each child support 12220
enforcement agency, with respect to an administrative child 12221
support order. 12222

(B) The child support obligee is rebuttably presumed to be 12223
the appropriate parent to provide health insurance coverage for 12224
the children subject to the child support order. The order shall 12225
specify that the obligee must provide the health insurance 12226
coverage unless rebutted pursuant to division (B)(1) of this 12227
section. 12228

(1) The court or child support enforcement agency may 12229
consider the following factors to rebut the presumption when 12230
determining if the child support obligor is the appropriate parent 12231
to provide health insurance coverage: 12232

(a) The obligor already has health insurance coverage for the 12233
child that is reasonable in cost; 12234

(b) The obligor already has health insurance coverage in 12235
place for the child that is not reasonable in cost, but the 12236
obligor wishes to be named the health insurance obligor and 12237
provide coverage under division (A)(2)(a) of section 3119.302 of 12238
the Revised Code; 12239

(c) The obligor can obtain health insurance coverage for the 12240
child that is reasonable in cost through an employer or other 12241
source. For employer-based coverage, the court or child support 12242
enforcement agency shall consider the length of time the obligor 12243

has worked with the employer and the stability of the insurance. 12244

(d) The obligee is a non-parent individual or agency that has 12245
no duty to provide medical support. 12246

(2) If ~~private~~ health insurance coverage for the children is 12247
not available at a reasonable cost to the obligor or the obligee 12248
at the time the court or agency issues the order, the order shall 12249
include a requirement that the obligee obtain ~~private~~ health 12250
~~insurance~~ care coverage for the children not later than thirty 12251
days after it becomes available to the obligee at a reasonable 12252
cost, and to inform the child support enforcement agency when 12253
~~private~~ health ~~insurance~~ care coverage for the children has been 12254
obtained. 12255

(3) If ~~private~~ health insurance coverage becomes available to 12256
the obligor at a reasonable cost, the obligor shall inform the 12257
child support enforcement agency and may seek a modification of 12258
health ~~insurance~~ care coverage from the court with respect to a 12259
court child support order, or from the agency with respect to an 12260
administrative support order. 12261

(C) When a child support order is issued or modified, the 12262
order shall include a cash medical support amount consistent with 12263
division (B) of section 3119.302 of the Revised Code for each 12264
child subject to the order. The cash medical support amount shall 12265
be ordered based on the number of children subject to the order 12266
and split between the parties using the parents' income share. 12267

(D) Any cash medical support paid pursuant to division (C) of 12268
this section shall be paid through the department of job and 12269
family services by the obligor to either the obligee if the 12270
children are not medicaid recipients, or to the department of 12271
medicaid when a medicaid assignment is in effect for any child 12272
under the support order. 12273

(E) The cost of providing health insurance coverage for a 12274

child subject to an order shall be defrayed by a credit against 12275
that parent's annual income when calculating support as required 12276
under section 3119.02 of the Revised Code using the basic child 12277
support schedule and applicable worksheet. The credit shall be 12278
equal to the total actual out-of-pocket cost for health insurance 12279
premiums for the coverage. Any credit given will be less any 12280
subsidy, including a premium tax credit or cost-sharing reduction 12281
received by the parent providing coverage. 12282

(F) Both parents may be ordered to provide health care 12283
coverage and pay cash medical support if the obligee is a 12284
nonparent individual or agency that has no duty to provide medical 12285
support. 12286

Sec. 3119.302. (A) When the court, with respect to a court 12287
child support order, or the child support enforcement agency, with 12288
respect to an administrative child support order, determines the 12289
person or persons responsible for the health care coverage of the 12290
children subject to the order pursuant to section 3119.30 of the 12291
Revised Code, all of the following apply: 12292

(1) The court or agency shall consider any ~~private~~ health 12293
insurance coverage in which the obligor, obligee, or children, are 12294
enrolled at the time the court or agency issues the order. 12295

(2) If the cost of ~~private~~ health insurance coverage to 12296
either parent exceeds a reasonable cost, that parent shall not be 12297
ordered to provide ~~private~~ health insurance coverage for the child 12298
except as follows: 12299

(a) When the parent requests to obtain or maintain the 12300
~~private~~ health insurance coverage that exceeds a reasonable cost; 12301

(b) When the court determines that it is in the best interest 12302
of the children for a parent to obtain and maintain ~~private~~ health 12303
insurance coverage that exceeds a reasonable cost and the cost 12304

will not impose an undue financial burden on either parent. If the court makes such a determination, the court must include the facts and circumstances of the determination in the child support order.

(3) If ~~private~~ health insurance coverage is available at a reasonable cost to either parent through a group policy, contract, or plan, and the court determines that it is not in the best interest of the children to utilize the available ~~private~~ health insurance coverage, the court shall state the facts and circumstances of the determination in the child support order.

(4) Notwithstanding division ~~(C)~~(B) of section 3119.29 of the Revised Code, the court or agency may do either of the following:

(a) Permit primary care services to be farther than thirty miles if residents in part or all of the immediate geographic area customarily travel farther distances ;

(b) Require primary care services be accessible by public transportation if public transportation is the obligee's only source of transportation.

If the court or agency makes either accessibility determination, it shall include this accessibility determination in the child support order.

(B) The director of job and family services shall periodically update the amount of the cash medical support obligation to be paid pursuant to division (C) of section 3119.30 of the Revised Code. The updates shall be made in consideration of the medical expenditure panel survey, conducted by the United States department of health and human services for health care research and quality. The amount shall be based on the most recent survey year data available and shall be calculated by multiplying the total amount expended for health services for children by the percentage that is out-of-pocket divided by the number of individuals less than eighteen years of age that have any private

insurance. 12336

Sec. 3119.31. In any action or proceeding in which a court or 12337
child support enforcement agency is determining the person 12338
responsible for the health care coverage of the children who are 12339
or will be the subject of a child support order, each party shall 12340
provide to the court or child support enforcement agency a list of 12341
any group health insurance policies, contracts, or plans available 12342
to the party and the cost ~~for self only and family~~ of coverage 12343
under the available policies, contracts, or plans. 12344

Sec. 3119.32. A child support order shall contain all of the 12345
following: 12346

(A)(1) If the obligor, obligee, or both obligor and obligee, 12347
are required under section 3119.30 of the Revised Code to provide 12348
~~private~~ health ~~insurance~~ care coverage for the children, a 12349
requirement that whoever is required to provide ~~private~~ health 12350
~~insurance~~ care coverage provide to the other, not later than 12351
thirty days after the issuance of the order, information regarding 12352
the benefits, limitations, and exclusions of the coverage, copies 12353
of any ~~insurance~~ forms necessary to receive reimbursement, 12354
payment, or other benefits under the coverage, and a copy of any 12355
necessary ~~insurance cards~~ proof of coverage; 12356

(2) If the obligor, obligee, or both obligor and obligee, are 12357
required under section 3119.30 of the Revised Code to provide 12358
~~private~~ health ~~insurance~~ care coverage for the children, a 12359
requirement that whoever is required to provide ~~private~~ health 12360
~~insurance~~ care coverage provide to the child support enforcement 12361
agency, not later than thirty days after the issuance of the 12362
order, documentation that verifies that coverage is being provided 12363
as ordered. 12364

(B) A statement setting forth the name and address of the 12365

individual who is to be reimbursed for medical expenses. 12366

(C) A requirement that a person required to provide ~~private~~ 12367
health ~~insurance~~ care coverage for the children designate the 12368
children as covered dependents under any ~~private~~ health ~~insurance~~ 12369
care coverage policy, contract, or plan ~~for which the person~~ 12370
~~contracts~~. 12371

(D) A requirement that the obligor, the obligee, or both of 12372
them under a formula established by the court, with respect to a 12373
court child support order, or the child support enforcement 12374
agency, with respect to an administrative child support order, pay 12375
extraordinary medical expenses for the children. 12376

(E) A notice that the employer of the person required to 12377
obtain ~~private~~ health ~~insurance~~ care coverage through that 12378
employer is required to release to the other parent, any person 12379
subject to an order issued under section 3109.19 of the Revised 12380
Code, or the child support enforcement agency on written request 12381
any necessary information on the ~~private~~ health ~~insurance~~ care 12382
coverage, including the name and address of the health plan 12383
administrator and any policy, contract, or plan number, and to 12384
otherwise comply with this section and any order or notice issued 12385
under this section. 12386

(F) A statement setting forth the full name and date of birth 12387
of each child who is the subject of the child support order. 12388

(G) A notice that states the following: "If the person 12389
required to obtain ~~private~~ health care ~~insurance~~ coverage for the 12390
children subject to this child support order obtains new 12391
employment, the agency shall comply with the requirements of 12392
section 3119.34 of the Revised Code, which may result in the 12393
issuance of a notice requiring the new employer to take whatever 12394
action is necessary to enroll the children in private health care 12395
insurance coverage provided by the new employer, when insurance is 12396

not being provided by any other source. 12397

Sec. 3125.25. The director of job and family services shall 12398
adopt rules under Chapter 119. of the Revised Code governing the 12399
operation of support enforcement by child support enforcement 12400
agencies. The rules shall include, but shall not be limited to, 12401
the following: 12402

(A) Provisions relating to plans of cooperation between the 12403
agencies and boards of county commissioners entered into under 12404
section 3125.12 of the Revised Code; 12405

(B) Provisions for the compromise and waiver of child support 12406
arrearages owed to the state and federal government, consistent 12407
with Title IV-D of the "Social Security Act," 88 Stat. 2351 12408
(1975), 42 U.S.C. 651 et seq., as amended; 12409

(C) Requirements for public hearings by the agencies; 12410

(D) Provisions for appeals of agency decisions under 12411
procedures established by the director; 12412

(E) Provisions requiring the investigation and documentation 12413
of the factual basis for establishment and modification of support 12414
obligations in accordance with Title IV-D of the "Social Security 12415
Act," 88 Stat. 2351 (1975), 42 U.S.C. 651 et seq., and any 12416
regulations promulgated by the United States department of health 12417
and human services; 12418

(F) Provisions establishing criteria for child support 12419
enforcement agencies to initiate an action under section 2705.031 12420
of the Revised Code in any case administered under Title IV-D of 12421
the "Social Security Act," 88 Stat. 2351 (1975), 42 U.S.C. 651 et 12422
seq. 12423

Sec. 3301.07. The state board of education shall exercise 12424
under the acts of the general assembly general supervision of the 12425

system of public education in the state. In addition to the powers 12426
otherwise imposed on the state board under the provisions of law, 12427
the board shall have the powers described in this section. 12428

(A) The state board shall exercise policy forming, planning, 12429
and evaluative functions for the public schools of the state 12430
except as otherwise provided by law. 12431

(B)(1) The state board shall exercise leadership in the 12432
improvement of public education in this state, and administer the 12433
educational policies of this state relating to public schools, and 12434
relating to instruction and instructional material, building and 12435
equipment, transportation of pupils, administrative 12436
responsibilities of school officials and personnel, and finance 12437
and organization of school districts, educational service centers, 12438
and territory. Consultative and advisory services in such matters 12439
shall be provided by the board to school districts and educational 12440
service centers of this state. 12441

(2) The state board also shall develop a standard of 12442
financial reporting which shall be used by each school district 12443
board of education and each governing board of an educational 12444
service center, each governing authority of a community school 12445
established under Chapter 3314., each governing body of a STEM 12446
school established under Chapter 3328., and each board of trustees 12447
of a college-preparatory boarding school established under Chapter 12448
3328. of the Revised Code to make its financial information and 12449
annual budgets for each school building under its control 12450
available to the public in a format understandable by the average 12451
citizen. The format shall show, both at the district and at the 12452
school building level, revenue by source; expenditures for 12453
salaries, wages, and benefits of employees, showing such amounts 12454
separately for classroom teachers, other employees required to 12455
hold licenses issued pursuant to sections 3319.22 to 3319.31 of 12456
the Revised Code, and all other employees; expenditures other than 12457

for personnel, by category, including utilities, textbooks and 12458
other educational materials, equipment, permanent improvements, 12459
pupil transportation, extracurricular athletics, and other 12460
extracurricular activities; and per pupil expenditures. The format 12461
shall also include information on total revenue and expenditures, 12462
per pupil revenue, and expenditures for both classroom and 12463
nonclassroom purposes, as defined by the standards adopted under 12464
section 3302.20 of the Revised Code in the aggregate and for each 12465
subgroup of students, as defined by section 3317.40 of the Revised 12466
Code, that receives services provided for by state or federal 12467
funding. 12468

(3) Each school district board, governing authority, 12469
governing body, or board of trustees, or its respective designee, 12470
shall annually report, to the department of education, all 12471
financial information required by the standards for financial 12472
reporting, as prescribed by division (B)(2) of this section and 12473
adopted by the state board. The department shall make all reports 12474
submitted pursuant to this division available in such a way that 12475
allows for comparison between financial information included in 12476
these reports and financial information included in reports 12477
produced prior to July 1, 2013. The department shall post these 12478
reports in a prominent location on its web site and shall notify 12479
each school when reports are made available. 12480

(C) The state board shall administer and supervise the 12481
allocation and distribution of all state and federal funds for 12482
public school education under the provisions of law, and may 12483
prescribe such systems of accounting as are necessary and proper 12484
to this function. It may require county auditors and treasurers, 12485
boards of education, educational service center governing boards, 12486
treasurers of such boards, teachers, and other school officers and 12487
employees, or other public officers or employees, to file with it 12488
such reports as it may prescribe relating to such funds, or to the 12489

management and condition of such funds. 12490

(D)(1) Wherever in Titles IX, XXIII, XXIX, XXXIII, XXXVII, 12491
XLVII, and LI of the Revised Code a reference is made to standards 12492
prescribed under this section or division (D) of this section, 12493
that reference shall be construed to refer to the standards 12494
prescribed under division (D)(2) of this section, unless the 12495
context specifically indicates a different meaning or intent. 12496

(2) The state board shall formulate and prescribe minimum 12497
standards to be applied to all elementary and secondary schools in 12498
this state for the purpose of providing children access to a 12499
general education of high quality according to the learning needs 12500
of each individual, including students with disabilities, 12501
economically disadvantaged students, ~~limited English proficient~~ 12502
~~students~~ learners, and students identified as gifted. Such 12503
standards shall provide adequately for: the licensing of teachers, 12504
administrators, and other professional personnel and their 12505
assignment according to training and qualifications; efficient and 12506
effective instructional materials and equipment, including library 12507
facilities; the proper organization, administration, and 12508
supervision of each school, including regulations for preparing 12509
all necessary records and reports and the preparation of a 12510
statement of policies and objectives for each school; the 12511
provision of safe buildings, grounds, health and sanitary 12512
facilities and services; admission of pupils, and such 12513
requirements for their promotion from grade to grade as will 12514
assure that they are capable and prepared for the level of study 12515
to which they are certified; requirements for graduation; and such 12516
other factors as the board finds necessary. 12517

The state board shall base any standards governing the 12518
promotion of students or requirements for graduation on the 12519
ability of students, at any grade level, to earn credits or 12520
advance upon demonstration of mastery of knowledge and skills 12521

through competency-based learning models. Credits of grade level 12522
advancement shall not require a minimum number of days or hours in 12523
a classroom. 12524

The state board shall base any standards governing the 12525
assignment of staff on ensuring each school has a sufficient 12526
number of teachers to ensure a student has an appropriate level of 12527
interaction to meet each student's personal learning goals. 12528

In the formulation and administration of such standards for 12529
nonpublic schools the board shall also consider the particular 12530
needs, methods and objectives of those schools, provided they do 12531
not conflict with the provision of a general education of a high 12532
quality and provided that regular procedures shall be followed for 12533
promotion from grade to grade of pupils who have met the 12534
educational requirements prescribed. 12535

(3) In addition to the minimum standards required by division 12536
(D)(2) of this section, the state board may formulate and 12537
prescribe the following additional minimum operating standards for 12538
school districts: 12539

(a) Standards for the effective and efficient organization, 12540
administration, and supervision of each school district with a 12541
commitment to high expectations for every student based on the 12542
learning needs of each individual, including students with 12543
disabilities, economically disadvantaged students, ~~limited~~ English 12544
~~proficient students~~ learners, and students identified as gifted, 12545
and commitment to closing the achievement gap without suppressing 12546
the achievement levels of higher achieving students so that all 12547
students achieve core knowledge and skills in accordance with the 12548
statewide academic standards adopted under section 3301.079 of the 12549
Revised Code; 12550

(b) Standards for the establishment of business advisory 12551
councils under section 3313.82 of the Revised Code; 12552

(c) Standards for school district buildings that may require 12553
the effective and efficient organization, administration, and 12554
supervision of each school district building with a commitment to 12555
high expectations for every student based on the learning needs of 12556
each individual, including students with disabilities, 12557
economically disadvantaged students, ~~limited English proficient~~ 12558
~~students~~ learners, and students identified as gifted, and 12559
commitment to closing the achievement gap without suppressing the 12560
achievement levels of higher achieving students so that all 12561
students achieve core knowledge and skills in accordance with the 12562
statewide academic standards adopted under section 3301.079 of the 12563
Revised Code. 12564

(E) The state board may require as part of the health 12565
curriculum information developed under section 2108.34 of the 12566
Revised Code promoting the donation of anatomical gifts pursuant 12567
to Chapter 2108. of the Revised Code and may provide the 12568
information to high schools, educational service centers, and 12569
joint vocational school district boards of education; 12570

(F) The state board shall prepare and submit annually to the 12571
governor and the general assembly a report on the status, needs, 12572
and major problems of the public schools of the state, with 12573
recommendations for necessary legislative action and a ten-year 12574
projection of the state's public and nonpublic school enrollment, 12575
by year and by grade level. 12576

(G) The state board shall prepare and submit to the director 12577
of budget and management the biennial budgetary requests of the 12578
state board of education, for its agencies and for the public 12579
schools of the state. 12580

(H) The state board shall cooperate with federal, state, and 12581
local agencies concerned with the health and welfare of children 12582
and youth of the state. 12583

(I) The state board shall require such reports from school districts and educational service centers, school officers, and employees as are necessary and desirable. The superintendents and treasurers of school districts and educational service centers shall certify as to the accuracy of all reports required by law or state board or state department of education rules to be submitted by the district or educational service center and which contain information necessary for calculation of state funding. Any superintendent who knowingly falsifies such report shall be subject to license revocation pursuant to section 3319.31 of the Revised Code.

(J) In accordance with Chapter 119. of the Revised Code, the state board shall adopt procedures, standards, and guidelines for the education of children with disabilities pursuant to Chapter 3323. of the Revised Code, including procedures, standards, and guidelines governing programs and services operated by county boards of developmental disabilities pursuant to section 3323.09 of the Revised Code.

(K) For the purpose of encouraging the development of special programs of education for academically gifted children, the state board shall employ competent persons to analyze and publish data, promote research, advise and counsel with boards of education, and encourage the training of teachers in the special instruction of gifted children. The board may provide financial assistance out of any funds appropriated for this purpose to boards of education and educational service center governing boards for developing and conducting programs of education for academically gifted children.

(L) The state board shall require that all public schools emphasize and encourage, within existing units of study, the teaching of energy and resource conservation as recommended to each district board of education by leading business persons involved in energy production and conservation, beginning in the

primary grades. 12616

(M) The state board shall formulate and prescribe minimum 12617
standards requiring the use of phonics as a technique in the 12618
teaching of reading in grades kindergarten through three. In 12619
addition, the state board shall provide in-service training 12620
programs for teachers on the use of phonics as a technique in the 12621
teaching of reading in grades kindergarten through three. 12622

(N) The state board may adopt rules necessary for carrying 12623
out any function imposed on it by law, and may provide rules as 12624
are necessary for its government and the government of its 12625
employees, and may delegate to the superintendent of public 12626
instruction the management and administration of any function 12627
imposed on it by law. It may provide for the appointment of board 12628
members to serve on temporary committees established by the board 12629
for such purposes as are necessary. Permanent or standing 12630
committees shall not be created. 12631

(O) Upon application from the board of education of a school 12632
district, the superintendent of public instruction may issue a 12633
waiver exempting the district from compliance with the standards 12634
adopted under divisions (B)(2) and (D) of this section, as they 12635
relate to the operation of a school operated by the district. The 12636
state board shall adopt standards for the approval or disapproval 12637
of waivers under this division. The state superintendent shall 12638
consider every application for a waiver, and shall determine 12639
whether to grant or deny a waiver in accordance with the state 12640
board's standards. For each waiver granted, the state 12641
superintendent shall specify the period of time during which the 12642
waiver is in effect, which shall not exceed five years. A district 12643
board may apply to renew a waiver. 12644

Sec. 3301.0710. The state board of education shall adopt 12645
rules establishing a statewide program to assess student 12646

achievement. The state board shall ensure that all assessments 12647
administered under the program are aligned with the academic 12648
standards and model curricula adopted by the state board and are 12649
created with input from Ohio parents, Ohio classroom teachers, 12650
Ohio school administrators, and other Ohio school personnel 12651
pursuant to section 3301.079 of the Revised Code. 12652

The assessment program shall be designed to ensure that 12653
students who receive a high school diploma demonstrate at least 12654
high school levels of achievement in English language arts, 12655
mathematics, science, and social studies. 12656

(A)(1) The state board shall prescribe all of the following: 12657

(a) Two statewide achievement assessments, one each designed 12658
to measure the level of English language arts and mathematics 12659
skill expected at the end of third grade; 12660

(b) Two statewide achievement assessments, one each designed 12661
to measure the level of English language arts and mathematics 12662
skill expected at the end of fourth grade; 12663

(c) Three statewide achievement assessments, one each 12664
designed to measure the level of English language arts, 12665
mathematics, and science skill expected at the end of fifth grade; 12666

(d) Two statewide achievement assessments, one each designed 12667
to measure the level of English language arts and mathematics 12668
skill expected at the end of sixth grade; 12669

(e) Two statewide achievement assessments, one each designed 12670
to measure the level of English language arts and mathematics 12671
skill expected at the end of seventh grade; 12672

(f) Three statewide achievement assessments, one each 12673
designed to measure the level of English language arts, 12674
mathematics, and science skill expected at the end of eighth 12675
grade. 12676

(2) The state board shall determine and designate at least five ranges of scores on each of the achievement assessments described in divisions (A)(1) and (B)(1) of this section. Each range of scores shall be deemed to demonstrate a level of achievement so that any student attaining a score within such range has achieved one of the following:

- (a) An advanced level of skill;
- (b) An accelerated level of skill;
- (c) A proficient level of skill;
- (d) A basic level of skill;
- (e) A limited level of skill.

(3) For the purpose of implementing division (A) of section 3313.608 of the Revised Code, the state board shall determine and designate a level of achievement, not lower than the level designated in division (A)(2)(e) of this section, on the third grade English language arts assessment for a student to be promoted to the fourth grade. The state board shall review and adjust upward the level of achievement designated under this division each year the test is administered until the level is set equal to the level designated in division (A)(2)(c) of this section.

(4) Each school district or school shall teach and assess social studies in at least the fourth and sixth grades. Any assessment in such area shall be determined by the district or school and may be formative or summative in nature. The results of such assessment shall not be reported to the department of education.

(B)(1) The assessments prescribed under division (B)(1) of this section shall collectively be known as the Ohio graduation tests. The state board shall prescribe five statewide high school

achievement assessments, one each designed to measure the level of 12707
reading, writing, mathematics, science, and social studies skill 12708
expected at the end of tenth grade. The state board shall 12709
designate a score in at least the range designated under division 12710
(A)(2)(c) of this section on each such assessment that shall be 12711
deemed to be a passing score on the assessment as a condition 12712
toward granting high school diplomas under sections 3313.61, 12713
3313.611, 3313.612, and 3325.08 of the Revised Code until the 12714
assessment system prescribed by section 3301.0712 of the Revised 12715
Code is implemented in accordance with division (B)(2) of this 12716
section. 12717

(2) The state board shall prescribe an assessment system in 12718
accordance with section 3301.0712 of the Revised Code that shall 12719
replace the Ohio graduation tests beginning with students who 12720
enter the ninth grade for the first time on or after July 1, 2014. 12721

(3) The state board may enter into a reciprocal agreement 12722
with the appropriate body or agency of any other state that has 12723
similar statewide achievement assessment requirements for 12724
receiving high school diplomas, under which any student who has 12725
met an achievement assessment requirement of one state is 12726
recognized as having met the similar requirement of the other 12727
state for purposes of receiving a high school diploma. For 12728
purposes of this section and sections 3301.0711 and 3313.61 of the 12729
Revised Code, any student enrolled in any public high school in 12730
this state who has met an achievement assessment requirement 12731
specified in a reciprocal agreement entered into under this 12732
division shall be deemed to have attained at least the applicable 12733
score designated under this division on each assessment required 12734
by division (B)(1) or (2) of this section that is specified in the 12735
agreement. 12736

(C) The superintendent of public instruction shall designate 12737
dates and times for the administration of the assessments 12738

prescribed by divisions (A) and (B) of this section. 12739

In prescribing administration dates pursuant to this 12740
division, the superintendent shall designate the dates in such a 12741
way as to allow a reasonable length of time between the 12742
administration of assessments prescribed under this section and 12743
any administration of the national assessment of educational 12744
progress given to students in the same grade level pursuant to 12745
section 3301.27 of the Revised Code or federal law. 12746

(D) The state board shall prescribe a practice version of 12747
each Ohio graduation test described in division (B)(1) of this 12748
section that is of comparable length to the actual test. 12749

(E) Any committee established by the department of education 12750
for the purpose of making recommendations to the state board 12751
regarding the state board's designation of scores on the 12752
assessments described by this section shall inform the state board 12753
of the probable percentage of students who would score in each of 12754
the ranges established under division (A)(2) of this section on 12755
the assessments if the committee's recommendations are adopted by 12756
the state board. To the extent possible, these percentages shall 12757
be disaggregated by gender, major racial and ethnic groups, 12758
~~limited English proficient students~~ learners, economically 12759
disadvantaged students, students with disabilities, and migrant 12760
students. 12761

Sec. 3301.0711. (A) The department of education shall: 12762

(1) Annually furnish to, grade, and score all assessments 12763
required by divisions (A)(1) and (B)(1) of section 3301.0710 of 12764
the Revised Code to be administered by city, local, exempted 12765
village, and joint vocational school districts, except that each 12766
district shall score any assessment administered pursuant to 12767
division (B)(10) of this section. Each assessment so furnished 12768
shall include the data verification code of the student to whom 12769

the assessment will be administered, as assigned pursuant to 12770
division (D)(2) of section 3301.0714 of the Revised Code. In 12771
furnishing the practice versions of Ohio graduation tests 12772
prescribed by division (D) of section 3301.0710 of the Revised 12773
Code, the department shall make the tests available on its web 12774
site for reproduction by districts. In awarding contracts for 12775
grading assessments, the department shall give preference to 12776
Ohio-based entities employing Ohio residents. 12777

(2) Adopt rules for the ethical use of assessments and 12778
prescribing the manner in which the assessments prescribed by 12779
section 3301.0710 of the Revised Code shall be administered to 12780
students. 12781

(B) Except as provided in divisions (C) and (J) of this 12782
section, the board of education of each city, local, and exempted 12783
village school district shall, in accordance with rules adopted 12784
under division (A) of this section: 12785

(1) Administer the English language arts assessments 12786
prescribed under division (A)(1)(a) of section 3301.0710 of the 12787
Revised Code twice annually to all students in the third grade who 12788
have not attained the score designated for that assessment under 12789
division (A)(2)(c) of section 3301.0710 of the Revised Code. 12790

(2) Administer the mathematics assessment prescribed under 12791
division (A)(1)(a) of section 3301.0710 of the Revised Code at 12792
least once annually to all students in the third grade. 12793

(3) Administer the assessments prescribed under division 12794
(A)(1)(b) of section 3301.0710 of the Revised Code at least once 12795
annually to all students in the fourth grade. 12796

(4) Administer the assessments prescribed under division 12797
(A)(1)(c) of section 3301.0710 of the Revised Code at least once 12798
annually to all students in the fifth grade. 12799

(5) Administer the assessments prescribed under division 12800

(A)(1)(d) of section 3301.0710 of the Revised Code at least once 12801
annually to all students in the sixth grade. 12802

(6) Administer the assessments prescribed under division 12803
(A)(1)(e) of section 3301.0710 of the Revised Code at least once 12804
annually to all students in the seventh grade. 12805

(7) Administer the assessments prescribed under division 12806
(A)(1)(f) of section 3301.0710 of the Revised Code at least once 12807
annually to all students in the eighth grade. 12808

(8) Except as provided in division (B)(9) of this section, 12809
administer any assessment prescribed under division (B)(1) of 12810
section 3301.0710 of the Revised Code as follows: 12811

(a) At least once annually to all tenth grade students and at 12812
least twice annually to all students in eleventh or twelfth grade 12813
who have not yet attained the score on that assessment designated 12814
under that division; 12815

(b) To any person who has successfully completed the 12816
curriculum in any high school or the individualized education 12817
program developed for the person by any high school pursuant to 12818
section 3323.08 of the Revised Code but has not received a high 12819
school diploma and who requests to take such assessment, at any 12820
time such assessment is administered in the district. 12821

(9) In lieu of the board of education of any city, local, or 12822
exempted village school district in which the student is also 12823
enrolled, the board of a joint vocational school district shall 12824
administer any assessment prescribed under division (B)(1) of 12825
section 3301.0710 of the Revised Code at least twice annually to 12826
any student enrolled in the joint vocational school district who 12827
has not yet attained the score on that assessment designated under 12828
that division. A board of a joint vocational school district may 12829
also administer such an assessment to any student described in 12830
division (B)(8)(b) of this section. 12831

(10) If the district has a three-year average graduation rate of not more than seventy-five per cent, administer each assessment prescribed by division (D) of section 3301.0710 of the Revised Code in September to all ninth grade students who entered ninth grade prior to July 1, 2014.

Except as provided in section 3313.614 of the Revised Code for administration of an assessment to a person who has fulfilled the curriculum requirement for a high school diploma but has not passed one or more of the required assessments, the assessments prescribed under division (B)(1) of section 3301.0710 of the Revised Code shall not be administered after the date specified in the rules adopted by the state board of education under division (D)(1) of section 3301.0712 of the Revised Code.

(11)(a) Except as provided in division (B)(11)(b) of this section, administer the assessments prescribed by division (B)(2) of section 3301.0710 and section 3301.0712 of the Revised Code in accordance with the timeline and plan for implementation of those assessments prescribed by rule of the state board adopted under division (D)(1) of section 3301.0712 of the Revised Code;

(b) A student who has presented evidence to the district or school of having satisfied the condition prescribed by division (A)(1) of section 3313.618 of the Revised Code to qualify for a high school diploma prior to the date of the administration of the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code shall not be required to take that assessment. However, no board shall prohibit a student who is not required to take such assessment from taking the assessment.

(C)(1)(a) In the case of a student receiving special education services under Chapter 3323. of the Revised Code, the individualized education program developed for the student under that chapter shall specify the manner in which the student will participate in the assessments administered under this section,

except that a student with significant cognitive disabilities to 12864
whom an alternate assessment is administered in accordance with 12865
division (C)(1) of this section and a student determined to have a 12866
disability that includes an intellectual disability as outlined in 12867
guidance issued by the department shall not be required to take 12868
the assessment prescribed under division (B)(1) of section 12869
3301.0712 of the Revised Code. The individualized education 12870
program may excuse the student from taking any particular 12871
assessment required to be administered under this section if it 12872
instead specifies an alternate assessment method approved by the 12873
department of education as conforming to requirements of federal 12874
law for receipt of federal funds for disadvantaged pupils. To the 12875
extent possible, the individualized education program shall not 12876
excuse the student from taking an assessment unless no reasonable 12877
accommodation can be made to enable the student to take the 12878
assessment. No board shall prohibit a student who is not required 12879
to take an assessment under division (C)(1) of this section from 12880
taking the assessment. 12881

(b) Any alternate assessment approved by the department for a 12882
student under this division shall produce measurable results 12883
comparable to those produced by the assessment it replaces in 12884
order to allow for the student's results to be included in the 12885
data compiled for a school district or building under section 12886
3302.03 of the Revised Code. 12887

(c)(i) Any student enrolled in a chartered nonpublic school 12888
who has been identified, based on an evaluation conducted in 12889
accordance with section 3323.03 of the Revised Code or section 504 12890
of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 12891
794, as amended, as a child with a disability shall be excused 12892
from taking any particular assessment required to be administered 12893
under this section if a plan developed for the student pursuant to 12894
rules adopted by the state board excuses the student from taking 12895

that assessment. 12896

(ii) A student with significant cognitive disabilities to 12897
whom an alternate assessment is administered in accordance with 12898
division (C)(1) of this section and a student determined to have a 12899
disability that includes an intellectual disability as outlined in 12900
guidance issued by the department shall not be required to take 12901
the assessment prescribed under division (B)(1) of section 12902
3301.0712 of the Revised Code. 12903

(iii) In the case of any student so excused from taking an 12904
assessment under division (C)(1)(c) of this section, the chartered 12905
nonpublic school shall not prohibit the student from taking the 12906
assessment. 12907

(2) A district board may, for medical reasons or other good 12908
cause, excuse a student from taking an assessment administered 12909
under this section on the date scheduled, but that assessment 12910
shall be administered to the excused student not later than nine 12911
days following the scheduled date. The district board shall 12912
annually report the number of students who have not taken one or 12913
more of the assessments required by this section to the state 12914
board not later than the thirtieth day of June. 12915

(3) As used in this division, "~~limited English proficient~~ 12916
~~student learner~~" has the same meaning as in 20 U.S.C. 7801. 12917

No school district board shall excuse any ~~limited English~~ 12918
~~proficient student learner~~ from taking any particular assessment 12919
required to be administered under this section, except as follows: 12920

(a) Any ~~limited English proficient student learner~~ who has 12921
been enrolled in United States schools for less than two years and 12922
for whom no appropriate accommodations are available based on 12923
guidance issued by the department shall not be required to take 12924
the assessment prescribed under division (B)(1) of section 12925
3301.0712 of the Revised Code. 12926

(b) Any ~~limited~~ English ~~proficient~~ ~~student~~ learner who has 12927
been enrolled in United States schools for less than one full 12928
school year shall not be required to take any reading, writing, or 12929
English language arts assessment. 12930

However, no board shall prohibit ~~a limited~~ an English 12931
~~proficient~~ ~~student~~ learner who is not required to take an 12932
assessment under division (C)(3) of this section from taking the 12933
assessment. A board may permit any ~~limited~~ English ~~proficient~~ 12934
~~student~~ learner to take an assessment required to be administered 12935
under this section with appropriate accommodations, as determined 12936
by the department. For each ~~limited~~ English ~~proficient~~ ~~student~~ 12937
learner, each school district shall annually assess that student's 12938
progress in learning English, in accordance with procedures 12939
approved by the department. 12940

(4)(a) The governing authority of a chartered nonpublic 12941
school may excuse ~~a limited~~ an English ~~proficient~~ ~~student~~ learner 12942
from taking any assessment administered under this section. 12943

(b) No governing authority shall require ~~a limited~~ an English 12944
~~proficient~~ ~~student~~ learner who has been enrolled in United States 12945
schools for less than two years and for whom no appropriate 12946
accommodations are available based on guidance issued by the 12947
department to take the assessment prescribed under division (B)(1) 12948
of section 3301.0712 of the Revised Code. 12949

(c) No governing authority shall prohibit ~~a limited~~ an 12950
English ~~proficient~~ ~~student~~ learner from taking an assessment from 12951
which the student was excused under division (C)(4) of this 12952
section. 12953

(D)(1) In the school year next succeeding the school year in 12954
which the assessments prescribed by division (A)(1) or (B)(1) of 12955
section 3301.0710 of the Revised Code or former division (A)(1), 12956
(A)(2), or (B) of section 3301.0710 of the Revised Code as it 12957

existed prior to September 11, 2001, are administered to any 12958
student, the board of education of any school district in which 12959
the student is enrolled in that year shall provide to the student 12960
intervention services commensurate with the student's performance, 12961
including any intensive intervention required under section 12962
3313.608 of the Revised Code, in any skill in which the student 12963
failed to demonstrate at least a score at the proficient level on 12964
the assessment. 12965

(2) Following any administration of the assessments 12966
prescribed by division (D) of section 3301.0710 of the Revised 12967
Code to ninth grade students, each school district that has a 12968
three-year average graduation rate of not more than seventy-five 12969
per cent shall determine for each high school in the district 12970
whether the school shall be required to provide intervention 12971
services to any students who took the assessments. In determining 12972
which high schools shall provide intervention services based on 12973
the resources available, the district shall consider each school's 12974
graduation rate and scores on the practice assessments. The 12975
district also shall consider the scores received by ninth grade 12976
students on the English language arts and mathematics assessments 12977
prescribed under division (A)(1)(f) of section 3301.0710 of the 12978
Revised Code in the eighth grade in determining which high schools 12979
shall provide intervention services. 12980

Each high school selected to provide intervention services 12981
under this division shall provide intervention services to any 12982
student whose results indicate that the student is failing to make 12983
satisfactory progress toward being able to attain scores at the 12984
proficient level on the Ohio graduation tests. Intervention 12985
services shall be provided in any skill in which a student 12986
demonstrates unsatisfactory progress and shall be commensurate 12987
with the student's performance. Schools shall provide the 12988
intervention services prior to the end of the school year, during 12989

the summer following the ninth grade, in the next succeeding 12990
school year, or at any combination of those times. 12991

(E) Except as provided in section 3313.608 of the Revised 12992
Code and division (N) of this section, no school district board of 12993
education shall utilize any student's failure to attain a 12994
specified score on an assessment administered under this section 12995
as a factor in any decision to deny the student promotion to a 12996
higher grade level. However, a district board may choose not to 12997
promote to the next grade level any student who does not take an 12998
assessment administered under this section or make up an 12999
assessment as provided by division (C)(2) of this section and who 13000
is not exempt from the requirement to take the assessment under 13001
division (C)(3) of this section. 13002

(F) No person shall be charged a fee for taking any 13003
assessment administered under this section. 13004

(G)(1) Each school district board shall designate one 13005
location for the collection of assessments administered in the 13006
spring under division (B)(1) of this section and those 13007
administered under divisions (B)(2) to (7) of this section. Each 13008
district board shall submit the assessments to the entity with 13009
which the department contracts for the scoring of the assessments 13010
as follows: 13011

(a) If the district's total enrollment in grades kindergarten 13012
through twelve during the first full school week of October was 13013
less than two thousand five hundred, not later than the Friday 13014
after all of the assessments have been administered; 13015

(b) If the district's total enrollment in grades kindergarten 13016
through twelve during the first full school week of October was 13017
two thousand five hundred or more, but less than seven thousand, 13018
not later than the Monday after all of the assessments have been 13019
administered; 13020

(c) If the district's total enrollment in grades kindergarten through twelve during the first full school week of October was seven thousand or more, not later than the Tuesday after all of the assessments have been administered.

However, any assessment that a student takes during the make-up period described in division (C)(2) of this section shall be submitted not later than the Friday following the day the student takes the assessment.

(2) The department or an entity with which the department contracts for the scoring of the assessment shall send to each school district board a list of the individual scores of all persons taking a state achievement assessment as follows:

(a) Except as provided in division (G)(2)(b) or (c) of this section, within forty-five days after the administration of the assessments prescribed by sections 3301.0710 and 3301.0712 of the Revised Code, but in no case shall the scores be returned later than the thirtieth day of June following the administration;

(b) In the case of the third-grade English language arts assessment, within forty-five days after the administration of that assessment, but in no case shall the scores be returned later than the fifteenth day of June following the administration;

(c) In the case of the writing component of an assessment or end-of-course examination in the area of English language arts, except for the third-grade English language arts assessment, the results may be sent after forty-five days of the administration of the writing component, but in no case shall the scores be returned later than the thirtieth day of June following the administration.

(3) For assessments administered under this section by a joint vocational school district, the department or entity shall also send to each city, local, or exempted village school district a list of the individual scores of any students of such city,

local, or exempted village school district who are attending 13052
school in the joint vocational school district. 13053

(4) Beginning with the 2019-2020 school year, a school 13054
district, other public school, or chartered nonpublic school may 13055
administer the third-grade English language arts or mathematics 13056
assessment, or both, in a paper format in any school year for 13057
which the district board of education or school governing body 13058
adopts a resolution indicating that the district or school chooses 13059
to administer the assessment in a paper format. The board or 13060
governing body shall submit a copy of the resolution to the 13061
department of education not later than the first day of May prior 13062
to the school year for which it will apply. If the resolution is 13063
submitted, the district or school shall administer the assessment 13064
in a paper format to all students in the third grade, except that 13065
any student whose individualized education program or plan 13066
developed under section 504 of the "Rehabilitation Act of 1973," 13067
87 Stat. 355, 29 U.S.C. 794, as amended, specifies that taking the 13068
assessment in an online format is an appropriate accommodation for 13069
the student may take the assessment in an online format. 13070

(H) Individual scores on any assessments administered under 13071
this section shall be released by a district board only in 13072
accordance with section 3319.321 of the Revised Code and the rules 13073
adopted under division (A) of this section. No district board or 13074
its employees shall utilize individual or aggregate results in any 13075
manner that conflicts with rules for the ethical use of 13076
assessments adopted pursuant to division (A) of this section. 13077

(I) Except as provided in division (G) of this section, the 13078
department or an entity with which the department contracts for 13079
the scoring of the assessment shall not release any individual 13080
scores on any assessment administered under this section. The 13081
state board shall adopt rules to ensure the protection of student 13082
confidentiality at all times. The rules may require the use of the 13083

data verification codes assigned to students pursuant to division 13084
(D)(2) of section 3301.0714 of the Revised Code to protect the 13085
confidentiality of student scores. 13086

(J) Notwithstanding division (D) of section 3311.52 of the 13087
Revised Code, this section does not apply to the board of 13088
education of any cooperative education school district except as 13089
provided under rules adopted pursuant to this division. 13090

(1) In accordance with rules that the state board shall 13091
adopt, the board of education of any city, exempted village, or 13092
local school district with territory in a cooperative education 13093
school district established pursuant to divisions (A) to (C) of 13094
section 3311.52 of the Revised Code may enter into an agreement 13095
with the board of education of the cooperative education school 13096
district for administering any assessment prescribed under this 13097
section to students of the city, exempted village, or local school 13098
district who are attending school in the cooperative education 13099
school district. 13100

(2) In accordance with rules that the state board shall 13101
adopt, the board of education of any city, exempted village, or 13102
local school district with territory in a cooperative education 13103
school district established pursuant to section 3311.521 of the 13104
Revised Code shall enter into an agreement with the cooperative 13105
district that provides for the administration of any assessment 13106
prescribed under this section to both of the following: 13107

(a) Students who are attending school in the cooperative 13108
district and who, if the cooperative district were not 13109
established, would be entitled to attend school in the city, 13110
local, or exempted village school district pursuant to section 13111
3313.64 or 3313.65 of the Revised Code; 13112

(b) Persons described in division (B)(8)(b) of this section. 13113

Any assessment of students pursuant to such an agreement 13114

shall be in lieu of any assessment of such students or persons 13115
pursuant to this section. 13116

(K)(1) Except as otherwise provided in division (K)(1) or (2) 13117
of this section, each chartered nonpublic school for which at 13118
least sixty-five per cent of its total enrollment is made up of 13119
students who are participating in state scholarship programs shall 13120
administer the elementary assessments prescribed by section 13121
3301.0710 of the Revised Code. In accordance with procedures and 13122
deadlines prescribed by the department, the parent or guardian of 13123
a student enrolled in the school who is not participating in a 13124
state scholarship program may submit notice to the chief 13125
administrative officer of the school that the parent or guardian 13126
does not wish to have the student take the elementary assessments 13127
prescribed for the student's grade level under division (A) of 13128
section 3301.0710 of the Revised Code. If a parent or guardian 13129
submits an opt-out notice, the school shall not administer the 13130
assessments to that student. This option does not apply to any 13131
assessment required for a high school diploma under section 13132
3313.612 of the Revised Code. 13133

(2) A chartered nonpublic school may submit to the 13134
superintendent of public instruction a request for a waiver from 13135
administering the elementary assessments prescribed by division 13136
(A) of section 3301.0710 of the Revised Code. The state 13137
superintendent shall approve or disapprove a request for a waiver 13138
submitted under division (K)(2) of this section. No waiver shall 13139
be approved for any school year prior to the 2015-2016 school 13140
year. 13141

To be eligible to submit a request for a waiver, a chartered 13142
nonpublic school shall meet the following conditions: 13143

(a) At least ninety-five per cent of the students enrolled in 13144
the school are children with disabilities, as defined under 13145
section 3323.01 of the Revised Code, or have received a diagnosis 13146

by a school district or from a physician, including a 13147
neuropsychiatrist or psychiatrist, or a psychologist who is 13148
authorized to practice in this or another state as having a 13149
condition that impairs academic performance, such as dyslexia, 13150
dyscalculia, attention deficit hyperactivity disorder, or 13151
Asperger's syndrome. 13152

(b) The school has solely served a student population 13153
described in division (K)(1)(a) of this section for at least ten 13154
years. 13155

(c) The school provides to the department at least five years 13156
of records of internal testing conducted by the school that 13157
affords the department data required for accountability purposes, 13158
including diagnostic assessments and nationally standardized 13159
norm-referenced achievement assessments that measure reading and 13160
math skills. 13161

(3) Any chartered nonpublic school that is not subject to 13162
division (K)(1) of this section may participate in the assessment 13163
program by administering any of the assessments prescribed by 13164
division (A) of section 3301.0710 of the Revised Code. The chief 13165
administrator of the school shall specify which assessments the 13166
school will administer. Such specification shall be made in 13167
writing to the superintendent of public instruction prior to the 13168
first day of August of any school year in which assessments are 13169
administered and shall include a pledge that the nonpublic school 13170
will administer the specified assessments in the same manner as 13171
public schools are required to do under this section and rules 13172
adopted by the department. 13173

(4) The department of education shall furnish the assessments 13174
prescribed by section 3301.0710 of the Revised Code to each 13175
chartered nonpublic school that is subject to division (K)(1) of 13176
this section or participates under division (K)(3) of this 13177
section. 13178

(L) If a chartered nonpublic school is educating students in grades nine through twelve, the following shall apply:

(1) Except as provided in division (L)(4) of this section, for a student who is enrolled in a chartered nonpublic school that is accredited through the independent schools association of the central states and who is attending the school under a state scholarship program, the student shall either take all of the assessments prescribed by division (B) of section 3301.0712 of the Revised Code or take an alternative assessment approved by the department under section 3313.619 of the Revised Code. However, a student who is excused from taking an assessment under division (C) of this section or has presented evidence to the chartered nonpublic school of having satisfied the condition prescribed by division (A)(1) of section 3313.618 of the Revised Code to qualify for a high school diploma prior to the date of the administration of the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code shall not be required to take that assessment. No governing authority of a chartered nonpublic school shall prohibit a student who is not required to take such assessment from taking the assessment.

(2) For a student who is enrolled in a chartered nonpublic school that is accredited through the independent schools association of the central states, and who is not attending the school under a state scholarship program, the student shall not be required to take any assessment prescribed under section 3301.0712 or 3313.619 of the Revised Code.

(3)(a) Except as provided in divisions (L)(3)(b) and (4) of this section, for a student who is enrolled in a chartered nonpublic school that is not accredited through the independent schools association of the central states, regardless of whether the student is attending or is not attending the school under a state scholarship program, the student shall do one of the

following: 13211

(i) Take all of the assessments prescribed by division (B) of 13212
section 3301.0712 of the Revised Code; 13213

(ii) Take only the assessment prescribed by division (B)(1) 13214
of section 3301.0712 of the Revised Code, provided that the 13215
student's school publishes the results of that assessment for each 13216
graduating class. The published results of that assessment shall 13217
include the overall composite scores, mean scores, twenty-fifth 13218
percentile scores, and seventy-fifth percentile scores for each 13219
subject area of the assessment. 13220

(iii) Take an alternative assessment approved by the 13221
department under section 3313.619 of the Revised Code. 13222

(b) A student who is excused from taking an assessment under 13223
division (C) of this section or has presented evidence to the 13224
chartered nonpublic school of having satisfied the condition 13225
prescribed by division (A)(1) of section 3313.618 of the Revised 13226
Code to qualify for a high school diploma prior to the date of the 13227
administration of the assessment prescribed under division (B)(1) 13228
of section 3301.0712 of the Revised Code shall not be required to 13229
take that assessment. No governing authority of a chartered 13230
nonpublic school shall prohibit a student who is not required to 13231
take such assessment from taking the assessment. 13232

(4) The assessments prescribed by sections 3301.0712 and 13233
3313.619 of the Revised Code shall not be administered to any 13234
student attending the school, if the school meets all of the 13235
following conditions: 13236

(a) At least ninety-five per cent of the students enrolled in 13237
the school are children with disabilities, as defined under 13238
section 3323.01 of the Revised Code, or have received a diagnosis 13239
by a school district or from a physician, including a 13240
neuropsychologist or psychiatrist, or a psychologist who is 13241

authorized to practice in this or another state as having a 13242
condition that impairs academic performance, such as dyslexia, 13243
dyscalculia, attention deficit hyperactivity disorder, or 13244
Asperger's syndrome. 13245

(b) The school has solely served a student population 13246
described in division (L)(4)(a) of this section for at least ten 13247
years. 13248

(c) The school makes available to the department at least 13249
five years of records of internal testing conducted by the school 13250
that affords the department data required for accountability 13251
purposes, including growth in student achievement in reading or 13252
mathematics, or both, as measured by nationally norm-referenced 13253
assessments that have developed appropriate standards for 13254
students. 13255

Division (L)(4) of this section applies to any student 13256
attending such school regardless of whether the student receives 13257
special education or related services and regardless of whether 13258
the student is attending the school under a state scholarship 13259
program. 13260

(M)(1) The superintendent of the state school for the blind 13261
and the superintendent of the state school for the deaf shall 13262
administer the assessments described by sections 3301.0710 and 13263
3301.0712 of the Revised Code. Each superintendent shall 13264
administer the assessments in the same manner as district boards 13265
are required to do under this section and rules adopted by the 13266
department of education and in conformity with division (C)(1)(a) 13267
of this section. 13268

(2) The department of education shall furnish the assessments 13269
described by sections 3301.0710 and 3301.0712 of the Revised Code 13270
to each superintendent. 13271

(N) Notwithstanding division (E) of this section, a school 13272

district may use a student's failure to attain a score in at least 13273
the proficient range on the mathematics assessment described by 13274
division (A)(1)(a) of section 3301.0710 of the Revised Code or on 13275
an assessment described by division (A)(1)(b), (c), (d), (e), or 13276
(f) of section 3301.0710 of the Revised Code as a factor in 13277
retaining that student in the current grade level. 13278

(O)(1) In the manner specified in divisions (O)(3), (4), (6), 13279
and (7) of this section, the assessments required by division 13280
(A)(1) of section 3301.0710 of the Revised Code shall become 13281
public records pursuant to section 149.43 of the Revised Code on 13282
the thirty-first day of July following the school year that the 13283
assessments were administered. 13284

(2) The department may field test proposed questions with 13285
samples of students to determine the validity, reliability, or 13286
appropriateness of questions for possible inclusion in a future 13287
year's assessment. The department also may use anchor questions on 13288
assessments to ensure that different versions of the same 13289
assessment are of comparable difficulty. 13290

Field test questions and anchor questions shall not be 13291
considered in computing scores for individual students. Field test 13292
questions and anchor questions may be included as part of the 13293
administration of any assessment required by division (A)(1) or 13294
(B) of section 3301.0710 and division (B) of section 3301.0712 of 13295
the Revised Code. 13296

(3) Any field test question or anchor question administered 13297
under division (O)(2) of this section shall not be a public 13298
record. Such field test questions and anchor questions shall be 13299
redacted from any assessments which are released as a public 13300
record pursuant to division (O)(1) of this section. 13301

(4) This division applies to the assessments prescribed by 13302
division (A) of section 3301.0710 of the Revised Code. 13303

(a) The first administration of each assessment, as specified 13304
in former section 3301.0712 of the Revised Code, shall be a public 13305
record. 13306

(b) For subsequent administrations of each assessment prior 13307
to the 2011-2012 school year, not less than forty per cent of the 13308
questions on the assessment that are used to compute a student's 13309
score shall be a public record. The department shall determine 13310
which questions will be needed for reuse on a future assessment 13311
and those questions shall not be public records and shall be 13312
redacted from the assessment prior to its release as a public 13313
record. However, for each redacted question, the department shall 13314
inform each city, local, and exempted village school district of 13315
the statewide academic standard adopted by the state board under 13316
section 3301.079 of the Revised Code and the corresponding 13317
benchmark to which the question relates. The preceding sentence 13318
does not apply to field test questions that are redacted under 13319
division (O)(3) of this section. 13320

(c) The administrations of each assessment in the 2011-2012, 13321
2012-2013, and 2013-2014 school years shall not be a public 13322
record. 13323

(5) Each assessment prescribed by division (B)(1) of section 13324
3301.0710 of the Revised Code shall not be a public record. 13325

(6)(a) Except as provided in division (O)(6)(b) of this 13326
section, for the administrations in the 2014-2015, 2015-2016, and 13327
2016-2017 school years, questions on the assessments prescribed 13328
under division (A) of section 3301.0710 and division (B)(2) of 13329
section 3301.0712 of the Revised Code and the corresponding 13330
preferred answers that are used to compute a student's score shall 13331
become a public record as follows: 13332

(i) Forty per cent of the questions and preferred answers on 13333
the assessments on the thirty-first day of July following the 13334

administration of the assessment; 13335

(ii) Twenty per cent of the questions and preferred answers 13336
on the assessment on the thirty-first day of July one year after 13337
the administration of the assessment; 13338

(iii) The remaining forty per cent of the questions and 13339
preferred answers on the assessment on the thirty-first day of 13340
July two years after the administration of the assessment. 13341

The entire content of an assessment shall become a public 13342
record within three years of its administration. 13343

The department shall make the questions that become a public 13344
record under this division readily accessible to the public on the 13345
department's web site. Questions on the spring administration of 13346
each assessment shall be released on an annual basis, in 13347
accordance with this division. 13348

(b) No questions and corresponding preferred answers shall 13349
become a public record under division (0)(6) of this section after 13350
July 31, 2017. 13351

(7) Division (0)(7) of this section applies to the 13352
assessments prescribed by division (A) of section 3301.0710 and 13353
division (B)(2) of section 3301.0712 of the Revised Code. 13354

Beginning with the assessments administered in the spring of 13355
the 2017-2018 school year, not less than forty per cent of the 13356
questions on each assessment that are used to compute a student's 13357
score shall be a public record. The department shall determine 13358
which questions will be needed for reuse on a future assessment 13359
and those questions shall not be public records and shall be 13360
redacted from the assessment prior to its release as a public 13361
record. However, for each redacted question, the department shall 13362
inform each city, local, and exempted village school district of 13363
the corresponding statewide academic standard adopted by the state 13364
board under section 3301.079 of the Revised Code and the 13365

corresponding benchmark to which the question relates. The 13366
department is not required to provide corresponding standards and 13367
benchmarks to field test questions that are redacted under 13368
division (O)(3) of this section. 13369

(P) As used in this section: 13370

(1) "Three-year average" means the average of the most recent 13371
consecutive three school years of data. 13372

(2) "Dropout" means a student who withdraws from school 13373
before completing course requirements for graduation and who is 13374
not enrolled in an education program approved by the state board 13375
of education or an education program outside the state. "Dropout" 13376
does not include a student who has departed the country. 13377

(3) "Graduation rate" means the ratio of students receiving a 13378
diploma to the number of students who entered ninth grade four 13379
years earlier. Students who transfer into the district are added 13380
to the calculation. Students who transfer out of the district for 13381
reasons other than dropout are subtracted from the calculation. If 13382
a student who was a dropout in any previous year returns to the 13383
same school district, that student shall be entered into the 13384
calculation as if the student had entered ninth grade four years 13385
before the graduation year of the graduating class that the 13386
student joins. 13387

(4) "State scholarship programs" means the educational choice 13388
scholarship pilot program established under sections 3310.01 to 13389
3310.17 of the Revised Code, the autism scholarship program 13390
established under section 3310.41 of the Revised Code, the Jon 13391
Peterson special needs scholarship program established under 13392
sections 3310.51 to 3310.64 of the Revised Code, and the pilot 13393
project scholarship program established under sections 3313.974 to 13394
3313.979 of the Revised Code. 13395

(5) "Other public school" means a community school 13396

established under Chapter 3314., a STEM school established under 13397
Chapter 3326., or a college-preparatory boarding school 13398
established under Chapter 3328. of the Revised Code. 13399

Sec. 3301.0714. (A) The state board of education shall adopt 13400
rules for a statewide education management information system. The 13401
rules shall require the state board to establish guidelines for 13402
the establishment and maintenance of the system in accordance with 13403
this section and the rules adopted under this section. The 13404
guidelines shall include: 13405

(1) Standards identifying and defining the types of data in 13406
the system in accordance with divisions (B) and (C) of this 13407
section; 13408

(2) Procedures for annually collecting and reporting the data 13409
to the state board in accordance with division (D) of this 13410
section; 13411

(3) Procedures for annually compiling the data in accordance 13412
with division (G) of this section; 13413

(4) Procedures for annually reporting the data to the public 13414
in accordance with division (H) of this section; 13415

(5) Standards to provide strict safeguards to protect the 13416
confidentiality of personally identifiable student data. 13417

(B) The guidelines adopted under this section shall require 13418
the data maintained in the education management information system 13419
to include at least the following: 13420

(1) Student participation and performance data, for each 13421
grade in each school district as a whole and for each grade in 13422
each school building in each school district, that includes: 13423

(a) The numbers of students receiving each category of 13424
instructional service offered by the school district, such as 13425
regular education instruction, vocational education instruction, 13426

specialized instruction programs or enrichment instruction that is 13427
part of the educational curriculum, instruction for gifted 13428
students, instruction for students with disabilities, and remedial 13429
instruction. The guidelines shall require instructional services 13430
under this division to be divided into discrete categories if an 13431
instructional service is limited to a specific subject, a specific 13432
type of student, or both, such as regular instructional services 13433
in mathematics, remedial reading instructional services, 13434
instructional services specifically for students gifted in 13435
mathematics or some other subject area, or instructional services 13436
for students with a specific type of disability. The categories of 13437
instructional services required by the guidelines under this 13438
division shall be the same as the categories of instructional 13439
services used in determining cost units pursuant to division 13440
(C)(3) of this section. 13441

(b) The numbers of students receiving support or 13442
extracurricular services for each of the support services or 13443
extracurricular programs offered by the school district, such as 13444
counseling services, health services, and extracurricular sports 13445
and fine arts programs. The categories of services required by the 13446
guidelines under this division shall be the same as the categories 13447
of services used in determining cost units pursuant to division 13448
(C)(4)(a) of this section. 13449

(c) Average student grades in each subject in grades nine 13450
through twelve; 13451

(d) Academic achievement levels as assessed under sections 13452
3301.0710, 3301.0711, and 3301.0712 of the Revised Code; 13453

(e) The number of students designated as having a disabling 13454
condition pursuant to division (C)(1) of section 3301.0711 of the 13455
Revised Code; 13456

(f) The numbers of students reported to the state board 13457

pursuant to division (C)(2) of section 3301.0711 of the Revised Code; 13458
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(g) Attendance rates and the average daily attendance for the year. For purposes of this division, a student shall be counted as present for any field trip that is approved by the school administration. 13460
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(h) Expulsion rates; 13464

(i) Suspension rates; 13465

(j) Dropout rates; 13466

(k) Rates of retention in grade; 13467

(l) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules; 13468
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(m) Graduation rates, to be calculated in a manner specified by the department of education that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements; 13471
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(n) Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the Revised Code to permit a comparison of the academic readiness of kindergarten students. However, no district shall be required to report to the department the results of any diagnostic assessment administered to a kindergarten student, except for the language and reading assessment described in division (A)(2) of section 3301.0715 of the Revised Code, if the parent of that student requests the district not to report those results. 13476
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(o) Beginning on the first day of July that next succeeds ~~the effective date of this amendment~~ September 29, 2017, for each disciplinary action which is required to be reported under 13485
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division (B)(4) of this section, districts and schools also shall 13488
include an identification of the person or persons, if any, at 13489
whom the student's violent behavior that resulted in discipline 13490
was directed. The person or persons shall be identified by the 13491
respective classification at the district or school, such as 13492
student, teacher, or nonteaching employee, but shall not be 13493
identified by name. 13494

Division (B)(1)(o) of this section does not apply after the 13495
date that is two years following the submission of the report 13496
required by Section 733.13 of H.B. 49 of the 132nd general 13497
assembly. 13498

(2) Personnel and classroom enrollment data for each school 13499
district, including: 13500

(a) The total numbers of licensed employees and nonlicensed 13501
employees and the numbers of full-time equivalent licensed 13502
employees and nonlicensed employees providing each category of 13503
instructional service, instructional support service, and 13504
administrative support service used pursuant to division (C)(3) of 13505
this section. The guidelines adopted under this section shall 13506
require these categories of data to be maintained for the school 13507
district as a whole and, wherever applicable, for each grade in 13508
the school district as a whole, for each school building as a 13509
whole, and for each grade in each school building. 13510

(b) The total number of employees and the number of full-time 13511
equivalent employees providing each category of service used 13512
pursuant to divisions (C)(4)(a) and (b) of this section, and the 13513
total numbers of licensed employees and nonlicensed employees and 13514
the numbers of full-time equivalent licensed employees and 13515
nonlicensed employees providing each category used pursuant to 13516
division (C)(4)(c) of this section. The guidelines adopted under 13517
this section shall require these categories of data to be 13518
maintained for the school district as a whole and, wherever 13519

applicable, for each grade in the school district as a whole, for 13520
each school building as a whole, and for each grade in each school 13521
building. 13522

(c) The total number of regular classroom teachers teaching 13523
classes of regular education and the average number of pupils 13524
enrolled in each such class, in each of grades kindergarten 13525
through five in the district as a whole and in each school 13526
building in the school district. 13527

(d) The number of lead teachers employed by each school 13528
district and each school building. 13529

(3)(a) Student demographic data for each school district, 13530
including information regarding the gender ratio of the school 13531
district's pupils, the racial make-up of the school district's 13532
pupils, the number of ~~limited~~ English ~~proficient~~ students learners 13533
in the district, and an appropriate measure of the number of the 13534
school district's pupils who reside in economically disadvantaged 13535
households. The demographic data shall be collected in a manner to 13536
allow correlation with data collected under division (B)(1) of 13537
this section. Categories for data collected pursuant to division 13538
(B)(3) of this section shall conform, where appropriate, to 13539
standard practices of agencies of the federal government. 13540

(b) With respect to each student entering kindergarten, 13541
whether the student previously participated in a public preschool 13542
program, a private preschool program, or a head start program, and 13543
the number of years the student participated in each of these 13544
programs. 13545

(4) Any data required to be collected pursuant to federal 13546
law. 13547

(C) The education management information system shall include 13548
cost accounting data for each district as a whole and for each 13549
school building in each school district. The guidelines adopted 13550

under this section shall require the cost data for each school district to be maintained in a system of mutually exclusive cost units and shall require all of the costs of each school district to be divided among the cost units. The guidelines shall require the system of mutually exclusive cost units to include at least the following:

(1) Administrative costs for the school district as a whole. The guidelines shall require the cost units under this division (C)(1) to be designed so that each of them may be compiled and reported in terms of average expenditure per pupil in formula ADM in the school district, as determined pursuant to section 3317.03 of the Revised Code.

(2) Administrative costs for each school building in the school district. The guidelines shall require the cost units under this division (C)(2) to be designed so that each of them may be compiled and reported in terms of average expenditure per full-time equivalent pupil receiving instructional or support services in each building.

(3) Instructional services costs for each category of instructional service provided directly to students and required by guidelines adopted pursuant to division (B)(1)(a) of this section. The guidelines shall require the cost units under division (C)(3) of this section to be designed so that each of them may be compiled and reported in terms of average expenditure per pupil receiving the service in the school district as a whole and average expenditure per pupil receiving the service in each building in the school district and in terms of a total cost for each category of service and, as a breakdown of the total cost, a cost for each of the following components:

(a) The cost of each instructional services category required by guidelines adopted under division (B)(1)(a) of this section that is provided directly to students by a classroom teacher;

(b) The cost of the instructional support services, such as 13583
services provided by a speech-language pathologist, classroom 13584
aide, multimedia aide, or librarian, provided directly to students 13585
in conjunction with each instructional services category; 13586

(c) The cost of the administrative support services related 13587
to each instructional services category, such as the cost of 13588
personnel that develop the curriculum for the instructional 13589
services category and the cost of personnel supervising or 13590
coordinating the delivery of the instructional services category. 13591

(4) Support or extracurricular services costs for each 13592
category of service directly provided to students and required by 13593
guidelines adopted pursuant to division (B)(1)(b) of this section. 13594
The guidelines shall require the cost units under division (C)(4) 13595
of this section to be designed so that each of them may be 13596
compiled and reported in terms of average expenditure per pupil 13597
receiving the service in the school district as a whole and 13598
average expenditure per pupil receiving the service in each 13599
building in the school district and in terms of a total cost for 13600
each category of service and, as a breakdown of the total cost, a 13601
cost for each of the following components: 13602

(a) The cost of each support or extracurricular services 13603
category required by guidelines adopted under division (B)(1)(b) 13604
of this section that is provided directly to students by a 13605
licensed employee, such as services provided by a guidance 13606
counselor or any services provided by a licensed employee under a 13607
supplemental contract; 13608

(b) The cost of each such services category provided directly 13609
to students by a nonlicensed employee, such as janitorial 13610
services, cafeteria services, or services of a sports trainer; 13611

(c) The cost of the administrative services related to each 13612
services category in division (C)(4)(a) or (b) of this section, 13613

such as the cost of any licensed or nonlicensed employees that 13614
develop, supervise, coordinate, or otherwise are involved in 13615
administering or aiding the delivery of each services category. 13616

(D)(1) The guidelines adopted under this section shall 13617
require school districts to collect information about individual 13618
students, staff members, or both in connection with any data 13619
required by division (B) or (C) of this section or other reporting 13620
requirements established in the Revised Code. The guidelines may 13621
also require school districts to report information about 13622
individual staff members in connection with any data required by 13623
division (B) or (C) of this section or other reporting 13624
requirements established in the Revised Code. The guidelines shall 13625
not authorize school districts to request social security numbers 13626
of individual students. The guidelines shall prohibit the 13627
reporting under this section of a student's name, address, and 13628
social security number to the state board of education or the 13629
department of education. The guidelines shall also prohibit the 13630
reporting under this section of any personally identifiable 13631
information about any student, except for the purpose of assigning 13632
the data verification code required by division (D)(2) of this 13633
section, to any other person unless such person is employed by the 13634
school district or the information technology center operated 13635
under section 3301.075 of the Revised Code and is authorized by 13636
the district or technology center to have access to such 13637
information or is employed by an entity with which the department 13638
contracts for the scoring or the development of state assessments. 13639
The guidelines may require school districts to provide the social 13640
security numbers of individual staff members and the county of 13641
residence for a student. Nothing in this section prohibits the 13642
state board of education or department of education from providing 13643
a student's county of residence to the department of taxation to 13644
facilitate the distribution of tax revenue. 13645

(2)(a) The guidelines shall provide for each school district 13646
or community school to assign a data verification code that is 13647
unique on a statewide basis over time to each student whose 13648
initial Ohio enrollment is in that district or school and to 13649
report all required individual student data for that student 13650
utilizing such code. The guidelines shall also provide for 13651
assigning data verification codes to all students enrolled in 13652
districts or community schools on the effective date of the 13653
guidelines established under this section. The assignment of data 13654
verification codes for other entities, as described in division 13655
(D)(2)(d) of this section, the use of those codes, and the 13656
reporting and use of associated individual student data shall be 13657
coordinated by the department in accordance with state and federal 13658
law. 13659

School districts shall report individual student data to the 13660
department through the information technology centers utilizing 13661
the code. The entities described in division (D)(2)(d) of this 13662
section shall report individual student data to the department in 13663
the manner prescribed by the department. 13664

(b)(i) Except as provided in sections 3301.941, 3310.11, 13665
3310.42, 3310.63, 3313.978, and 3317.20 of the Revised Code, and 13666
in division (D)(2)(b)(ii) of this section, at no time shall the 13667
state board or the department have access to information that 13668
would enable any data verification code to be matched to 13669
personally identifiable student data. 13670

(ii) For the purpose of making per-pupil payments to 13671
community schools under division (C) of section 3314.08 of the 13672
Revised Code, the department shall have access to information that 13673
would enable any data verification code to be matched to 13674
personally identifiable student data. 13675

(c) Each school district and community school shall ensure 13676
that the data verification code is included in the student's 13677

records reported to any subsequent school district, community 13678
school, or state institution of higher education, as defined in 13679
section 3345.011 of the Revised Code, in which the student 13680
enrolls. Any such subsequent district or school shall utilize the 13681
same identifier in its reporting of data under this section. 13682

(d) The director of any state agency that administers a 13683
publicly funded program providing services to children who are 13684
younger than compulsory school age, as defined in section 3321.01 13685
of the Revised Code, including the directors of health, job and 13686
family services, mental health and addiction services, and 13687
developmental disabilities, shall request and receive, pursuant to 13688
sections 3301.0723 and 5123.0423 of the Revised Code, a data 13689
verification code for a child who is receiving those services. 13690

(E) The guidelines adopted under this section may require 13691
school districts to collect and report data, information, or 13692
reports other than that described in divisions (A), (B), and (C) 13693
of this section for the purpose of complying with other reporting 13694
requirements established in the Revised Code. The other data, 13695
information, or reports may be maintained in the education 13696
management information system but are not required to be compiled 13697
as part of the profile formats required under division (G) of this 13698
section or the annual statewide report required under division (H) 13699
of this section. 13700

(F) Beginning with the school year that begins July 1, 1991, 13701
the board of education of each school district shall annually 13702
collect and report to the state board, in accordance with the 13703
guidelines established by the board, the data required pursuant to 13704
this section. A school district may collect and report these data 13705
notwithstanding section 2151.357 or 3319.321 of the Revised Code. 13706

(G) The state board shall, in accordance with the procedures 13707
it adopts, annually compile the data reported by each school 13708
district pursuant to division (D) of this section. The state board 13709

shall design formats for profiling each school district as a whole 13710
and each school building within each district and shall compile 13711
the data in accordance with these formats. These profile formats 13712
shall: 13713

(1) Include all of the data gathered under this section in a 13714
manner that facilitates comparison among school districts and 13715
among school buildings within each school district; 13716

(2) Present the data on academic achievement levels as 13717
assessed by the testing of student achievement maintained pursuant 13718
to division (B)(1)(d) of this section. 13719

(H)(1) The state board shall, in accordance with the 13720
procedures it adopts, annually prepare a statewide report for all 13721
school districts and the general public that includes the profile 13722
of each of the school districts developed pursuant to division (G) 13723
of this section. Copies of the report shall be sent to each school 13724
district. 13725

(2) The state board shall, in accordance with the procedures 13726
it adopts, annually prepare an individual report for each school 13727
district and the general public that includes the profiles of each 13728
of the school buildings in that school district developed pursuant 13729
to division (G) of this section. Copies of the report shall be 13730
sent to the superintendent of the district and to each member of 13731
the district board of education. 13732

(3) Copies of the reports received from the state board under 13733
divisions (H)(1) and (2) of this section shall be made available 13734
to the general public at each school district's offices. Each 13735
district board of education shall make copies of each report 13736
available to any person upon request and payment of a reasonable 13737
fee for the cost of reproducing the report. The board shall 13738
annually publish in a newspaper of general circulation in the 13739
school district, at least twice during the two weeks prior to the 13740

week in which the reports will first be available, a notice 13741
containing the address where the reports are available and the 13742
date on which the reports will be available. 13743

(I) Any data that is collected or maintained pursuant to this 13744
section and that identifies an individual pupil is not a public 13745
record for the purposes of section 149.43 of the Revised Code. 13746

(J) As used in this section: 13747

(1) "School district" means any city, local, exempted 13748
village, or joint vocational school district and, in accordance 13749
with section 3314.17 of the Revised Code, any community school. As 13750
used in division (L) of this section, "school district" also 13751
includes any educational service center or other educational 13752
entity required to submit data using the system established under 13753
this section. 13754

(2) "Cost" means any expenditure for operating expenses made 13755
by a school district excluding any expenditures for debt 13756
retirement except for payments made to any commercial lending 13757
institution for any loan approved pursuant to section 3313.483 of 13758
the Revised Code. 13759

(K) Any person who removes data from the information system 13760
established under this section for the purpose of releasing it to 13761
any person not entitled under law to have access to such 13762
information is subject to section 2913.42 of the Revised Code 13763
prohibiting tampering with data. 13764

(L)(1) In accordance with division (L)(2) of this section and 13765
the rules adopted under division (L)(10) of this section, the 13766
department of education may sanction any school district that 13767
reports incomplete or inaccurate data, reports data that does not 13768
conform to data requirements and descriptions published by the 13769
department, fails to report data in a timely manner, or otherwise 13770
does not make a good faith effort to report data as required by 13771

this section. 13772

(2) If the department decides to sanction a school district 13773
under this division, the department shall take the following 13774
sequential actions: 13775

(a) Notify the district in writing that the department has 13776
determined that data has not been reported as required under this 13777
section and require the district to review its data submission and 13778
submit corrected data by a deadline established by the department. 13779
The department also may require the district to develop a 13780
corrective action plan, which shall include provisions for the 13781
district to provide mandatory staff training on data reporting 13782
procedures. 13783

(b) Withhold up to ten per cent of the total amount of state 13784
funds due to the district for the current fiscal year and, if not 13785
previously required under division (L)(2)(a) of this section, 13786
require the district to develop a corrective action plan in 13787
accordance with that division; 13788

(c) Withhold an additional amount of up to twenty per cent of 13789
the total amount of state funds due to the district for the 13790
current fiscal year; 13791

(d) Direct department staff or an outside entity to 13792
investigate the district's data reporting practices and make 13793
recommendations for subsequent actions. The recommendations may 13794
include one or more of the following actions: 13795

(i) Arrange for an audit of the district's data reporting 13796
practices by department staff or an outside entity; 13797

(ii) Conduct a site visit and evaluation of the district; 13798

(iii) Withhold an additional amount of up to thirty per cent 13799
of the total amount of state funds due to the district for the 13800
current fiscal year; 13801

(iv) Continue monitoring the district's data reporting;	13802
(v) Assign department staff to supervise the district's data management system;	13803 13804
(vi) Conduct an investigation to determine whether to suspend or revoke the license of any district employee in accordance with division (N) of this section;	13805 13806 13807
(vii) If the district is issued a report card under section 3302.03 of the Revised Code, indicate on the report card that the district has been sanctioned for failing to report data as required by this section;	13808 13809 13810 13811
(viii) If the district is issued a report card under section 3302.03 of the Revised Code and incomplete or inaccurate data submitted by the district likely caused the district to receive a higher performance rating than it deserved under that section, issue a revised report card for the district;	13812 13813 13814 13815 13816
(ix) Any other action designed to correct the district's data reporting problems.	13817 13818
(3) Any time the department takes an action against a school district under division (L)(2) of this section, the department shall make a report of the circumstances that prompted the action. The department shall send a copy of the report to the district superintendent or chief administrator and maintain a copy of the report in its files.	13819 13820 13821 13822 13823 13824
(4) If any action taken under division (L)(2) of this section resolves a school district's data reporting problems to the department's satisfaction, the department shall not take any further actions described by that division. If the department withheld funds from the district under that division, the department may release those funds to the district, except that if the department withheld funding under division (L)(2)(c) of this section, the department shall not release the funds withheld under	13825 13826 13827 13828 13829 13830 13831 13832

division (L)(2)(b) of this section and, if the department withheld 13833
funding under division (L)(2)(d) of this section, the department 13834
shall not release the funds withheld under division (L)(2)(b) or 13835
(c) of this section. 13836

(5) Notwithstanding anything in this section to the contrary, 13837
the department may use its own staff or an outside entity to 13838
conduct an audit of a school district's data reporting practices 13839
any time the department has reason to believe the district has not 13840
made a good faith effort to report data as required by this 13841
section. If any audit conducted by an outside entity under 13842
division (L)(2)(d)(i) or (5) of this section confirms that a 13843
district has not made a good faith effort to report data as 13844
required by this section, the district shall reimburse the 13845
department for the full cost of the audit. The department may 13846
withhold state funds due to the district for this purpose. 13847

(6) Prior to issuing a revised report card for a school 13848
district under division (L)(2)(d)(viii) of this section, the 13849
department may hold a hearing to provide the district with an 13850
opportunity to demonstrate that it made a good faith effort to 13851
report data as required by this section. The hearing shall be 13852
conducted by a referee appointed by the department. Based on the 13853
information provided in the hearing, the referee shall recommend 13854
whether the department should issue a revised report card for the 13855
district. If the referee affirms the department's contention that 13856
the district did not make a good faith effort to report data as 13857
required by this section, the district shall bear the full cost of 13858
conducting the hearing and of issuing any revised report card. 13859

(7) If the department determines that any inaccurate data 13860
reported under this section caused a school district to receive 13861
excess state funds in any fiscal year, the district shall 13862
reimburse the department an amount equal to the excess funds, in 13863
accordance with a payment schedule determined by the department. 13864

The department may withhold state funds due to the district for 13865
this purpose. 13866

(8) Any school district that has funds withheld under 13867
division (L)(2) of this section may appeal the withholding in 13868
accordance with Chapter 119. of the Revised Code. 13869

(9) In all cases of a disagreement between the department and 13870
a school district regarding the appropriateness of an action taken 13871
under division (L)(2) of this section, the burden of proof shall 13872
be on the district to demonstrate that it made a good faith effort 13873
to report data as required by this section. 13874

(10) The state board of education shall adopt rules under 13875
Chapter 119. of the Revised Code to implement division (L) of this 13876
section. 13877

(M) No information technology center or school district shall 13878
acquire, change, or update its student administration software 13879
package to manage and report data required to be reported to the 13880
department unless it converts to a student software package that 13881
is certified by the department. 13882

(N) The state board of education, in accordance with sections 13883
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 13884
license as defined under division (A) of section 3319.31 of the 13885
Revised Code that has been issued to any school district employee 13886
found to have willfully reported erroneous, inaccurate, or 13887
incomplete data to the education management information system. 13888

(O) No person shall release or maintain any information about 13889
any student in violation of this section. Whoever violates this 13890
division is guilty of a misdemeanor of the fourth degree. 13891

(P) The department shall disaggregate the data collected 13892
under division (B)(1)(n) of this section according to the race and 13893
socioeconomic status of the students assessed. 13894

(Q) If the department cannot compile any of the information 13895
required by division (H) of section 3302.03 of the Revised Code 13896
based upon the data collected under this section, the department 13897
shall develop a plan and a reasonable timeline for the collection 13898
of any data necessary to comply with that division. 13899

Sec. 3301.28. Not later than one hundred twenty days after 13900
the effective date of this section, the department of education 13901
shall publish a list of approved, high-quality organizations that 13902
specialize in supporting school and school district academic 13903
achievement and performance improvement for purposes of school 13904
district improvement intervention under section 3302.11 of the 13905
Revised Code. 13906

Sec. 3301.52. As used in sections 3301.52 to 3301.59 of the 13907
Revised Code: 13908

(A) "Preschool program" means either of the following: 13909

(1) A child care program for preschool children that is 13910
operated by a school district board of education or an eligible 13911
nonpublic school. 13912

(2) A child care program for preschool children age three or 13913
older that is operated by a county board of developmental 13914
disabilities or a community school. 13915

(B) "Preschool child" or "child" means a child who has not 13916
entered kindergarten and is not of compulsory school age. 13917

(C) "Parent, guardian, or custodian" means the person or 13918
government agency that is or will be responsible for a child's 13919
school attendance under section 3321.01 of the Revised Code. 13920

(D) "Superintendent" means the superintendent of a school 13921
district or the chief administrative officer of a community school 13922
or an eligible nonpublic school. 13923

(E) "Director" means the director, head teacher, elementary principal, or site administrator who is the individual on site and responsible for supervision of a preschool program.

(F) "Preschool staff member" means a preschool employee whose primary responsibility is care, teaching, or supervision of preschool children.

(G) "Nonteaching employee" means a preschool program or school child program employee whose primary responsibilities are duties other than care, teaching, and supervision of preschool children or school children.

(H) "Eligible nonpublic school" means a nonpublic school chartered as described in division (B)~~(8)~~(7) of section 5104.02 of the Revised Code or chartered by the state board of education for any combination of grades one through twelve, regardless of whether it also offers kindergarten.

(I) "School child program" means a child care program for only school children that is operated by a school district board of education, county board of developmental disabilities, community school, or eligible nonpublic school.

(J) "School child" means a child who is enrolled in or is eligible to be enrolled in a grade of kindergarten or above but is less than fifteen years old.

(K) "School child program staff member" means an employee whose primary responsibility is the care, teaching, or supervision of children in a school child program.

(L) "Child care" means administering to the needs of infants, toddlers, preschool children, and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the twenty-four-hour day in a place or residence other than a child's own home.

(M) "Child day-care center," and "publicly funded child care," ~~and "school age child care center"~~ have the same meanings as in section 5104.01 of the Revised Code.

(N) "Community school" means either of the following:

(1) A community school established under Chapter 3314. of the Revised Code that is sponsored by an entity that is rated "exemplary" under section 3314.016 of the Revised Code.

(2) A community school established under Chapter 3314. of the Revised Code that has received, on its most recent report card, either of the following:

(a) If the school offers any of grade levels four through twelve, a grade of "C" or better for the overall value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code and for the performance index score under division (C)(1)(b) of section 3302.03 of the Revised Code;

(b) If the school does not offer a grade level higher than three, a grade of "C" or better for making progress in improving literacy in grades kindergarten through three under division (C)(1)(g) of section 3302.03 of the Revised Code.

Sec. 3301.53. (A) The state board of education, in consultation with the director of job and family services, shall formulate and prescribe by rule adopted under Chapter 119. of the Revised Code minimum standards to be applied to preschool programs operated by school district boards of education, county boards of developmental disabilities, community schools, or eligible nonpublic schools. The rules shall include the following:

(1) Standards ensuring that the preschool program is located in a safe and convenient facility that accommodates the enrollment of the program, is of the quality to support the growth and development of the children according to the program objectives,

and meets the requirements of section 3301.55 of the Revised Code; 13985

(2) Standards ensuring that supervision, discipline, and 13986
programs will be administered according to established objectives 13987
and procedures; 13988

(3) Standards ensuring that preschool staff members and 13989
nonteaching employees are recruited, employed, assigned, 13990
evaluated, and provided inservice education without discrimination 13991
on the basis of age, color, national origin, race, or sex; and 13992
that preschool staff members and nonteaching employees are 13993
assigned responsibilities in accordance with written position 13994
descriptions commensurate with their training and experience; 13995

(4) A requirement that boards of education intending to 13996
establish a preschool program demonstrate a need for a preschool 13997
program prior to establishing the program; 13998

(5) Requirements that children participating in preschool 13999
programs have been immunized to the extent considered appropriate 14000
by the state board to prevent the spread of communicable disease; 14001

(6) Requirements that the parents of preschool children 14002
complete the emergency medical authorization form specified in 14003
section 3313.712 of the Revised Code. 14004

(B) The state board of education in consultation with the 14005
director of job and family services shall ensure that the rules 14006
adopted by the state board under sections 3301.52 to 3301.58 of 14007
the Revised Code are consistent with and meet or exceed the 14008
requirements of Chapter 5104. of the Revised Code with regard to 14009
child day-care centers. The state board and the director of job 14010
and family services shall review all such rules at least once 14011
every five years. 14012

~~(C) The state board of education, in consultation with the 14013
director of job and family services, shall adopt rules for school 14014
child programs that are consistent with and meet or exceed the 14015~~

~~requirements of the rules adopted for school age child care 14016~~
~~centers under Chapter 5104. of the Revised Code. 14017~~

Sec. 3302.01. As used in this chapter: 14018

(A) "Performance index score" means the average of the totals 14019
derived from calculations, for each subject area, of the weighted 14020
proportion of untested students and students scoring at each level 14021
of skill described in division (A)(2) of section 3301.0710 of the 14022
Revised Code on the state achievement assessments, as follows: 14023

(1) For the assessments prescribed by division (A)(1) of 14024
section 3301.0710 of the Revised Code, the average for each of the 14025
subject areas of English language arts, mathematics, and science. 14026

(2) For the assessments prescribed by division (B)(1) of 14027
section 3301.0710 and division (B)(2) of section 3301.0712 of the 14028
Revised Code, the average for each of the subject areas of English 14029
language arts and mathematics. 14030

The department of education shall assign weights such that 14031
students who do not take an assessment receive a weight of zero 14032
and students who take an assessment receive progressively larger 14033
weights dependent upon the level of skill attained on the 14034
assessment. The department shall assign additional weights to 14035
students who have been permitted to pass over a subject in 14036
accordance with a student acceleration policy adopted under 14037
section 3324.10 of the Revised Code. If such a student attains the 14038
proficient score prescribed under division (A)(2)(c) of section 14039
3301.0710 of the Revised Code or higher on an assessment, the 14040
department shall assign the student the weight prescribed for the 14041
next higher scoring level. If such a student attains the advanced 14042
score, prescribed under division (A)(2)(a) of section 3301.0710 of 14043
the Revised Code, on an assessment, the department shall assign to 14044
the student an additional proportional weight, as approved by the 14045
state board. For each school year that such a student's score is 14046

included in the performance index score and the student attains 14047
the proficient score on an assessment, that additional weight 14048
shall be assigned to the student on a subject-by-subject basis. 14049

Students shall be included in the "performance index score" 14050
in accordance with division (K)(2) of section 3302.03 of the 14051
Revised Code. 14052

(B) "Subgroup" means a subset of the entire student 14053
population of the state, a school district, or a school building 14054
and includes each of the following: 14055

(1) Major racial and ethnic groups; 14056

(2) Students with disabilities; 14057

(3) Economically disadvantaged students; 14058

(4) ~~Limited English proficient students~~ learners; 14059

(5) Students identified as gifted in superior cognitive 14060
ability and specific academic ability fields under Chapter 3324. 14061
of the Revised Code. For students who are gifted in specific 14062
academic ability fields, the department shall use data for those 14063
students with specific academic ability in math and reading. If 14064
any other academic field is assessed, the department shall also 14065
include data for students with specific academic ability in that 14066
field. 14067

(6) Students in the lowest quintile for achievement 14068
statewide, as determined by a method prescribed by the state board 14069
of education. 14070

(C) "No Child Left Behind Act of 2001" includes the statutes 14071
codified at 20 U.S.C. 6301 et seq. and any amendments, waivers, or 14072
both thereto, rules and regulations promulgated pursuant to those 14073
statutes, guidance documents, and any other policy directives 14074
regarding implementation of that act issued by the United States 14075
department of education. 14076

(D) "Adequate yearly progress" means a measure of annual academic performance as calculated in accordance with the "No Child Left Behind Act of 2001."	14077 14078 14079
(E) "Supplemental educational services" means additional academic assistance, such as tutoring, remediation, or other educational enrichment activities, that is conducted outside of the regular school day by a provider approved by the department in accordance with the "No Child Left Behind Act of 2001."	14080 14081 14082 14083 14084
(F) "Value-added progress dimension" means a measure of academic gain for a student or group of students over a specific period of time that is calculated by applying a statistical methodology to individual student achievement data derived from the achievement assessments prescribed by section 3301.0710 of the Revised Code. The "value-added progress dimension" shall be developed and implemented in accordance with section 3302.021 of the Revised Code.	14085 14086 14087 14088 14089 14090 14091 14092
(G)(1) "Four-year adjusted cohort graduation rate" means the number of students who graduate in four years or less with a regular high school diploma divided by the number of students who form the adjusted cohort for the graduating class.	14093 14094 14095 14096
(2) "Five-year adjusted cohort graduation rate" means the number of students who graduate in five years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate.	14097 14098 14099 14100
(H) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.	14101 14102
(I) "Annual measurable objectives" means a measure of student progress determined in accordance with an agreement between the department of education and the United States department of education.	14103 14104 14105 14106
(J) "Community school" means a community school established	14107

under Chapter 3314. of the Revised Code. 14108

(K) "STEM school" means a science, technology, engineering, 14109
and mathematics school established under Chapter 3326. of the 14110
Revised Code. 14111

(L) "Entitled to attend school in the district" means 14112
entitled to attend school in a school district under section 14113
3313.64 or 3313.65 of the Revised Code. 14114

Sec. 3302.03. Annually, not later than the fifteenth day of 14115
September or the preceding Friday when that day falls on a 14116
Saturday or Sunday, the department of education shall assign a 14117
letter grade for overall academic performance and for each 14118
separate performance measure for each school district, and each 14119
school building in a district, in accordance with this section. 14120
The state board shall adopt rules pursuant to Chapter 119. of the 14121
Revised Code to establish performance criteria for each letter 14122
grade and prescribe a method by which the department assigns each 14123
letter grade. For a school building to which any of the 14124
performance measures do not apply, due to grade levels served by 14125
the building, the state board shall designate the performance 14126
measures that are applicable to the building and that must be 14127
calculated separately and used to calculate the building's overall 14128
grade. The department shall issue annual report cards reflecting 14129
the performance of each school district, each building within each 14130
district, and for the state as a whole using the performance 14131
measures and letter grade system described in this section. The 14132
department shall include on the report card for each district and 14133
each building within each district the most recent two-year trend 14134
data in student achievement for each subject and each grade. 14135

(A)(1) For the 2012-2013 school year, the department shall 14136
issue grades as described in division (E) of this section for each 14137
of the following performance measures: 14138

(a) Annual measurable objectives;	14139
(b) Performance index score for a school district or building. Grades shall be awarded as a percentage of the total possible points on the performance index system as adopted by the state board. In adopting benchmarks for assigning letter grades under division (A)(1)(b) of this section, the state board of education shall designate ninety per cent or higher for an "A," at least seventy per cent but not more than eighty per cent for a "C," and less than fifty per cent for an "F."	14140 14141 14142 14143 14144 14145 14146 14147
(c) The extent to which the school district or building meets each of the applicable performance indicators established by the state board under section 3302.02 of the Revised Code and the percentage of applicable performance indicators that have been achieved. In adopting benchmarks for assigning letter grades under division (A)(1)(c) of this section, the state board shall designate ninety per cent or higher for an "A."	14148 14149 14150 14151 14152 14153 14154
(d) The four- and five-year adjusted cohort graduation rates. In adopting benchmarks for assigning letter grades under division (A)(1)(d), (B)(1)(d), or (C)(1)(d) of this section, the department shall designate a four-year adjusted cohort graduation rate of ninety-three per cent or higher for an "A" and a five-year cohort graduation rate of ninety-five per cent or higher for an "A."	14155 14156 14157 14158 14159 14160 14161
(e) The overall score under the value-added progress dimension of a school district or building, for which the department shall use up to three years of value-added data as available. The letter grade assigned for this growth measure shall be as follows:	14162 14163 14164 14165 14166
(i) A score that is at least two standard errors of measure above the mean score shall be designated as an "A."	14167 14168
(ii) A score that is at least one standard error of measure	14169

but less than two standard errors of measure above the mean score 14170
shall be designated as a "B." 14171

(iii) A score that is less than one standard error of measure 14172
above the mean score but greater than or equal to one standard 14173
error of measure below the mean score shall be designated as a 14174
"C." 14175

(iv) A score that is not greater than one standard error of 14176
measure below the mean score but is greater than or equal to two 14177
standard errors of measure below the mean score shall be 14178
designated as a "D." 14179

(v) A score that is not greater than two standard errors of 14180
measure below the mean score shall be designated as an "F." 14181

Whenever the value-added progress dimension is used as a 14182
graded performance measure, whether as an overall measure or as a 14183
measure of separate subgroups, the grades for the measure shall be 14184
calculated in the same manner as prescribed in division (A)(1)(e) 14185
of this section. 14186

(f) The value-added progress dimension score for a school 14187
district or building disaggregated for each of the following 14188
subgroups: students identified as gifted, students with 14189
disabilities, and students whose performance places them in the 14190
lowest quintile for achievement on a statewide basis. Each 14191
subgroup shall be a separate graded measure. 14192

(2) Not later than April 30, 2013, the state board of 14193
education shall adopt a resolution describing the performance 14194
measures, benchmarks, and grading system for the 2012-2013 school 14195
year and, not later than June 30, 2013, shall adopt rules in 14196
accordance with Chapter 119. of the Revised Code that prescribe 14197
the methods by which the performance measures under division 14198
(A)(1) of this section shall be assessed and assigned a letter 14199
grade, including performance benchmarks for each letter grade. 14200

At least forty-five days prior to the state board's adoption 14201
of rules to prescribe the methods by which the performance 14202
measures under division (A)(1) of this section shall be assessed 14203
and assigned a letter grade, the department shall conduct a public 14204
presentation before the standing committees of the house of 14205
representatives and the senate that consider education legislation 14206
describing such methods, including performance benchmarks. 14207

(3) There shall not be an overall letter grade for a school 14208
district or building for the 2012-2013 school year. 14209

(B)(1) For the 2013-2014 and 2014-2015 school years, the 14210
department shall issue grades as described in division (E) of this 14211
section for each of the following performance measures: 14212

(a) Annual measurable objectives; 14213

(b) Performance index score for a school district or 14214
building. Grades shall be awarded as a percentage of the total 14215
possible points on the performance index system as created by the 14216
department. In adopting benchmarks for assigning letter grades 14217
under division (B)(1)(b) of this section, the state board shall 14218
designate ninety per cent or higher for an "A," at least seventy 14219
per cent but not more than eighty per cent for a "C," and less 14220
than fifty per cent for an "F." 14221

(c) The extent to which the school district or building meets 14222
each of the applicable performance indicators established by the 14223
state board under section 3302.03 of the Revised Code and the 14224
percentage of applicable performance indicators that have been 14225
achieved. In adopting benchmarks for assigning letter grades under 14226
division (B)(1)(c) of this section, the state board shall 14227
designate ninety per cent or higher for an "A." 14228

(d) The four- and five-year adjusted cohort graduation rates; 14229

(e) The overall score under the value-added progress 14230
dimension of a school district or building, for which the 14231

department shall use up to three years of value-added data as 14232
available. 14233

(f) The value-added progress dimension score for a school 14234
district or building disaggregated for each of the following 14235
subgroups: students identified as gifted in superior cognitive 14236
ability and specific academic ability fields under Chapter 3324. 14237
of the Revised Code, students with disabilities, and students 14238
whose performance places them in the lowest quintile for 14239
achievement on a statewide basis. Each subgroup shall be a 14240
separate graded measure. 14241

(g) Whether a school district or building is making progress 14242
in improving literacy in grades kindergarten through three, as 14243
determined using a method prescribed by the state board. The state 14244
board shall adopt rules to prescribe benchmarks and standards for 14245
assigning grades to districts and buildings for purposes of 14246
division (B)(1)(g) of this section. In adopting benchmarks for 14247
assigning letter grades under divisions (B)(1)(g) and (C)(1)(g) of 14248
this section, the state board shall determine progress made based 14249
on the reduction in the total percentage of students scoring below 14250
grade level, or below proficient, compared from year to year on 14251
the reading and writing diagnostic assessments administered under 14252
section 3301.0715 of the Revised Code and the third grade English 14253
language arts assessment under section 3301.0710 of the Revised 14254
Code, as applicable. The state board shall designate for a "C" 14255
grade a value that is not lower than the statewide average value 14256
for this measure. No grade shall be issued under divisions 14257
(B)(1)(g) and (C)(1)(g) of this section for a district or building 14258
in which less than five per cent of students have scored below 14259
grade level on the diagnostic assessment administered to students 14260
in kindergarten under division (B)(1) of section 3313.608 of the 14261
Revised Code. 14262

(h) For a high mobility school district or building, an 14263

additional value-added progress dimension score. For this measure, 14264
the department shall use value-added data from the most recent 14265
school year available and shall use assessment scores for only 14266
those students to whom the district or building has administered 14267
the assessments prescribed by section 3301.0710 of the Revised 14268
Code for each of the two most recent consecutive school years. 14269

As used in this division, "high mobility school district or 14270
building" means a school district or building where at least 14271
twenty-five per cent of its total enrollment is made up of 14272
students who have attended that school district or building for 14273
less than one year. 14274

(2) In addition to the graded measures in division (B)(1) of 14275
this section, the department shall include on a school district's 14276
or building's report card all of the following without an assigned 14277
letter grade: 14278

(a) The percentage of students enrolled in a district or 14279
building participating in advanced placement classes and the 14280
percentage of those students who received a score of three or 14281
better on advanced placement examinations; 14282

(b) The number of a district's or building's students who 14283
have earned at least three college credits through dual enrollment 14284
or advanced standing programs, such as the post-secondary 14285
enrollment options program under Chapter 3365. of the Revised Code 14286
and state-approved career-technical courses offered through dual 14287
enrollment or statewide articulation, that appear on a student's 14288
transcript or other official document, either of which is issued 14289
by the institution of higher education from which the student 14290
earned the college credit. The credits earned that are reported 14291
under divisions (B)(2)(b) and (C)(2)(c) of this section shall not 14292
include any that are remedial or developmental and shall include 14293
those that count toward the curriculum requirements established 14294
for completion of a degree. 14295

(c) The percentage of students enrolled in a district or building who have taken a national standardized test used for college admission determinations and the percentage of those students who are determined to be remediation-free in accordance with standards adopted under division (F) of section 3345.061 of the Revised Code;

(d) The percentage of the district's or the building's students who receive industry-recognized credentials as approved under section 3313.6113 of the Revised Code.

(e) The percentage of students enrolled in a district or building who are participating in an international baccalaureate program and the percentage of those students who receive a score of four or better on the international baccalaureate examinations.

(f) The percentage of the district's or building's students who receive an honors diploma under division (B) of section 3313.61 of the Revised Code.

(3) Not later than December 31, 2013, the state board shall adopt rules in accordance with Chapter 119. of the Revised Code that prescribe the methods by which the performance measures under divisions (B)(1)(f) and (B)(1)(g) of this section will be assessed and assigned a letter grade, including performance benchmarks for each grade.

At least forty-five days prior to the state board's adoption of rules to prescribe the methods by which the performance measures under division (B)(1) of this section shall be assessed and assigned a letter grade, the department shall conduct a public presentation before the standing committees of the house of representatives and the senate that consider education legislation describing such methods, including performance benchmarks.

(4) There shall not be an overall letter grade for a school district or building for the 2013-2014, 2014-2015, 2015-2016, and

2016-2017 school years. 14327

(C)(1) For the 2014-2015 school year and each school year 14328
thereafter, the department shall issue grades as described in 14329
division (E) of this section for each of the performance measures 14330
prescribed in division (C)(1) of this section. The graded measures 14331
are as follows: 14332

(a) Annual measurable objectives. For the 2017-2018 school 14333
year, the department shall not include any subgroup data in the 14334
annual measurable objectives that includes data from fewer than 14335
twenty-five students. For the 2018-2019 school year, the 14336
department shall not include any subgroup data in the annual 14337
measurable objectives that includes data from fewer than twenty 14338
students. Beginning with the 2019-2020 school year, the department 14339
shall not include any subgroup data in the annual measurable 14340
objectives that includes data from fewer than fifteen students. 14341

(b) Performance index score for a school district or 14342
building. Grades shall be awarded as a percentage of the total 14343
possible points on the performance index system as created by the 14344
department. In adopting benchmarks for assigning letter grades 14345
under division (C)(1)(b) of this section, the state board shall 14346
designate ninety per cent or higher for an "A," at least seventy 14347
per cent but not more than eighty per cent for a "C," and less 14348
than fifty per cent for an "F." 14349

(c) The extent to which the school district or building meets 14350
each of the applicable performance indicators established by the 14351
state board under section 3302.03 of the Revised Code and the 14352
percentage of applicable performance indicators that have been 14353
achieved. In adopting benchmarks for assigning letter grades under 14354
division (C)(1)(c) of this section, the state board shall 14355
designate ninety per cent or higher for an "A." 14356

(d) The four- and five-year adjusted cohort graduation rates; 14357

(e) The overall score under the value-added progress dimension, or another measure of student academic progress if adopted by the state board, of a school district or building, for which the department shall use up to three years of value-added data as available.

In adopting benchmarks for assigning letter grades for overall score on value-added progress dimension under division (C)(1)(e) of this section, the state board shall prohibit the assigning of a grade of "A" for that measure unless the district's or building's grade assigned for value-added progress dimension for all subgroups under division (C)(1)(f) of this section is a "B" or higher.

For the metric prescribed by division (C)(1)(e) of this section, the state board may adopt a student academic progress measure to be used instead of the value-added progress dimension. If the state board adopts such a measure, it also shall prescribe a method for assigning letter grades for the new measure that is comparable to the method prescribed in division (A)(1)(e) of this section.

(f) The value-added progress dimension score of a school district or building disaggregated for each of the following subgroups: students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code, students with disabilities, and students whose performance places them in the lowest quintile for achievement on a statewide basis, as determined by a method prescribed by the state board. Each subgroup shall be a separate graded measure.

The state board may adopt student academic progress measures to be used instead of the value-added progress dimension. If the state board adopts such measures, it also shall prescribe a method for assigning letter grades for the new measures that is

comparable to the method prescribed in division (A)(1)(e) of this section. 14390
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(g) Whether a school district or building is making progress 14392
in improving literacy in grades kindergarten through three, as 14393
determined using a method prescribed by the state board. The state 14394
board shall adopt rules to prescribe benchmarks and standards for 14395
assigning grades to a district or building for purposes of 14396
division (C)(1)(g) of this section. The state board shall 14397
designate for a "C" grade a value that is not lower than the 14398
statewide average value for this measure. No grade shall be issued 14399
under division (C)(1)(g) of this section for a district or 14400
building in which less than five per cent of students have scored 14401
below grade level on the kindergarten diagnostic assessment under 14402
division (B)(1) of section 3313.608 of the Revised Code. 14403

(h) For a high mobility school district or building, an 14404
additional value-added progress dimension score. For this measure, 14405
the department shall use value-added data from the most recent 14406
school year available and shall use assessment scores for only 14407
those students to whom the district or building has administered 14408
the assessments prescribed by section 3301.0710 of the Revised 14409
Code for each of the two most recent consecutive school years. 14410

As used in this division, "high mobility school district or 14411
building" means a school district or building where at least 14412
twenty-five per cent of its total enrollment is made up of 14413
students who have attended that school district or building for 14414
less than one year. 14415

(2) In addition to the graded measures in division (C)(1) of 14416
this section, the department shall include on a school district's 14417
or building's report card all of the following without an assigned 14418
letter grade: 14419

(a) The percentage of students enrolled in a district or 14420

building who have taken a national standardized test used for 14421
college admission determinations and the percentage of those 14422
students who are determined to be remediation-free in accordance 14423
with the standards adopted under division (F) of section 3345.061 14424
of the Revised Code; 14425

(b) The percentage of students enrolled in a district or 14426
building participating in advanced placement classes and the 14427
percentage of those students who received a score of three or 14428
better on advanced placement examinations; 14429

(c) The percentage of a district's or building's students who 14430
have earned at least three college credits through advanced 14431
standing programs, such as the college credit plus program under 14432
Chapter 3365. of the Revised Code and state-approved 14433
career-technical courses offered through dual enrollment or 14434
statewide articulation, that appear on a student's college 14435
transcript issued by the institution of higher education from 14436
which the student earned the college credit. The credits earned 14437
that are reported under divisions (B)(2)(b) and (C)(2)(c) of this 14438
section shall not include any that are remedial or developmental 14439
and shall include those that count toward the curriculum 14440
requirements established for completion of a degree. 14441

(d) The percentage of the district's or building's students 14442
who receive an honor's diploma under division (B) of section 14443
3313.61 of the Revised Code; 14444

(e) The percentage of the district's or building's students 14445
who receive industry-recognized credentials as approved under 14446
section 3313.6113 of the Revised Code; 14447

(f) The percentage of students enrolled in a district or 14448
building who are participating in an international baccalaureate 14449
program and the percentage of those students who receive a score 14450
of four or better on the international baccalaureate examinations; 14451

(g) The results of the college and career-ready assessments administered under division (B)(1) of section 3301.0712 of the Revised Code; 14452
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(h) Whether the school district or building has implemented a positive behavior intervention and supports framework in compliance with the requirements of section 3319.46 of the Revised Code, notated as a "yes" or "no" answer. 14455
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(3) The state board shall adopt rules pursuant to Chapter 119. of the Revised Code that establish a method to assign an overall grade for a school district or school building for the 2017-2018 school year and each school year thereafter. The rules shall group the performance measures in divisions (C)(1) and (2) of this section into the following components: 14459
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(a) Gap closing, which shall include the performance measure in division (C)(1)(a) of this section; 14465
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(b) Achievement, which shall include the performance measures in divisions (C)(1)(b) and (c) of this section; 14467
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(c) Progress, which shall include the performance measures in divisions (C)(1)(e) and (f) of this section; 14469
14470

(d) Graduation, which shall include the performance measure in division (C)(1)(d) of this section; 14471
14472

(e) Kindergarten through third-grade literacy, which shall include the performance measure in division (C)(1)(g) of this section; 14473
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14475

(f) Prepared for success, which shall include the performance measures in divisions (C)(2)(a), (b), (c), (d), (e), and (f) of this section. The state board shall develop a method to determine a grade for the component in division (C)(3)(f) of this section using the performance measures in divisions (C)(2)(a), (b), (c), (d), (e), and (f) of this section. When available, the state board 14476
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may incorporate the performance measure under division (C)(2)(g) 14482
of this section into the component under division (C)(3)(f) of 14483
this section. When determining the overall grade for the prepared 14484
for success component prescribed by division (C)(3)(f) of this 14485
section, no individual student shall be counted in more than one 14486
performance measure. However, if a student qualifies for more than 14487
one performance measure in the component, the state board may, in 14488
its method to determine a grade for the component, specify an 14489
additional weight for such a student that is not greater than or 14490
equal to 1.0. In determining the overall score under division 14491
(C)(3)(f) of this section, the state board shall ensure that the 14492
pool of students included in the performance measures aggregated 14493
under that division are all of the students included in the four- 14494
and five-year adjusted graduation cohort. 14495

In the rules adopted under division (C)(3) of this section, 14496
the state board shall adopt a method for determining a grade for 14497
each component in divisions (C)(3)(a) to (f) of this section. The 14498
state board also shall establish a method to assign an overall 14499
grade of "A," "B," "C," "D," or "F" using the grades assigned for 14500
each component. The method the state board adopts for assigning an 14501
overall grade shall give equal weight to the components in 14502
divisions (C)(3)(b) and (c) of this section. 14503

At least forty-five days prior to the state board's adoption 14504
of rules to prescribe the methods for calculating the overall 14505
grade for the report card, as required by this division, the 14506
department shall conduct a public presentation before the standing 14507
committees of the house of representatives and the senate that 14508
consider education legislation describing the format for the 14509
report card, weights that will be assigned to the components of 14510
the overall grade, and the method for calculating the overall 14511
grade. 14512

(D) On or after July 1, 2015, the state board may develop a 14513

measure of student academic progress for high school students 14514
using only data from assessments in English language arts and 14515
mathematics. If the state board develops this measure, each school 14516
district and applicable school building shall be assigned a 14517
separate letter grade for it not sooner than the 2017-2018 school 14518
year. The district's or building's grade for that measure shall 14519
not be included in determining the district's or building's 14520
overall letter grade. 14521

(E) The letter grades assigned to a school district or 14522
building under this section shall be as follows: 14523

(1) "A" for a district or school making excellent progress; 14524

(2) "B" for a district or school making above average 14525
progress; 14526

(3) "C" for a district or school making average progress; 14527

(4) "D" for a district or school making below average 14528
progress; 14529

(5) "F" for a district or school failing to meet minimum 14530
progress. 14531

(F) When reporting data on student achievement and progress, 14532
the department shall disaggregate that data according to the 14533
following categories: 14534

(1) Performance of students by grade-level; 14535

(2) Performance of students by race and ethnic group; 14536

(3) Performance of students by gender; 14537

(4) Performance of students grouped by those who have been 14538
enrolled in a district or school for three or more years; 14539

(5) Performance of students grouped by those who have been 14540
enrolled in a district or school for more than one year and less 14541
than three years; 14542

(6) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	14543 14544
(7) Performance of students grouped by those who are economically disadvantaged;	14545 14546
(8) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	14547 14548 14549
(9) Performance of students grouped by those who are classified as limited English proficient <u>learners</u> ;	14550 14551
(10) Performance of students grouped by those who have disabilities;	14552 14553
(11) Performance of students grouped by those who are classified as migrants;	14554 14555
(12) Performance of students grouped by those who are identified as gifted in superior cognitive ability and the specific academic ability fields of reading and math pursuant to Chapter 3324. of the Revised Code. In disaggregating specific academic ability fields for gifted students, the department shall use data for those students with specific academic ability in math and reading. If any other academic field is assessed, the department shall also include data for students with specific academic ability in that field as well.	14556 14557 14558 14559 14560 14561 14562 14563 14564
(13) Performance of students grouped by those who perform in the lowest quintile for achievement on a statewide basis, as determined by a method prescribed by the state board.	14565 14566 14567
The department may disaggregate data on student performance according to other categories that the department determines are appropriate. To the extent possible, the department shall disaggregate data on student performance according to any combinations of two or more of the categories listed in divisions	14568 14569 14570 14571 14572

(F)(1) to (13) of this section that it deems relevant. 14573

In reporting data pursuant to division (F) of this section, 14574
the department shall not include in the report cards any data 14575
statistical in nature that is statistically unreliable or that 14576
could result in the identification of individual students. For 14577
this purpose, the department shall not report student performance 14578
data for any group identified in division (F) of this section that 14579
contains less than ten students. If the department does not report 14580
student performance data for a group because it contains less than 14581
ten students, the department shall indicate on the report card 14582
that is why data was not reported. 14583

(G) The department may include with the report cards any 14584
additional education and fiscal performance data it deems 14585
valuable. 14586

(H) The department shall include on each report card a list 14587
of additional information collected by the department that is 14588
available regarding the district or building for which the report 14589
card is issued. When available, such additional information shall 14590
include student mobility data disaggregated by race and 14591
socioeconomic status, college enrollment data, and the reports 14592
prepared under section 3302.031 of the Revised Code. 14593

The department shall maintain a site on the world wide web. 14594
The report card shall include the address of the site and shall 14595
specify that such additional information is available to the 14596
public at that site. The department shall also provide a copy of 14597
each item on the list to the superintendent of each school 14598
district. The district superintendent shall provide a copy of any 14599
item on the list to anyone who requests it. 14600

(I)(1)(a) Except as provided in division (I)(1)(b) of this 14601
section, for any district that sponsors a conversion community 14602
school under Chapter 3314. of the Revised Code, the department 14603

shall combine data regarding the academic performance of students 14604
enrolled in the community school with comparable data from the 14605
schools of the district for the purpose of determining the 14606
performance of the district as a whole on the report card issued 14607
for the district under this section or section 3302.033 of the 14608
Revised Code. 14609

(b) The department shall not combine data from any conversion 14610
community school that a district sponsors if a majority of the 14611
students enrolled in the conversion community school are enrolled 14612
in a dropout prevention and recovery program that is operated by 14613
the school, as described in division (A)(4)(a) of section 3314.35 14614
of the Revised Code. The department shall include as an addendum 14615
to the district's report card the ratings and performance measures 14616
that are required under section 3314.017 of the Revised Code for 14617
any community school to which division (I)(1)(b) of this section 14618
applies. This addendum shall include, at a minimum, the data 14619
specified in divisions (C)(1)(a), (C)(2), and (C)(3) of section 14620
3314.017 of the Revised Code. 14621

(2) Any district that leases a building to a community school 14622
located in the district or that enters into an agreement with a 14623
community school located in the district whereby the district and 14624
the school endorse each other's programs may elect to have data 14625
regarding the academic performance of students enrolled in the 14626
community school combined with comparable data from the schools of 14627
the district for the purpose of determining the performance of the 14628
district as a whole on the district report card. Any district that 14629
so elects shall annually file a copy of the lease or agreement 14630
with the department. 14631

(3) Any municipal school district, as defined in section 14632
3311.71 of the Revised Code, that sponsors a community school 14633
located within the district's territory, or that enters into an 14634
agreement with a community school located within the district's 14635

territory whereby the district and the community school endorse 14636
each other's programs, may exercise either or both of the 14637
following elections: 14638

(a) To have data regarding the academic performance of 14639
students enrolled in that community school combined with 14640
comparable data from the schools of the district for the purpose 14641
of determining the performance of the district as a whole on the 14642
district's report card; 14643

(b) To have the number of students attending that community 14644
school noted separately on the district's report card. 14645

The election authorized under division (I)(3)(a) of this 14646
section is subject to approval by the governing authority of the 14647
community school. 14648

Any municipal school district that exercises an election to 14649
combine or include data under division (I)(3) of this section, by 14650
the first day of October of each year, shall file with the 14651
department documentation indicating eligibility for that election, 14652
as required by the department. 14653

(J) The department shall include on each report card the 14654
percentage of teachers in the district or building who are 14655
properly certified or licensed teachers, as defined in section 14656
3319.074 of the Revised Code, and a comparison of that percentage 14657
with the percentages of such teachers in similar districts and 14658
buildings. 14659

(K)(1) In calculating English language arts, mathematics, or 14660
science assessment passage rates used to determine school district 14661
or building performance under this section, the department shall 14662
include all students taking an assessment with accommodation or to 14663
whom an alternate assessment is administered pursuant to division 14664
(C)(1) or (3) of section 3301.0711 of the Revised Code. 14665

(2) In calculating performance index scores, rates of 14666

achievement on the performance indicators established by the state 14667
board under section 3302.02 of the Revised Code, and annual 14668
measurable objectives for determining adequate yearly progress for 14669
school districts and buildings under this section, the department 14670
shall do all of the following: 14671

(a) Include for each district or building only those students 14672
who are included in the ADM certified for the first full school 14673
week of October and are continuously enrolled in the district or 14674
building through the time of the spring administration of any 14675
assessment prescribed by division (A)(1) or (B)(1) of section 14676
3301.0710 or division (B) of section 3301.0712 of the Revised Code 14677
that is administered to the student's grade level; 14678

(b) Include cumulative totals from both the fall and spring 14679
administrations of the third grade English language arts 14680
achievement assessment; 14681

(c) Except as required by the No Child Left Behind Act of 14682
2001, exclude for each district or building any ~~limited~~ English 14683
~~proficient student~~ learner who has been enrolled in United States 14684
schools for less than one full school year. 14685

(L) Beginning with the 2015-2016 school year and at least 14686
once every three years thereafter, the state board of education 14687
shall review and may adjust the benchmarks for assigning letter 14688
grades to the performance measures and components prescribed under 14689
divisions (C)(3) and (D) of this section. 14690

Sec. 3302.042. (A) This section shall operate as a pilot 14691
project that applies to any school that has been ranked according 14692
to performance index score under section 3302.21 of the Revised 14693
Code in the lowest five per cent of all public school buildings 14694
statewide for three or more consecutive school years and is 14695
operated by the Columbus city school district. The pilot project 14696
shall commence once the department of education establishes 14697

implementation guidelines for the pilot project in consultation 14698
with the Columbus city school district. 14699

(B) Except as provided in division (D), (E), or (F) of this 14700
section, if the parents or guardians of at least fifty per cent of 14701
the students enrolled in a school to which this section applies, 14702
or if the parents or guardians of at least fifty per cent of the 14703
total number of students enrolled in that school and the schools 14704
of lower grade levels whose students typically matriculate into 14705
that school, by the thirty-first day of December of any school 14706
year in which the school is subject to this section, sign and file 14707
with the school district treasurer a petition requesting the 14708
district board of education to implement one of the following 14709
reforms in the school, and if the validity and sufficiency of the 14710
petition is certified in accordance with division (C) of this 14711
section, the board shall implement the requested reform in the 14712
next school year: 14713

(1) Reopen the school as a community school under Chapter 14714
3314. of the Revised Code; 14715

(2) Replace at least seventy per cent of the school's 14716
personnel who are related to the school's poor academic 14717
performance or, at the request of the petitioners, retain not more 14718
than thirty per cent of the personnel; 14719

(3) Contract with another school district or a nonprofit or 14720
for-profit entity with a demonstrated record of effectiveness to 14721
operate the school; 14722

(4) Turn operation of the school over to the department; 14723

(5) Any other major restructuring of the school that makes 14724
fundamental reforms in the school's staffing or governance. 14725

(C) Not later than thirty days after receipt of a petition 14726
under division (B) of this section, the district treasurer shall 14727

verify the validity and sufficiency of the signatures on the 14728
petition and certify to the district board whether the petition 14729
contains the necessary number of valid signatures to require the 14730
board to implement the reform requested by the petitioners. If the 14731
treasurer certifies to the district board that the petition does 14732
not contain the necessary number of valid signatures, any person 14733
who signed the petition may file an appeal with the county auditor 14734
within ten days after the certification. Not later than thirty 14735
days after the filing of an appeal, the county auditor shall 14736
conduct an independent verification of the validity and 14737
sufficiency of the signatures on the petition and certify to the 14738
district board whether the petition contains the necessary number 14739
of valid signatures to require the board to implement the 14740
requested reform. If the treasurer or county auditor certifies 14741
that the petition contains the necessary number of valid 14742
signatures, the district board shall notify the superintendent of 14743
public instruction and the state board of education of the 14744
certification. 14745

(D) The district board shall not implement the reform 14746
requested by the petitioners in any of the following 14747
circumstances: 14748

(1) The district board has determined that the request is for 14749
reasons other than improving student academic achievement or 14750
student safety. 14751

(2) The state superintendent has determined that 14752
implementation of the requested reform would not comply with the 14753
model of differentiated accountability described in section 14754
3302.041 of the Revised Code. 14755

(3) The petitioners have requested the district board to 14756
implement the reform described in division (B)(4) of this section 14757
and the department has not agreed to take over the school's 14758
operation. 14759

(4) When all of the following have occurred: 14760

(a) After a public hearing on the matter, the district board 14761
issued a written statement explaining the reasons that it is 14762
unable to implement the requested reform and agreeing to implement 14763
one of the other reforms described in division (B) of this 14764
section. 14765

(b) The district board submitted its written statement to the 14766
state superintendent and the state board along with evidence 14767
showing how the alternative reform the district board has agreed 14768
to implement will enable the school to improve its academic 14769
performance. 14770

(c) Both the state superintendent and the state board have 14771
approved implementation of the alternative reform. 14772

(E) If the provisions of this section conflict in any way 14773
with the requirements of federal law, federal law shall prevail 14774
over the provisions of this section. 14775

(F) If a school is restructured under this section, section 14776
3302.10, 3302.11, or 3302.12 of the Revised Code, or federal law, 14777
the school shall not be required to restructure again under state 14778
law for three consecutive years after the implementation of that 14779
prior restructuring. 14780

(G) Beginning not later than six months after the first 14781
petition under this section has been resolved, the department of 14782
education shall annually evaluate the pilot program and submit a 14783
report to the general assembly under section 101.68 of the Revised 14784
Code. Such reports shall contain its recommendations to the 14785
general assembly with respect to the continuation of the pilot 14786
program, its expansion to other school districts, or the enactment 14787
of further legislation establishing the program statewide under 14788
permanent law. 14789

Sec. 3302.061. (A) A school district board of education shall 14790
review each application received under section 3302.06 of the 14791
Revised Code and, within sixty days after receipt of the 14792
application, shall approve or disapprove the application. In 14793
reviewing applications, the board shall give preference to 14794
applications that propose innovations in one or more of the 14795
following areas: 14796

(1) Curriculum; 14797

(2) Student assessments, other than the assessments 14798
prescribed by sections 3301.0710 and 3301.0712 of the Revised 14799
Code; 14800

(3) Class scheduling; 14801

(4) Accountability measures, including innovations that 14802
expand the number and variety of measures used in order to collect 14803
more complete data about student academic performance. For this 14804
purpose, schools may consider use of measures such as 14805
end-of-course examinations, portfolios of student work, nationally 14806
or internationally normed assessments, the percentage of students 14807
enrolling in post-secondary education, or the percentage of 14808
students simultaneously obtaining a high school diploma and an 14809
associate's degree or certification to work in an industry or 14810
career field. 14811

(5) Provision of student services, including services for 14812
students who are disabled, identified as gifted under Chapter 14813
3324. of the Revised Code, ~~limited~~ English ~~proficient~~ learners, at 14814
risk of academic failure or dropping out, or at risk of suspension 14815
or expulsion; 14816

(6) Provision of health, counseling, or other social services 14817
to students; 14818

(7) Preparation of students for transition to higher 14819

education or the workforce;	14820
(8) Teacher recruitment, employment, and evaluation;	14821
(9) Compensation for school personnel;	14822
(10) Professional development;	14823
(11) School governance and the roles and responsibilities of principals;	14824 14825
(12) Use of financial or other resources.	14826
(B)(1) If the board approves an application seeking designation as an innovation school, it shall so designate the school that submitted the application. If the board approves an application seeking designation as an innovation school zone, it shall so designate the participating schools that submitted the application.	14827 14828 14829 14830 14831 14832
(2) If the board disapproves an application, it shall provide a written explanation of the basis for its decision to the school or schools that submitted the application. The school or schools may reapply for designation as an innovation school or innovation school zone at any time.	14833 14834 14835 14836 14837
(C) The board may approve an application that allows an innovation school or a school participating in an innovation school zone to determine the compensation of board employees working in the school, but the total compensation for all such employees shall not exceed the financial resources allocated to the school by the board. The school shall not be required to comply with the salary schedule adopted by the board under section 3311.78, 3317.14, or 3317.141 of the Revised Code. The board may approve an application that allows an innovation school or a school participating in an innovation school zone to remove board employees from the school, but no employee shall be terminated except as provided in section 3311.82, 3319.081, or 3319.16 of the	14838 14839 14840 14841 14842 14843 14844 14845 14846 14847 14848 14849

Revised Code. 14850

(D) The board may do either of the following at any time: 14851

(1) Designate a school as an innovation school by creating an 14852
innovation plan for that school and offering the school an 14853
opportunity to participate in the plan's creation; 14854

(2) Designate as an innovation school zone two or more 14855
schools that share common interests based on factors such as 14856
geographical proximity or similar educational programs or that 14857
serve the same classes of students as they advance to higher grade 14858
levels, by creating an innovation plan for those schools and 14859
offering the schools an opportunity to participate in the plan's 14860
creation. 14861

Sec. 3302.10. (A) ~~The Pursuant to section 3302.11 of the~~ 14862
~~Revised Code, the~~ superintendent of public instruction ~~shall~~ may 14863
establish an academic distress commission for any school district 14864
that ~~meets one of the following conditions:~~ 14865

~~(1) The district has received an overall grade of "F" under~~ 14866
~~division (C)(3) of section 3302.03 of the Revised Code for three~~ 14867
~~consecutive years.~~ 14868

~~(2) An academic distress commission established for the~~ 14869
~~district under former section 3302.10 of the Revised Code was~~ 14870
~~still in existence on the effective date of this section and has~~ 14871
~~been in existence for at least four years~~ qualifies for a school 14872
district improvement intervention under division (A) of section 14873
3302.11 of the Revised Code. 14874

(B)~~(1)~~ The academic distress commission shall consist of ~~five~~ 14875
the state superintendent, or the state superintendent's designee, 14876
and four other members appointed by the state superintendent as 14877
follows: 14878

~~(a) Three members appointed by the state superintendent, one~~ 14879

~~of whom is a resident in the county in which a majority of the district's territory is located;~~ 14880
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~~(b) One member appointed by the president of the district board of education, who shall be a teacher employed by the district;~~ 14882
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~~(c) One member appointed by the mayor of the municipality in which a majority of the district's territory is located or, if no such municipality exists, by the mayor of a municipality selected by the state superintendent in which the district has territory.~~ 14885
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(1) A school district superintendent currently employed by another district selected from a list of at least three candidates submitted by the buckeye association of school administrators; 14889
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(2) A current member of a school district board of education of another district selected from a list of at least three candidates submitted by the Ohio school boards association; 14892
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(3) A school district treasurer currently employed by another district selected from a list of at least three candidates submitted by the Ohio association of school business officials; 14895
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(4) A building principal currently employed by another district selected from a list of at least three candidates submitted jointly by the Ohio association of secondary school administrators and the Ohio association of elementary school administrators. 14898
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Appointments to the commission shall be made within ~~thirty~~ sixty days after the district is notified that it is subject to this section. Members of the commission shall serve at the pleasure of their appointing authority. The state superintendent shall designate a chairperson for the commission from among the members ~~appointed by the state superintendent~~. The chairperson shall call and conduct meetings, set meeting agendas, and serve as a liaison between the commission and the chief executive officer 14903
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appointed under division (C)(1) of this section. 14911

~~(2) In the case of a school district that meets the condition 14912
in division (A)(2) of this section, the academic distress 14913
commission established for the district under former section 14914
3302.10 of the Revised Code shall be abolished and a new academic 14915
distress commission shall be appointed for the district pursuant 14916
to division (B)(1) of this section. 14917~~

(C)(1) Within sixty days after the state superintendent has 14918
designated a chairperson for the academic distress commission, a 14919
district board of education subject to an academic distress 14920
commission shall submit to the commission shall appoint a 14921
candidate for chief executive officer for the district, who shall 14922
be paid by the department of education and shall serve at the 14923
pleasure of the district board, with all personnel actions 14924
involving the chief executive officer approved by the commission. 14925
Upon approval by the commission, the district board shall appoint 14926
the board's candidate as chief executive officer. The individual 14927
appointed as chief executive officer shall have high-level 14928
management experience in the public or private sector. The chief 14929
executive officer shall exercise complete operational, managerial, 14930
and instructional control of the district, which shall include, 14931
but shall not be limited to, the following powers and duties, but 14932
the chief executive officer may delegate, in writing, specific 14933
powers or duties to the district board or district superintendent: 14934

- (a) Replacing school administrators and central office staff; 14935
- (b) Assigning employees to schools and approving transfers; 14936
- (c) Hiring new employees; 14937
- (d) Defining employee responsibilities and job descriptions; 14938
- (e) Establishing employee compensation; 14939
- (f) Allocating teacher class loads; 14940

(g) Conducting employee evaluations;	14941
(h) Making reductions in staff under section 3319.17, 3319.171, or 3319.172 of the Revised Code;	14942 14943
(i) Setting the school calendar;	14944
(j) Creating a budget for the district;	14945
(k) Contracting for services for the district;	14946
(l) Modifying policies and procedures established by the district board;	14947 14948
(m) Establishing grade configurations of schools;	14949
(n) Determining the school curriculum;	14950
(o) Selecting instructional materials and assessments;	14951
(p) Setting class sizes;	14952
(q) Providing for staff professional development.	14953
(2) If an improvement coordinator was previously appointed for the district pursuant to division (A) of section 3302.04 of the Revised Code, that position shall be terminated. However, nothing in this section shall prohibit the chief executive officer from employing the same individual or other staff to perform duties or functions previously performed by the improvement coordinator.	14954 14955 14956 14957 14958 14959 14960
(D) The academic distress commission, in consultation with the state superintendent and the chief executive officer, shall be responsible for expanding high quality school choice options in the district. The commission, in consultation with the state superintendent, may create an entity to act as a high quality school accelerator for schools not operated by the district. The accelerator shall promote high quality schools in the district, lead improvement efforts for underperforming schools, recruit high quality sponsors for community schools, attract new	14961 14962 14963 14964 14965 14966 14967 14968 14969

~~high quality schools to the district, and increase the overall capacity of schools to deliver a high quality education for students. Any accelerator shall be an independent entity and the chief executive officer shall have no authority over the accelerator.~~

~~(E)~~(1) Within thirty days after the chief executive officer is appointed, the chief executive officer shall convene a group of community stakeholders. The purpose of the group shall be to develop expectations for academic improvement in the district and to assist the district in building relationships with organizations in the community that can provide needed services to students. Members of the group shall include, but shall not be limited to, educators, civic and business leaders, and representatives of institutions of higher education and government service agencies. Within ninety days after the chief executive officer is appointed, the chief executive officer also shall convene a smaller group of community stakeholders for each school operated by the district to develop expectations for academic improvement in that school. The group convened for each school shall have teachers employed in the school and parents of students enrolled in the school among its members.

(2) The chief executive officer shall create a plan to improve the district's academic performance. In creating the plan, the chief executive officer shall consult with the groups convened under division ~~(E)~~(D)(1) of this section and division (E) of section 3302.11 of the Revised Code. The chief executive officer also shall consider the availability of funding to ensure sustainability of the plan. The plan shall establish clear, measurable performance goals for the district and for each school operated by the district. The performance goals shall include, but not be limited to, the performance measures prescribed for report cards issued under section 3302.03 of the Revised Code. ~~Within~~

~~ninety~~ The plan shall include strategies for its implementation 15002
and specific actions for each school's role in the plan. 15003

Within one hundred fifty days after the chief executive 15004
officer is appointed, the chief executive officer shall submit the 15005
plan to the ~~academic distress commission~~ district board of 15006
education for approval. Within thirty days after the submission of 15007
the plan, the ~~commission~~ board shall approve the plan or suggest 15008
modifications to the plan that will render it acceptable. If the 15009
~~commission~~ board suggests modifications, the chief executive 15010
officer may revise the plan before resubmitting it ~~to the~~ 15011
~~commission~~. The chief executive officer shall resubmit the plan, 15012
whether revised or not, within fifteen days after the ~~commission~~ 15013
board suggests modifications. The ~~commission~~ board shall approve 15014
the plan within thirty days after the plan is resubmitted. Upon 15015
approval of the plan by the ~~commission~~ board, the chief executive 15016
officer shall implement the plan. 15017

~~(F)~~(E) Notwithstanding any provision to the contrary in 15018
Chapter 4117. of the Revised Code, if the district board has 15019
entered into, modified, renewed, or extended a collective 15020
bargaining agreement on or after ~~the effective date of this~~ 15021
~~section~~ October 15, 2015, that contains provisions relinquishing 15022
one or more of the rights or responsibilities listed in division 15023
(C) of section 4117.08 of the Revised Code, those provisions are 15024
not enforceable and the chief executive officer and the district 15025
board shall resume holding those rights or responsibilities as if 15026
the district board had not relinquished them in that agreement 15027
until such time as both the academic distress commission ceases to 15028
exist and the district board agrees to relinquish those rights or 15029
responsibilities in a new collective bargaining agreement. For 15030
purposes of this section, "collective bargaining agreement" shall 15031
include any labor contract or agreement in effect with any 15032
applicable bargaining representative. The chief executive officer 15033

and the district board are not required to bargain on subjects 15034
reserved to the management and direction of the school district, 15035
including, but not limited to, the rights or responsibilities 15036
listed in division (C) of section 4117.08 of the Revised Code. The 15037
way in which these subjects and these rights or responsibilities 15038
may affect the wages, hours, terms and conditions of employment, 15039
or the continuation, modification, or deletion of an existing 15040
provision of a collective bargaining agreement is not subject to 15041
collective bargaining or effects bargaining under Chapter 4117. of 15042
the Revised Code. The provisions of this paragraph apply to a 15043
collective bargaining agreement entered into, modified, renewed, 15044
or extended on or after ~~the effective date of this section~~ October 15045
15, 2015, and those provisions are deemed to be part of that 15046
agreement regardless of whether the district satisfied the 15047
conditions prescribed in division (A) of this section at the time 15048
the district entered into that agreement. If the district board 15049
relinquished one or more of the rights or responsibilities listed 15050
in division (C) of section 4117.08 of the Revised Code in a 15051
collective bargaining agreement entered into prior to ~~the~~ 15052
~~effective date of this section~~ October 15, 2015, and had resumed 15053
holding those rights or responsibilities pursuant to division (K) 15054
of former section 3302.10 of the Revised Code, as it existed prior 15055
to that date, the district board shall continue to hold those 15056
rights or responsibilities until such time as both the new 15057
academic distress commission appointed under this section ceases 15058
to exist upon ~~completion of the transition period specified in~~ 15059
~~division (N)(1) of this section~~ the determination of the state 15060
superintendent under division (F) of section 3302.11 of the 15061
Revised Code and the district board agrees to relinquish those 15062
rights or responsibilities in a new collective bargaining 15063
agreement. 15064

~~(G)~~(F) In each school year that the district is subject to 15065
this section, the following shall apply: 15066

(1) The chief executive officer shall implement the improvement plan approved under division ~~(E)~~(D)(2) of this section and shall review the plan annually to determine if changes are needed. The chief executive officer may modify the plan upon the approval of the modifications by the academic distress commission.

~~(2) The chief executive officer may implement innovative education programs to do any of the following:~~

~~(a) Address the physical and mental well being of students and their families;~~

~~(b) Provide mentoring;~~

~~(c) Provide job resources;~~

~~(d) Disseminate higher education information;~~

~~(e) Offer recreational or cultural activities;~~

~~(f) Provide any other services that will contribute to a successful learning environment.~~

~~The chief executive officer shall establish a separate fund to support innovative education programs and shall deposit any moneys appropriated by the general assembly for the purposes of division (C)(2) of this section in the fund. The chief executive officer shall have sole authority to disburse moneys from the fund until the district is no longer subject to this section. All disbursements shall support the improvement plan approved under division (E)(2) of this section.~~

~~(3) If the district is not a school district in which the pilot project scholarship program is operating under sections 3313.974 to 3313.979 of the Revised Code, each student who is entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code and is enrolled in a school operated by the district or in a community school, or will be both enrolling in any of grades kindergarten through twelve in this~~

state for the first time and at least five years of age by the 15097
first day of January of the following school year, shall be 15098
eligible to participate in the educational choice scholarship 15099
pilot program established under sections 3310.01 to 3310.17 of the 15100
Revised Code and an application for the student may be submitted 15101
during the next application period. 15102

~~(4)~~(3) Notwithstanding anything to the contrary in the 15103
Revised Code, the chief executive officer may limit, suspend, or 15104
alter any contract with an administrator that is entered into, 15105
modified, renewed, or extended by the district board on or after 15106
the effective date of this section, provided that the chief 15107
executive officer shall not reduce any salary or base hourly rate 15108
of pay unless such salary or base hourly rate reductions are part 15109
of a uniform plan affecting all district employees and shall not 15110
reduce any insurance benefits unless such insurance benefit 15111
reductions are also applicable generally to other employees of the 15112
district. 15113

~~(5)~~(4) The chief executive officer shall represent the 15114
district board during any negotiations to modify, renew, or extend 15115
a collective bargaining agreement entered into by the board under 15116
Chapter 4117. of the Revised Code. 15117

~~(H)~~(G) If the report card for the district has been issued 15118
under section 3302.03 of the Revised Code for the first school 15119
year that the district is subject to this section and the district 15120
does not meet the qualification in division ~~(N)~~(1)~~(L)~~ of this 15121
section, ~~the following shall apply:~~ 15122

~~(1) The chief executive officer may reconstitute any school 15123
operated by the district. The chief executive officer shall 15124
present to the academic distress commission a plan that lists each 15125
school designated for reconstitution and explains how the chief 15126
executive officer plans to reconstitute the school. The chief 15127
executive officer may take any of the following actions to 15128~~

reconstitute a school;	15129
(a) Change the mission of the school or the focus of its curriculum;	15130
(b) Replace the school's principal and/or administrative staff;	15132
(c) Replace a majority of the school's staff, including teaching and nonteaching employees;	15134
(d) Contract with a nonprofit or for profit entity to manage the operations of the school. The contract may provide for the entity to supply all or some of the staff for the school.	15136
(e) Reopen the school as a community school under Chapter 3314. of the Revised Code or a science, technology, engineering, and mathematics school under Chapter 3326. of the Revised Code;	15139
(f) Permanently close the school.	15142
If the chief executive officer plans to reconstitute a school under division (H)(1)(c) or (f) of this section, the commission shall review the plan for that school and either approve or reject it by the thirtieth day of June of the school year. Upon approval of the plan by the commission, the chief executive officer shall reconstitute the school as outlined in the plan.	15143
(2) Notwithstanding <u>and notwithstanding</u> any provision to the contrary in Chapter 4117. of the Revised Code, the chief executive officer, in consultation with the chairperson of the academic distress commission, may reopen any collective bargaining agreement entered into, modified, renewed, or extended on or after <u>the effective date of this section October 15, 2015,</u> for the purpose of renegotiating its terms. The chief executive officer shall have the sole discretion to designate any provisions of a collective bargaining agreement as subject to reopening by providing written notice to the bargaining representative. Any	15144
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provisions designated for reopening by the chief executive officer 15159
shall be subject to collective bargaining as set forth in Chapter 15160
4117. of the Revised Code. Any changes to the provisions subject 15161
to reopening shall take effect on the following first day of July 15162
or another date agreed to by the parties. ~~The chief executive~~ 15163
~~officer may reopen a collective bargaining agreement under~~ 15164
~~division (H)(2) of this section as necessary to reconstitute a~~ 15165
~~school under division (H)(1) of this section.~~ 15166

~~(I)(H)~~ If the report card for the district has been issued 15167
under section 3302.03 of the Revised Code for the second school 15168
year that the district is subject to this section and the district 15169
does not meet the qualification in division ~~(N)(1)~~(L) of this 15170
section, the following shall apply: 15171

(1) The chief executive officer may exercise any of the 15172
powers authorized under division ~~(H)~~(G) of this section. 15173

(2) Notwithstanding any provision to the contrary in Chapter 15174
4117. of the Revised Code, the chief executive officer may limit, 15175
suspend, or alter any provision of a collective bargaining 15176
agreement entered into, modified, renewed, or extended on or after 15177
~~the effective date of this section~~ October 15, 2015, provided that 15178
the chief executive officer shall not reduce any base hourly rate 15179
of pay and shall not reduce any insurance benefits. The decision 15180
to limit, suspend, or alter any provision of a collective 15181
bargaining agreement under this division is not subject to 15182
bargaining under Chapter 4117. of the Revised Code; however, the 15183
chief executive officer shall have the discretion to engage in 15184
effects bargaining on the way any such decision may affect wages, 15185
hours, or terms and conditions of employment. ~~The chief executive~~ 15186
~~officer may limit, suspend, or alter a provision of a collective~~ 15187
~~bargaining agreement under division (I)(2) of this section as~~ 15188
~~necessary to reconstitute a school under division (H)(1) of this~~ 15189
~~section.~~ 15190

~~(J)~~(I) If the report card for the district has been issued 15191
under section 3302.03 of the Revised Code for the third school 15192
year that the district is subject to this section and the district 15193
does not meet the qualification in division ~~(N)(1)~~(L) of this 15194
section, the following shall apply: 15195

(1) The chief executive officer may exercise any of the 15196
powers authorized under division ~~(H)~~(G) or ~~(I)~~(H) of this section. 15197

(2) The chief executive officer may continue in effect a 15198
limitation, suspension, or alteration of a provision of a 15199
collective bargaining agreement issued under division ~~(I)~~(H)(2) of 15200
this section. Any such continuation shall be subject to the 15201
requirements and restrictions of that division. 15202

~~(K)~~(J) If the report card for the district has been issued 15203
under section 3302.03 of the Revised Code for the fourth school 15204
year or any subsequent school year that the district is subject to 15205
this section and the district does not meet the qualification in 15206
division ~~(N)(1)~~(L) of this section, ~~the following shall apply:~~ 15207

~~(1) The chief executive officer may exercise any of the 15208
powers authorized under division (H), (I), or (J) of this section.~~ 15209

~~(2) A new board of education shall be appointed for the 15210
district in accordance with section 3302.11 of the Revised Code.
However, the chief executive officer shall retain complete 15212
operational, managerial, and instructional control of the district 15213
until the chief executive officer relinquishes that control to the 15214
district board under division (N)(1) of this section.~~ 15215

~~(L) If the report card for the district has been issued under 15216
section 3302.03 of the Revised Code for the fifth school year, or 15217
any subsequent school year, that the district is subject to this 15218
section and the district does not meet the qualification in 15219
division (N)(1) of this section, the chief executive officer may 15220
exercise any of the powers authorized under division (G), (H), 15221~~

(I), or (J), ~~or (K)(1)~~ of this section. 15222

~~(M)(K)~~ If division (H), (I), or (J), ~~(K), or (L)~~ of this 15223
section applies to a district, community schools, STEM schools, 15224
chartered nonpublic schools, and other school districts that 15225
enroll students residing in the district and meet academic 15226
accountability standards shall be eligible to be paid an academic 15227
performance bonus in each fiscal year for which the general 15228
assembly appropriates funds for that purpose. The academic 15229
performance bonus is intended to give students residing in the 15230
district access to a high-quality education by encouraging 15231
high-quality schools to enroll those students. 15232

~~(N)(1)~~ When a district subject to this section receives an 15233
overall grade of "C" or higher under division ~~(C)(3)~~ of section 15234
3302.03 of the Revised Code, the district shall begin its 15235
transition out of being subject to this section. Except as 15236
provided in division (N)(2) of this section, the transition period 15237
shall last until the district has received an overall grade higher 15238
than "F" under division ~~(C)(3)~~ of section 3302.03 of the Revised 15239
Code for two consecutive school years after the transition period 15240
begins. The overall grade of "C" or higher that qualifies the 15241
district to begin the transition period shall not count as one of 15242
the two consecutive school years. During the transition period, 15243
the conditions described in divisions (F) to (L) of this section 15244
for the school year prior to the school year in which the 15245
transition period begins shall continue to apply and the chief 15246
executive officer shall work closely with the district board and 15247
district superintendent to increase their ability to resume 15248
control of the district and sustain the district's academic 15249
improvement over time. Upon completion of the transition period, 15250
the chief executive officer shall relinquish all operational, 15251
managerial, and instructional control of the district to the 15252
district board and district superintendent and the academic 15253

~~distress commission shall cease to exist.~~ 15254

~~(2) If the district receives an overall grade of "F" under
division (C)(3) of section 3302.03 of the Revised Code at any time
during the transition period, the transition period shall end and
the district shall be fully subject to this section again. The
district shall resume being fully subject to this section at the
point it began its transition out of being subject to this section
and the division in divisions (H) to (L) of this section that
would have applied to the district had the district not qualified
to begin its transition under division (N)(1) of this section
shall apply to the district.~~ 15255
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~~(O)(L) The academic distress commission shall cease to exist
upon the determination of the state superintendent under section
3302.11 of the Revised Code.~~ 15265
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~~(M) If at any time there are no longer any schools operated
by the district due to reconstitution or other closure of the
district's schools under this section, the academic distress
commission shall cease to exist and the chief executive officer
shall cease to exercise any powers with respect to the district.~~ 15268
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~~(P)(N) Beginning on the effective date of this section
October 15, 2015, each collective bargaining agreement entered
into by a school district board of education under Chapter 4117.
of the Revised Code shall incorporate the provisions of this
section.~~ 15273
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~~(Q)(O) The chief executive officer, the members of the
academic distress commission, the state superintendent, and any
person authorized to act on behalf of or assist them shall not be
personally liable or subject to any suit, judgment, or claim for
damages resulting from the exercise of or failure to exercise the
powers, duties, and functions granted to them in regard to their
functioning under this section, but the chief executive officer,~~ 15278
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commission, state superintendent, and such other persons shall be 15285
subject to mandamus proceedings to compel performance of their 15286
duties under this section. 15287

~~(R)~~(P) The state superintendent shall not exempt any district 15288
from this section by approving an application for an innovative 15289
education pilot program submitted by the district under section 15290
3302.07 of the Revised Code. 15291

(O) An academic distress commission may suspend or override 15292
any decision of the district board or district administration that 15293
the commission determines is inconsistent with the district's 15294
improvement plan created under this section. 15295

(R) An academic distress commission established under this 15296
section is a body both corporate and politic, constituting an 15297
agency and instrumentality of the state and performing essential 15298
governmental functions of the state. It shall be subject to 15299
sections 121.22, 149.43, 2921.42, and 2921.43 and Chapter 102. of 15300
the Revised Code. 15301

Sec. 3302.11. (A) The superintendent of public instruction 15302
shall designate a school district that receives an overall grade 15303
of "F" under division (C)(3) of section 3302.03 of the Revised 15304
Code as in "substantial and intensive support" status. The 15305
department of education shall conduct an academic performance 15306
review and a resource utilization analysis of such a district not 15307
later than six months after the district is so designated. The 15308
department may conduct additional academic performance reviews and 15309
resource utilization analyses as the state superintendent 15310
determines necessary. The academic performance review shall 15311
include state and school district data and improvement plans. 15312

(B) Upon being designated as in substantial and intensive 15313
support status, a district shall negotiate an expectation and 15314
support agreement with the department, and shall continue to do so 15315

annually thereafter until the district meets the criteria 15316
prescribed in division (I) of this section. The agreement shall 15317
specify actions that each party shall take and areas of support to 15318
be provided for the school district by each party. 15319

(C) In addition to any other options required under this 15320
section, the state superintendent shall establish and appoint 15321
members to the following advisory groups for each district 15322
designated to be in substantial and intensive support status or 15323
subject to an improvement intervention under this section: 15324

(1) A quality education advisory group to support the work of 15325
the district's administrators. The advisory group shall be made up 15326
of current and former school district superintendents, as 15327
recommended by the buckeye association of school administrators. 15328

(2) A board support advisory group to support the work of the 15329
district's board of education. The advisory group shall be made up 15330
of current and former members of boards of education, as 15331
recommended by the Ohio school boards association. 15332

(3) A resource utilization advisory group to support the work 15333
of the district's treasurer or business officials. The advisory 15334
group shall be made up of current and former district treasurers 15335
and business officials, as recommended by the Ohio association of 15336
school business officials. 15337

(4) A community support coordinating group to organize and 15338
coordinate community support and provide community perspective on 15339
the district's improvement plan. 15340

(D) The state superintendent shall establish a school 15341
district improvement intervention for any school district that 15342
meets one of the following conditions: 15343

(1) The district has been designated as in substantial and 15344
intensive support status for not less than two consecutive years, 15345
and the state superintendent has determined that the district has 15346

not complied with its expectation and support agreement entered 15347
into under division (B) of this section or has not made sufficient 15348
progress in making academic improvement. 15349

(2) An academic distress commission established under section 15350
3302.10 of the Revised Code is in existence for the district on 15351
the effective date of this section. For a school district that is 15352
subject to an academic distress commission on the effective date 15353
of this section, the superintendent shall determine whether to 15354
continue with the academic distress commission in place for the 15355
district or to select a different intervention for the district 15356
under division (F) of this section. 15357

(E) When a school district becomes subject to an improvement 15358
intervention under division (D) of this section, the state 15359
superintendent shall review the district's expectation and support 15360
agreement entered into under division (B) of this section and 15361
academic performance review and resource utilization analysis 15362
conducted under division (A) of this section. Based on that review 15363
and any other evidence presented to the state superintendent, the 15364
state superintendent may grant the district not more than one 15365
additional year before implementing an improvement intervention. 15366

(F) The state superintendent shall choose one of the 15367
following options for a district's improvement intervention based 15368
on the district's needs and situation: 15369

(1) An assistive option, which may include the appointment of 15370
one of the following individuals: 15371

(a) A district facilitator. A district facilitator shall be 15372
an individual with sufficient expertise and experience to support 15373
improvement activities. The state superintendent shall appoint the 15374
facilitator who shall be an employee of the department of 15375
education and shall offer specific supports to district leaders. 15376

(b) A district monitor. Notwithstanding any other provision 15377

of the Revised Code, a district monitor shall have access to 15378
district information and personnel in order to monitor the 15379
alignment of district actions with the district's improvement 15380
plan. The state superintendent shall appoint the district monitor, 15381
who shall be an employee of the department, and shall submit 15382
updates on the progress of the district toward meeting its 15383
improvement goals to the district board. 15384

(c) A school-level coach. A school-level coach shall provide 15385
intensive coaching and support to staff and administrators at 15386
specific buildings in the district. The state superintendent shall 15387
appoint the coach who shall be an employee of the department. The 15388
coach may be an approved, high-quality organization that is 15389
included on the list created by the department under section 15390
3301.28 of the Revised Code. 15391

(2) An improvement supervisor. The board of education of a 15392
school district subject to an improvement intervention, with the 15393
approval of the state superintendent, shall select an improvement 15394
supervisor. The improvement supervisor shall be an employee of the 15395
department but shall submit progress reports on the improvement of 15396
the district to both the district board and state superintendent. 15397
The supervisor shall act in an advisory role and assist the 15398
district board and state superintendent to create an improvement 15399
plan using school district turnaround strategies. The supervisor 15400
may suspend any action of the district board or district 15401
administration if the supervisor determines that the action is 15402
inconsistent with the district's improvement plan or expectation 15403
and support agreement. 15404

(3) A local superintendent supervisor. The state 15405
superintendent shall appoint the district's current administrator 15406
as supervisor. The superintendent supervisor may suspend any 15407
action of the district board of education when the supervisor 15408
determines that the action is inconsistent with the district's 15409

improvement plan or expectation and support agreement. The 15410
supervisor shall serve at the pleasure of the state superintendent 15411
and, while appointed as supervisor, may not be terminated from 15412
employment or removed from office by the district board. 15413

(4) A new mayorally appointed school district board of 15414
education. The mayor of the municipality in which a majority of 15415
the territory of a school district to which this section applies 15416
is located or, if no such municipality exists, the mayor of a 15417
municipality selected by the superintendent of public instruction 15418
in which the district has territory shall appoint a new 15419
seven-member board of education which shall assume all management 15420
and control of the district. No individual shall be appointed by 15421
the mayor unless the individual resides in the school district and 15422
holds no elected public office. The mayor shall designate one 15423
member as the chairperson of the board. The chairperson shall have 15424
all the rights, authority, and duties conferred upon the president 15425
of a board of education by the Revised Code. 15426

The mayor shall prescribe the member's terms of office so 15427
that their expiration dates are staggered but no term shall be for 15428
longer than two years. 15429

(5) School directors. The state superintendent shall appoint 15430
school directors to manage one or more school buildings in the 15431
district. A school director shall be an employee of the department 15432
and shall have authority over the operational, managerial, and 15433
instructional functions of the buildings assigned as designated in 15434
a contract with the department. 15435

(6) Contracted school management. The state superintendent 15436
may place one or more buildings in the district under independent 15437
management by a nonprofit company. The state superintendent shall 15438
develop specifications for the operation of the building or 15439
buildings and issue a bidding process for management companies. 15440
The building shall remain as part of the district but be managed 15441

by the nonprofit company. 15442

(7) An academic distress commission under section 3302.10 of 15443
the Revised Code. 15444

(8) A chief executive officer. The state superintendent shall 15445
appoint a chief executive officer who shall assume the management 15446
and control of a district subject to an improvement intervention. 15447
The chief executive officer shall be an employee of the department 15448
and shall have the same authority as a chief executive officer 15449
under division (C)(1) of section 3302.10 of the Revised Code. 15450

(G) If the state superintendent implements a school district 15451
improvement intervention under division (F) of this section that 15452
replaces the authority of the school district board of education, 15453
the school district treasurer shall report to the governing entity 15454
specified under that intervention. 15455

(H) If the state superintendent determines that a school 15456
district improvement intervention selected under division (F) of 15457
this section is failing to produce meaningful improvement, as 15458
determined by the state superintendent, the state superintendent 15459
may select a different intervention. 15460

(I) A district shall not be considered under substantial and 15461
intensive support status and no longer be subject to any school 15462
district improvement intervention upon receiving an overall grade 15463
of "C" or above under division (C)(3) of section 3302.03 of the 15464
Revised Code or upon the determination of the state superintendent 15465
based on the academic performance of the district and individual 15466
school buildings operated by the district and evidence of a 15467
district's capacity for sustainable improvement. 15468

Sec. ~~3302.11~~ 3302.111. (A) This section applies to any school 15469
district that becomes subject to a mayorally appointed board of 15470
education under division ~~(K)~~(F)(4) of section 3302.10 3302.11 of 15471

~~the Revised Code, as it exists on and after the effective date of
this section.~~ 15472
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~~(B) As used in this section, "mayor" means the mayor of the
municipality in which a majority of the territory of a school
district to which this section applies is located or, if no such
municipality exist, the mayor of a municipality selected by the
superintendent of public instruction in which the district has
territory.~~ 15474
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~~(C) On the first day of January following the date on which
this section first applies to a school district, the mayor shall
appoint a new five member board of education for the district from
a slate of candidates nominated by the nominating panel
established under division (D)(1) of this section.~~ 15480
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~~(D)(1) Not later than thirty days after the date on which
this section first applies to a school district, the
superintendent of public instruction shall convene a nominating
panel to nominate candidates for appointment to the district board
of education. The panel shall consist of the following members:~~ 15485
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~~(a) Two persons appointed by the mayor, one of whom shall be
a representative of the business community or an institution of
higher education located in the district;~~ 15490
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~~(b) One principal employed by the district, who shall be
selected by a vote of the district's principals conducted by the
state superintendent;~~ 15493
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~~(c) One teacher appointed by the bargaining representative
for teachers employed by the district;~~ 15496
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~~(d) One parent of a student enrolled in the district
appointed by the parent teacher association, or a similar
organization selected by the state superintendent;~~ 15498
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~~(e) The chairperson of the academic distress commission~~ 15501

~~established for the district under section 3302.10 of the Revised Code and the chief executive officer appointed under division (C)(1) of that section, until such time as the commission ceases to exist.~~ 15502
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~~(2) The state superintendent shall be a nonvoting member of the panel and shall serve as chairperson of the panel for the first two years of the panel's existence. After that time, the panel shall select one of its members as chairperson. The panel shall meet as necessary to make nominations at the call of the chairperson. All members of the panel shall serve at the pleasure of their appointing authority. A vacancy on the panel shall be filled in the same manner as the initial appointment.~~ 15506
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~~(E) Not later than thirty days after the nominating panel is convened, the panel shall nominate a slate of at least ten candidates for possible appointment to the district board of education. All candidates shall be residents of the school district and shall hold no elected public office. At least two of the candidates shall reside outside of the municipal corporation served by the mayor, if that municipal corporation does not contain all of the district's territory.~~ 15514
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~~(F) Not later than thirty days after receiving the slate of candidates, the mayor shall select five members from the slate for appointment to the district board of education. Initial members of the board shall take office on the first day of January following their appointment and their terms shall expire on the thirtieth day of June following the referendum election required by division (G)(1) of this section.~~ 15522
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~~(G)(1) At the general election held in the first even-numbered year occurring at least three years after the date on which the academic distress commission established for the district ceases to exist pursuant to division (N)(1) of section 3302.10 of the Revised Code appointed board assumed control of the~~ 15529
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district, a referendum election shall be held to determine if the 15534
mayor shall continue to appoint the district board of education. 15535
Not later than ninety days before the general election, the board 15536
of education shall notify the board of elections of each county 15537
containing territory of the district of the referendum election. 15538
At the general election, the following question shall be submitted 15539
to the electors of the district: 15540

"Shall the mayor of . . . (here insert the name of the 15541
applicable municipal corporation) continue to appoint the members 15542
of the board of education of the . . . (here insert the name of 15543
the school district to which this section applies)?" 15544

The board of elections of the county in which the majority of 15545
the district's territory is located shall make all necessary 15546
arrangements for the submission of the question to the electors, 15547
and the election shall be conducted, canvassed, and certified in 15548
the same manner as regular elections in the district for the 15549
election of county officers, provided that in any such election in 15550
which only part of the electors of a precinct are qualified to 15551
vote, the board of elections may assign voters in such part to an 15552
adjoining precinct. Such an assignment may be made to an adjoining 15553
precinct in another county with the consent and approval of the 15554
board of elections of such other county. Notice of the election 15555
shall be published in a newspaper of general circulation in the 15556
district once a week for two consecutive weeks, or as provided in 15557
section 7.16 of the Revised Code, prior to the election. If the 15558
board of elections operates and maintains a web site, the board of 15559
elections shall post notice of the election on its web site for 15560
thirty days prior to the election. The notice shall state the 15561
question on which the election is being held. The ballot shall be 15562
in the form prescribed by the secretary of state. Costs of 15563
submitting the question to the electors shall be charged to the 15564
district in accordance with section 3501.17 of the Revised Code. 15565

(2) If a majority of the electors voting on the question 15566
proposed in division ~~(G)~~(B)(1) of this section approve the 15567
question, the mayor shall appoint a new board of education on the 15568
immediately following first day of July ~~from a slate of candidates~~ 15569
~~nominated by the nominating panel~~ in the same manner as the 15570
initial board was appointed pursuant to ~~divisions (E) and (F) of~~ 15571
~~this section. Three of the members of the new board shall be~~ 15572
~~appointed to four year terms and two of the members shall be~~ 15573
~~appointed to two year terms, each term beginning on the first day~~ 15574
~~of July. Thereafter, the mayor shall appoint members to four year~~ 15575
~~terms in the same manner prescribed in divisions (E) and (F) of~~ 15576
~~this section. Whenever the nominating panel is required to~~ 15577
~~nominate a slate of candidates, the panel shall nominate at least~~ 15578
~~twice the number of candidates as members to be appointed to the~~ 15579
~~board at that time, including two candidates who reside outside of~~ 15580
~~the municipal corporation served by the mayor, if that municipal~~ 15581
~~corporation does not contain all of the district's territory.~~ 15582
~~Nothing in this division shall preclude the nominating panel from~~ 15583
~~nominating as a candidate a person who was a member of the board~~ 15584
~~prior to the referendum election or shall preclude the mayor from~~ 15585
~~appointing such a person to the new board division (F)(4) of~~ 15586
~~section 3302.11 of the Revised Code.~~ 15587

(3) If a majority of the electors voting on the question 15588
proposed in division ~~(G)~~(B)(1) of this section disapprove the 15589
question, a new board of education shall be elected at the next 15590
regular election occurring in November of an odd-numbered year. 15591
The board shall have the same number of members as the board in 15592
place prior to the board appointed under this section. At such 15593
election, one-half of the total number of members rounded up to 15594
the next whole number shall be elected for terms of four years and 15595
the remaining members shall be elected for terms of two years. 15596
Thereafter, their successors shall be elected in the same manner 15597
and for the same terms as provided in the Revised Code for members 15598

of boards of education. All members of the board of education 15599
appointed under this section shall continue to serve after the end 15600
of the terms to which they were appointed until their successors 15601
are qualified and assume office in accordance with section 3313.09 15602
of the Revised Code. 15603

~~(H) All of the following shall apply to a board of education 15604
appointed under division (F) or (G)(2) of this section: 15605~~

~~(1) At any given time, at least two of the board members 15606
shall have significant expertise in education, finance, or 15607
business management and at least one member shall reside outside 15608
of the municipal corporation served by the mayor, if that 15609
municipal corporation does not contain all of the district's 15610
territory. 15611~~

~~(2) The members of the board shall designate one of its 15612
members as the chairperson of the board. The chairperson shall 15613
have all the rights, authority, and duties conferred upon the 15614
president of a board of education by the Revised Code. 15615~~

~~(3) The mayor may remove any member of the board with the 15616
advice and consent of the nominating panel. 15617~~

Sec. 3302.12. (A)(1) Except as provided in divisions (C) and 15618
(D) of this section, this section applies to a school building 15619
that is ranked according to performance index score under section 15620
3302.21 of the Revised Code in the lowest five per cent of public 15621
school buildings statewide for three consecutive years and that 15622
meets any combination of the following for three consecutive 15623
years: 15624

(a) The school building is declared to be under an academic 15625
watch or in a state of academic emergency under section 3302.03 of 15626
the Revised Code; 15627

(b) The school building that has received a grade of "F" for 15628

the value-added progress dimension under division (A)(1)(e), 15629
(B)(1)(e), or (C)(1)(e) of section 3302.03 of the Revised Code; 15630

(c) The school building that has received an overall grade of 15631
"F" under section 3302.03 of the Revised Code. 15632

(2) In the case of a building to which this section applies, 15633
the district board of education in control of that building shall 15634
do one of the following at the conclusion of the school year in 15635
which the building first becomes subject to this section: 15636

(a) Close the school and direct the district superintendent 15637
to reassign the students enrolled in the school to other school 15638
buildings that demonstrate higher academic achievement; 15639

(b) Contract with another school district or a nonprofit or 15640
for-profit entity with a demonstrated record of effectiveness to 15641
operate the school; 15642

(c) Replace the principal and all teaching staff of the 15643
school and, upon request from the new principal, exempt the school 15644
from all requested policies and regulations of the board regarding 15645
curriculum and instruction. The board also shall distribute 15646
funding to the school in an amount that is at least equal to the 15647
product of the per pupil amount of state and local revenues 15648
received by the district multiplied by the student population of 15649
the school. 15650

(d) Reopen the school as a conversion community school under 15651
Chapter 3314. of the Revised Code. 15652

(B) If an action taken by the board under division (A)(2) of 15653
this section causes the district to no longer maintain all grades 15654
kindergarten through twelve, as required by section 3311.29 of the 15655
Revised Code, the board shall enter into a contract with another 15656
school district pursuant to section 3327.04 of the Revised Code 15657
for enrollment of students in the schools of that other district 15658
to the extent necessary to comply with the requirement of section 15659

3311.29 of the Revised Code. Notwithstanding any provision of the Revised Code to the contrary, if the board enters into and maintains a contract under section 3327.04 of the Revised Code, the district shall not be considered to have failed to comply with the requirement of section 3311.29 of the Revised Code. If, however, the district board fails to or is unable to enter into or maintain such a contract, the state board of education shall take all necessary actions to dissolve the district as provided in division (A) of section 3311.29 of the Revised Code.

(C) If a particular school is required to restructure under this section and a petition with respect to that same school has been filed and verified under divisions (B) and (C) of section 3302.042 of the Revised Code, the provisions of that section and the petition filed and verified under it shall prevail over the provisions of this section and the school shall be restructured under that section. However, if division (D)(1), (2), or (3) of section 3302.042 of the Revised Code also applies to the school, the school shall be subject to restructuring under this section and not section 3302.042 of the Revised Code.

If the provisions of this section conflict in any way with the requirements of federal law, federal law shall prevail over the provisions of this section.

(D) If a school is restructured under this section, section 3302.042 ~~or~~, 3302.10, or 3302.11 of the Revised Code, or federal law, the school shall not be required to restructure again under state law for three consecutive years after the implementation of that prior restructuring.

Sec. 3302.17. (A) Any school building operated by a city, exempted village, or local school district, or a community school established under Chapter 3314. of the Revised Code is eligible to initiate the community learning center process as prescribed by

this section. 15691

(B) Beginning with the 2015-2016 school year, each district 15692
board of education or community school governing authority may 15693
initiate a community learning center process ~~for any school~~ 15694
~~building to which this section applies.~~ 15695

First, the board or governing authority shall conduct a 15696
public information hearing at each school building to which this 15697
section applies to inform the community of the community learning 15698
center process. The board or governing authority may do all of the 15699
following with regard to the public information hearing: 15700

(1) Announce the meeting not less than forty-five days in 15701
advance at the school and on the school's or district's web sites 15702
and using tools to ensure effective communication with individuals 15703
with disabilities; 15704

(2) Schedule the meeting for an evening or weekend time; 15705

(3) Provide interpretation services and written materials in 15706
all languages spoken by five per cent or more of the students 15707
enrolled in the school; 15708

(4) Provide child care services for parents attending the 15709
meeting; 15710

(5) Provide parents, students, teachers, nonteaching 15711
employees, and community members with the opportunity to speak at 15712
the meeting; 15713

(6) Comply with section 149.43 of the Revised Code. 15714

In preparing for the public information hearing, the board or 15715
governing authority shall ensure that information about the 15716
hearing is broadly distributed throughout the community. 15717

The board or governing authority may enter into an agreement 15718
with any civic engagement organizations, community organizations, 15719

or employee organizations to support the implementation of the 15720
community learning center process. 15721

The board or governing authority shall conduct a follow-up 15722
hearing at least once annually until action is further taken under 15723
the section with respect to the school building or until the 15724
conditions described in division (A) of this section no longer 15725
apply to the school building. 15726

(C) Not sooner than forty-five days after the first public 15727
information hearing, the board or governing authority shall 15728
conduct an election, by paper ballot, to initiate the process to 15729
become a community learning center. Only parents or guardians of 15730
students enrolled in the school and students enrolled in a 15731
different school operated by a joint vocational school district 15732
but are otherwise entitled to attend the school, and teachers and 15733
nonteaching employees who are assigned to the school may vote in 15734
the election. 15735

The board or governing authority shall distribute the ballots 15736
by mail and shall make copies available at the school and on the 15737
web site of the school. The board or governing authority also may 15738
distribute the ballots by directly giving ballots to teachers and 15739
nonteaching employees and sending home ballots with every student 15740
enrolled in the school building. 15741

(D) The board or governing authority shall initiate the 15742
transition of the building to a community learning center if the 15743
results of the election held under division (C) of this section 15744
are as follows: 15745

(1) At least fifty per cent of parents and guardians of 15746
students enrolled in the eligible school building and students 15747
enrolled in a different building operated by a joint vocational 15748
school district but who are entitled to attend the school cast 15749
ballots by a date set by the board or governing authority, and of 15750

those ballots at least sixty-seven per cent are in favor of 15751
initiating the process; and 15752

(2) At least fifty per cent of teachers and nonteaching 15753
employees who are assigned to the school cast ballots by a date 15754
set by the board or governing authority, and of those ballots at 15755
least sixty-seven per cent are in favor of initiating the process. 15756

(E) If a community learning center process is initiated under 15757
this section, the board or governing authority shall create a 15758
school action team under section 3302.18 of the Revised Code. 15759
Within four months upon selection, the school action team shall 15760
conduct and complete, in consultation with community partners, a 15761
performance audit of the school and review, with parental input, 15762
the needs of the school with regard to restructuring under section 15763
3302.10, 3302.11, 3302.12, or 3302.042 of the Revised Code, or 15764
federal law. 15765

The school action team shall provide quarterly updates of its 15766
work in a public hearing that complies with the same 15767
specifications prescribed in division (B) of this section. 15768

(F) Upon completion of the audit and review, the school 15769
action team shall present its findings at a public hearing that 15770
complies with the same specifications prescribed in division (B) 15771
of this section. After the school action team presents its 15772
findings at the public hearing, it shall create a community 15773
learning center improvement plan that designates appropriate 15774
interventions, which may be based on the recommendations developed 15775
by the department under division (H)(1)(b) of this section. 15776

If there is a federally mandated school improvement planning 15777
process, the team shall coordinate its work with that plan. 15778

The school action team shall approve the plan by a majority 15779
vote. 15780

(G) Upon approval of the plan by the school action team, the 15781

team shall submit the community learning center improvement plan 15782
to the same individuals described in division (C) of this section. 15783
Ballots shall be distributed and an election shall be conducted in 15784
the same manner as indicated under that division. 15785

The school action team shall submit the plan to the district 15786
board of education or community school governing authority, if the 15787
results of the election under division (G) of this section are as 15788
follows: 15789

(1) At least thirty per cent of parents and guardians of 15790
students enrolled in the eligible school building and students 15791
enrolled in a different building operated by a joint vocational 15792
school district but who are entitled to attend the school cast 15793
ballots by a date set by the board or governing authority, and of 15794
those ballots at least fifty per cent are in favor of initiating 15795
the process; and 15796

(2) At least thirty per cent of teachers and nonteaching 15797
employees who are assigned to the school cast ballots by a date 15798
set by the board or governing authority, and of those ballots at 15799
least fifty per cent are in favor of initiating the process. 15800

The board or governing authority shall evaluate the plan and 15801
determine whether to adopt it. The board or governing authority 15802
shall adopt the plan in full or adopt portions of the plan. If the 15803
board or governing authority does not adopt the plan in full, it 15804
shall provide a written explanation of why portions of the plan 15805
were rejected. 15806

(H)(1) The department shall do all of the following with 15807
respect to this section: 15808

(a) Adopt rules regarding the elections required under this 15809
section; 15810

(b) Develop appropriate interventions for a community 15811
learning center improvement plan that may be used by a school 15812

action team under division (F) of this section; 15813

(c) Publish a menu of programs and services that may be 15814
offered by community learning centers. The information shall be 15815
posted on the department's web site. To compile this information 15816
the department shall solicit input from resource coordinators of 15817
existing community learning centers. 15818

(d) Provide information regarding implementation of 15819
comprehensive community-based programs and supportive services 15820
including the community learning center model to school buildings 15821
meeting any of the following conditions: 15822

(i) The building is in improvement status as defined by the 15823
"No Child Left Behind Act of 2001" or under an agreement between 15824
the Ohio department of education and the United States secretary 15825
of education. 15826

(ii) The building is a secondary school that is among the 15827
lowest achieving fifteen per cent of secondary schools statewide, 15828
as determined by the department. 15829

(iii) The building is a secondary school with a graduation 15830
rate of sixty per cent or lower for three or more consecutive 15831
years. 15832

(iv) The building is a school that the department determines 15833
is persistently low-performing. 15834

(2) The department may do the following with respect to this 15835
section: 15836

(a) Provide assistance, facilitation, and training to school 15837
action teams in the conducting of the audit required under this 15838
section; 15839

(b) Provide opportunities for members of school action teams 15840
from different schools to share school improvement strategies with 15841
parents, teachers, and other relevant stakeholders in higher 15842

performing schools; 15843

(c) Provide financial support in a school action team's 15844
planning process and create a grant program to assist in the 15845
implementation of a qualified community learning center plan. 15846

(I) Notwithstanding any provision to the contrary in Chapter 15847
4117. of the Revised Code, the requirements of this section 15848
prevail over any conflicting provisions of a collective bargaining 15849
agreement entered into on or after ~~the effective date of this~~ 15850
~~section~~ October 15, 2015. However, the board or governing 15851
authority and the teachers' labor organization may negotiate 15852
additional factors to be considered in the adoption of a community 15853
learning center plan. 15854

Sec. 3302.18. (A)(1) If a community learning center process 15855
is initiated under section 3302.17 of the Revised Code for any 15856
school building operated by a city, exempted village, or local 15857
school district or a community school established under Chapter 15858
3314. of the Revised Code, the district board of education or 15859
community school governing authority shall create a school action 15860
team for the school building. The team shall consist of twelve 15861
members, as follows: 15862

(a) Seven individuals, consisting of parents or guardians of 15863
students enrolled in the school and members of the community who 15864
are not teachers or nonteaching employees, as elected by their 15865
peers; 15866

(b) Five teachers and nonteaching employees who are assigned 15867
to the school building and are not parents or guardians of 15868
students enrolled in the school, as elected by their peers. 15869

(2) To assist a school action team initiated under section 15870
3302.17 of the Revised Code, the district board, community school 15871
governing authority, or community partner shall select an 15872

individual who is employed by the district, school, or community partner to serve as the resource coordinator for the community learning center. The school action team shall make recommendations to the board, governing authority, or community partner on potential candidates. The resource coordinator shall not be considered a member of a school action team. The resource coordinator shall assist in the development and coordination of programs and services for the community learning center.

(B) All members of a school action team shall serve as voting members. Terms of office shall be for three years, and vacancies shall be filled in the same manner as the original appointment.

Members shall serve without compensation.

(C) In addition to the responsibilities listed in section 3302.17 of the Revised Code, the school action team shall do all of the following:

(1) Monitor and assist in the implementation of the school improvement plan, if adopted;

(2) Meet with candidates for principal and other administrative positions and make recommendations to the superintendent and board of education of the district or governing authority of the community school;

(3) Advise on school budgets;

(4) Establish ongoing mechanisms that engage students, parents, and community members in the school;

(5) Continue to collect feedback and information from parents using an annual survey;

(6) Develop and approve a written parent involvement policy that outlines the role of parents and guardians in the school;

(7) Monitor school progress on data related to academic achievement; attendance, suspensions, and expulsions; graduation

rates; and reclassifications disaggregated by major racial and 15903
ethnic groups, ~~limited English proficient students~~ learners, 15904
economically disadvantaged students, and students with 15905
disabilities; 15906

(8) Receive regular updates from the principal on policy 15907
matters affecting the school and provide advice on such matters; 15908

(9) Meet regularly with parents and community members to 15909
discuss policy matters affecting the school. 15910

Sec. 3313.603. (A) As used in this section: 15911

(1) "One unit" means a minimum of one hundred twenty hours of 15912
course instruction, except that for a laboratory course, "one 15913
unit" means a minimum of one hundred fifty hours of course 15914
instruction. 15915

(2) "One-half unit" means a minimum of sixty hours of course 15916
instruction, except that for physical education courses, "one-half 15917
unit" means a minimum of one hundred twenty hours of course 15918
instruction. 15919

(B) Beginning September 15, 2001, except as required in 15920
division (C) of this section and division (C) of section 3313.614 15921
of the Revised Code, the requirements for graduation from every 15922
high school shall include twenty units earned in grades nine 15923
through twelve and shall be distributed as follows: 15924

(1) English language arts, four units; 15925

(2) Health, one-half unit; 15926

(3) Mathematics, three units; 15927

(4) Physical education, one-half unit; 15928

(5) Science, two units until September 15, 2003, and three 15929
units thereafter, which at all times shall include both of the 15930
following: 15931

(a) Biological sciences, one unit;	15932
(b) Physical sciences, one unit.	15933
(6) History and government, one unit, which shall comply with division (M) of this section and shall include both of the following:	15934 15935 15936
(a) American history, one-half unit;	15937
(b) American government, one-half unit.	15938
(7) Social studies, two units.	15939
Beginning with students who enter ninth grade for the first time on or after July 1, 2017, the two units of instruction prescribed by division (B)(7) of this section shall include at least one-half unit of instruction in the study of world history and civilizations.	15940 15941 15942 15943 15944
(8) Elective units, seven units until September 15, 2003, and six units thereafter.	15945 15946
Each student's electives shall include at least one unit, or two half units, chosen from among the areas of business/technology, fine arts, and/or foreign language.	15947 15948 15949
(C) Beginning with students who enter ninth grade for the first time on or after July 1, 2010, except as provided in divisions (D) to (F) of this section, the requirements for graduation from every public and chartered nonpublic high school shall include twenty units that are designed to prepare students for the workforce and college. The units shall be distributed as follows:	15950 15951 15952 15953 15954 15955 15956
(1) English language arts, four units;	15957
(2) Health, one-half unit, which shall include instruction in nutrition and the benefits of nutritious foods and physical activity for overall health;	15958 15959 15960

(3) Mathematics, four units, which shall include one unit of algebra II or the equivalent of algebra II, or one unit of advanced computer science as described in the standards adopted pursuant to division (A)(4) of section 3301.079 of the Revised Code. However, students who enter ninth grade for the first time on or after July 1, 2015, and who are pursuing a career-technical instructional track shall not be required to take algebra II or advanced computer science, and instead may complete a career-based pathway mathematics course approved by the department of education as an alternative.

For students who choose to take advanced computer science in lieu of algebra II under division (C)(3) of this section, the school shall communicate to those students that some institutions of higher education may require algebra II for the purpose of college admission. Also, the parent, guardian, or legal custodian of each student who chooses to take advanced computer science in lieu of algebra II shall sign and submit to the school a document containing a statement acknowledging that not taking algebra II may have an adverse effect on college admission decisions.

(4) Physical education, one-half unit;

(5) Science, three units with inquiry-based laboratory experience that engages students in asking valid scientific questions and gathering and analyzing information, which shall include the following, or their equivalent:

(a) Physical sciences, one unit;

(b) Life sciences, one unit;

(c) Advanced study in one or more of the following sciences, one unit:

(i) Chemistry, physics, or other physical science;

(ii) Advanced biology or other life science;

(iii) Astronomy, physical geology, or other earth or space science;	15991 15992
(iv) Computer science.	15993
No student shall substitute a computer science course for a life sciences or biology course under division (C)(5) of this section.	15994 15995 15996
(6) History and government, one unit, which shall comply with division (M) of this section and shall include both of the following:	15997 15998 15999
(a) American history, one-half unit;	16000
(b) American government, one-half unit.	16001
(7) Social studies, two units.	16002
Each school shall integrate the study of economics and financial literacy, as expressed in the social studies academic content standards adopted by the state board of education under division (A)(1) of section 3301.079 of the Revised Code and the academic content standards for financial literacy and entrepreneurship adopted under division (A)(2) of that section, into one or more existing social studies credits required under division (C)(7) of this section, or into the content of another class, so that every high school student receives instruction in those concepts. In developing the curriculum required by this paragraph, schools shall use available public-private partnerships and resources and materials that exist in business, industry, and through the centers for economics education at institutions of higher education in the state.	16003 16004 16005 16006 16007 16008 16009 16010 16011 16012 16013 16014 16015 16016
Beginning with students who enter ninth grade for the first time on or after July 1, 2017, the two units of instruction prescribed by division (C)(7) of this section shall include at least one-half unit of instruction in the study of world history	16017 16018 16019 16020

and civilizations. 16021

(8) Five units consisting of one or any combination of 16022
foreign language, fine arts, business, career-technical education, 16023
family and consumer sciences, technology which may include 16024
computer science, agricultural education, a junior reserve officer 16025
training corps (JROTC) program approved by the congress of the 16026
United States under title 10 of the United States Code, or English 16027
language arts, mathematics, science, or social studies courses not 16028
otherwise required under division (C) of this section. 16029

Ohioans must be prepared to apply increased knowledge and 16030
skills in the workplace and to adapt their knowledge and skills 16031
quickly to meet the rapidly changing conditions of the 16032
twenty-first century. National studies indicate that all high 16033
school graduates need the same academic foundation, regardless of 16034
the opportunities they pursue after graduation. The goal of Ohio's 16035
system of elementary and secondary education is to prepare all 16036
students for and seamlessly connect all students to success in 16037
life beyond high school graduation, regardless of whether the next 16038
step is entering the workforce, beginning an apprenticeship, 16039
engaging in post-secondary training, serving in the military, or 16040
pursuing a college degree. 16041

The requirements for graduation prescribed in division (C) of 16042
this section are the standard expectation for all students 16043
entering ninth grade for the first time at a public or chartered 16044
nonpublic high school on or after July 1, 2010. A student may 16045
satisfy this expectation through a variety of methods, including, 16046
but not limited to, integrated, applied, career-technical, and 16047
traditional coursework. 16048

Stronger coordination between high schools and institutions 16049
of higher education is necessary to prepare students for more 16050
challenging academic endeavors and to lessen the need for academic 16051
remediation in college, thereby reducing the costs of higher 16052

education for Ohio's students, families, and the state. The state board and the chancellor of higher education shall develop policies to ensure that only in rare instances will students who complete the requirements for graduation prescribed in division (C) of this section require academic remediation after high school.

School districts, community schools, and chartered nonpublic schools shall integrate technology into learning experiences across the curriculum in order to maximize efficiency, enhance learning, and prepare students for success in the technology-driven twenty-first century. Districts and schools shall use distance and web-based course delivery as a method of providing or augmenting all instruction required under this division, including laboratory experience in science. Districts and schools shall utilize technology access and electronic learning opportunities provided by the broadcast educational media commission, chancellor, the Ohio learning network, education technology centers, public television stations, and other public and private providers.

(D) Except as provided in division (E) of this section, a student who enters ninth grade on or after July 1, 2010, and before July 1, 2016, may qualify for graduation from a public or chartered nonpublic high school even though the student has not completed the requirements for graduation prescribed in division (C) of this section if all of the following conditions are satisfied:

(1) During the student's third year of attending high school, as determined by the school, the student and the student's parent, guardian, or custodian sign and file with the school a written statement asserting the parent's, guardian's, or custodian's consent to the student's graduating without completing the requirements for graduation prescribed in division (C) of this

section and acknowledging that one consequence of not completing 16085
those requirements is ineligibility to enroll in most state 16086
universities in Ohio without further coursework. 16087

(2) The student and parent, guardian, or custodian fulfill 16088
any procedural requirements the school stipulates to ensure the 16089
student's and parent's, guardian's, or custodian's informed 16090
consent and to facilitate orderly filing of statements under 16091
division (D)(1) of this section. Annually, each district or school 16092
shall notify the department of the number of students who choose 16093
to qualify for graduation under division (D) of this section and 16094
the number of students who complete the student's success plan and 16095
graduate from high school. 16096

(3) The student and the student's parent, guardian, or 16097
custodian and a representative of the student's high school 16098
jointly develop a student success plan for the student in the 16099
manner described in division (C)(1) of section 3313.6020 of the 16100
Revised Code that specifies the student matriculating to a 16101
two-year degree program, acquiring a business and 16102
industry-recognized credential, or entering an apprenticeship. 16103

(4) The student's high school provides counseling and support 16104
for the student related to the plan developed under division 16105
(D)(3) of this section during the remainder of the student's high 16106
school experience. 16107

(5)(a) Except as provided in division (D)(5)(b) of this 16108
section, the student successfully completes, at a minimum, the 16109
curriculum prescribed in division (B) of this section. 16110

(b) Beginning with students who enter ninth grade for the 16111
first time on or after July 1, 2014, a student shall be required 16112
to complete successfully, at the minimum, the curriculum 16113
prescribed in division (B) of this section, except as follows: 16114

(i) Mathematics, four units, one unit which shall be one of 16115

the following: 16116

(I) Probability and statistics; 16117

(II) Computer science; 16118

(III) Applied mathematics or quantitative reasoning; 16119

(IV) Any other course approved by the department using 16120
standards established by the superintendent not later than October 1, 2014. 16121
1, 2014. 16122

(ii) Elective units, five units; 16123

(iii) Science, three units as prescribed by division (B) of 16124
this section which shall include inquiry-based laboratory 16125
experience that engages students in asking valid scientific 16126
questions and gathering and analyzing information. 16127

The department, in collaboration with the chancellor, shall 16128
analyze student performance data to determine if there are 16129
mitigating factors that warrant extending the exception permitted 16130
by division (D) of this section to high school classes beyond 16131
those entering ninth grade before July 1, 2016. The department 16132
shall submit its findings and any recommendations not later than 16133
December 1, 2015, to the speaker and minority leader of the house 16134
of representatives, the president and minority leader of the 16135
senate, the chairpersons and ranking minority members of the 16136
standing committees of the house of representatives and the senate 16137
that consider education legislation, the state board of education, 16138
and the superintendent of public instruction. 16139

(E) Each school district and chartered nonpublic school 16140
retains the authority to require an even more challenging minimum 16141
curriculum for high school graduation than specified in division 16142
(B) or (C) of this section. A school district board of education, 16143
through the adoption of a resolution, or the governing authority 16144
of a chartered nonpublic school may stipulate any of the 16145

following: 16146

(1) A minimum high school curriculum that requires more than 16147
twenty units of academic credit to graduate; 16148

(2) An exception to the district's or school's minimum high 16149
school curriculum that is comparable to the exception provided in 16150
division (D) of this section but with additional requirements, 16151
which may include a requirement that the student successfully 16152
complete more than the minimum curriculum prescribed in division 16153
(B) of this section; 16154

(3) That no exception comparable to that provided in division 16155
(D) of this section is available. 16156

If a school district or chartered nonpublic school requires a 16157
foreign language as an additional graduation requirement under 16158
division (E) of this section, a student may apply one unit of 16159
instruction in computer coding to satisfy one unit of foreign 16160
language. If a student applies more than one computer coding 16161
course to satisfy the foreign language requirement, the courses 16162
shall be sequential and progressively more difficult. 16163

(F) A student enrolled in a dropout prevention and recovery 16164
program, which program has received a waiver from the department, 16165
may qualify for graduation from high school by successfully 16166
completing a competency-based instructional program administered 16167
by the dropout prevention and recovery program in lieu of 16168
completing the requirements for graduation prescribed in division 16169
(C) of this section. The department shall grant a waiver to a 16170
dropout prevention and recovery program, within sixty days after 16171
the program applies for the waiver, if the program meets all of 16172
the following conditions: 16173

(1) The program serves only students not younger than sixteen 16174
years of age and not older than twenty-one years of age. 16175

(2) The program enrolls students who, at the time of their 16176

initial enrollment, either, or both, are at least one grade level 16177
behind their cohort age groups or experience crises that 16178
significantly interfere with their academic progress such that 16179
they are prevented from continuing their traditional programs. 16180

(3) The program requires students to attain at least the 16181
applicable score designated for each of the assessments prescribed 16182
under division (B)(1) of section 3301.0710 of the Revised Code or, 16183
to the extent prescribed by rule of the state board under division 16184
(D)(5) of section 3301.0712 of the Revised Code, division (B)(2) 16185
of that section. 16186

(4) The program develops a student success plan for the 16187
student in the manner described in division (C)(1) of section 16188
3313.6020 of the Revised Code that specifies the student's 16189
matriculating to a two-year degree program, acquiring a business 16190
and industry-recognized credential, or entering an apprenticeship. 16191

(5) The program provides counseling and support for the 16192
student related to the plan developed under division (F)(4) of 16193
this section during the remainder of the student's high school 16194
experience. 16195

(6) The program requires the student and the student's 16196
parent, guardian, or custodian to sign and file, in accordance 16197
with procedural requirements stipulated by the program, a written 16198
statement asserting the parent's, guardian's, or custodian's 16199
consent to the student's graduating without completing the 16200
requirements for graduation prescribed in division (C) of this 16201
section and acknowledging that one consequence of not completing 16202
those requirements is ineligibility to enroll in most state 16203
universities in Ohio without further coursework. 16204

(7) Prior to receiving the waiver, the program has submitted 16205
to the department an instructional plan that demonstrates how the 16206
academic content standards adopted by the state board under 16207

section 3301.079 of the Revised Code will be taught and assessed. 16208

(8) Prior to receiving the waiver, the program has submitted 16209
to the department a policy on career advising that satisfies the 16210
requirements of section 3313.6020 of the Revised Code, with an 16211
emphasis on how every student will receive career advising. 16212

(9) Prior to receiving the waiver, the program has submitted 16213
to the department a written agreement outlining the future 16214
cooperation between the program and any combination of local job 16215
training, postsecondary education, nonprofit, and health and 16216
social service organizations to provide services for students in 16217
the program and their families. 16218

Divisions (F)(8) and (9) of this section apply only to 16219
waivers granted on or after July 1, 2015. 16220

If the department does not act either to grant the waiver or 16221
to reject the program application for the waiver within sixty days 16222
as required under this section, the waiver shall be considered to 16223
be granted. 16224

(G) Every high school may permit students below the ninth 16225
grade to take advanced work. If a high school so permits, it shall 16226
award high school credit for successful completion of the advanced 16227
work and shall count such advanced work toward the graduation 16228
requirements of division (B) or (C) of this section if the 16229
advanced work was both: 16230

(1) Taught by a person who possesses a license or certificate 16231
issued under section 3301.071, 3319.22, or 3319.222 of the Revised 16232
Code that is valid for teaching high school; 16233

(2) Designated by the board of education of the city, local, 16234
or exempted village school district, the board of the cooperative 16235
education school district, or the governing authority of the 16236
chartered nonpublic school as meeting the high school curriculum 16237
requirements. 16238

Each high school shall record on the student's high school transcript all high school credit awarded under division (G) of this section. In addition, if the student completed a seventh- or eighth-grade fine arts course described in division (K) of this section and the course qualified for high school credit under that division, the high school shall record that course on the student's high school transcript.

(H) The department shall make its individual academic career plan available through its Ohio career information system web site for districts and schools to use as a tool for communicating with and providing guidance to students and families in selecting high school courses.

(I) A school district or chartered nonpublic school may integrate academic content in a subject area for which the state board has adopted standards under section 3301.079 of the Revised Code into a course in a different subject area, including a career-technical education course, in accordance with guidance for integrated coursework developed by the department. Upon successful completion of an integrated course, a student may receive credit for both subject areas that were integrated into the course. Units earned for subject area content delivered through integrated academic and career-technical instruction are eligible to meet the graduation requirements of division (B) or (C) of this section.

For purposes of meeting graduation requirements, if an end-of-course examination has been prescribed under section 3301.0712 of the Revised Code for the subject area delivered through integrated instruction, the school district or school may administer the related subject area examinations upon the student's completion of the integrated course.

Nothing in division (I) of this section shall be construed to excuse any school district, chartered nonpublic school, or student from any requirement in the Revised Code related to curriculum,

assessments, or the awarding of a high school diploma. 16271

(J)(1) The state board, in consultation with the chancellor, 16272
shall adopt a statewide plan implementing methods for students to 16273
earn units of high school credit based on a demonstration of 16274
subject area competency, instead of or in combination with 16275
completing hours of classroom instruction. The state board shall 16276
adopt the plan not later than March 31, 2009, and commence phasing 16277
in the plan during the 2009-2010 school year. The plan shall 16278
include a standard method for recording demonstrated proficiency 16279
on high school transcripts. Each school district and community 16280
school shall comply with the state board's plan adopted under this 16281
division and award units of high school credit in accordance with 16282
the plan. The state board may adopt existing methods for earning 16283
high school credit based on a demonstration of subject area 16284
competency as necessary prior to the 2009-2010 school year. 16285

(2) Not later than December 31, 2015, the state board shall 16286
update the statewide plan adopted pursuant to division (J)(1) of 16287
this section to also include methods for students enrolled in 16288
seventh and eighth grade to meet curriculum requirements based on 16289
a demonstration of subject area competency, instead of or in 16290
combination with completing hours of classroom instruction. 16291
Beginning with the 2017-2018 school year, each school district and 16292
community school also shall comply with the updated plan adopted 16293
pursuant to this division and permit students enrolled in seventh 16294
and eighth grade to meet curriculum requirements based on subject 16295
area competency in accordance with the plan. 16296

(3) Not later than December 31, 2017, the department shall 16297
develop a framework for school districts and community schools to 16298
use in granting units of high school credit to students who 16299
demonstrate subject area competency through work-based learning 16300
experiences, internships, or cooperative education. Beginning with 16301
the 2018-2019 school year, each district and community school 16302

shall comply with the framework. Each district and community 16303
school also shall review any policy it has adopted regarding the 16304
demonstration of subject area competency to identify ways to 16305
incorporate work-based learning experiences, internships, and 16306
cooperative education into the policy in order to increase student 16307
engagement and opportunities to earn units of high school credit. 16308

(K) This division does not apply to students who qualify for 16309
graduation from high school under division (D) or (F) of this 16310
section, or to students pursuing a career-technical instructional 16311
track as determined by the school district board of education or 16312
the chartered nonpublic school's governing authority. 16313
Nevertheless, the general assembly encourages such students to 16314
consider enrolling in a fine arts course as an elective. 16315

Beginning with students who enter ninth grade for the first 16316
time on or after July 1, 2010, each student enrolled in a public 16317
or chartered nonpublic high school shall complete two semesters or 16318
the equivalent of fine arts to graduate from high school. The 16319
coursework may be completed in any of grades seven to twelve. Each 16320
student who completes a fine arts course in grade seven or eight 16321
may elect to count that course toward the five units of electives 16322
required for graduation under division (C)(8) of this section, if 16323
the course satisfied the requirements of division (G) of this 16324
section. In that case, the high school shall award the student 16325
high school credit for the course and count the course toward the 16326
five units required under division (C)(8) of this section. If the 16327
course in grade seven or eight did not satisfy the requirements of 16328
division (G) of this section, the high school shall not award the 16329
student high school credit for the course but shall count the 16330
course toward the two semesters or the equivalent of fine arts 16331
required by this division. 16332

(L) Notwithstanding anything to the contrary in this section, 16333
the board of education of each school district and the governing 16334

authority of each chartered nonpublic school may adopt a policy to 16335
excuse from the high school physical education requirement each 16336
student who, during high school, has participated in 16337
interscholastic athletics, marching band, or cheerleading for at 16338
least two full seasons or in the junior reserve officer training 16339
corps for at least two full school years. If the board or 16340
authority adopts such a policy, the board or authority shall not 16341
require the student to complete any physical education course as a 16342
condition to graduate. However, the student shall be required to 16343
complete one-half unit, consisting of at least sixty hours of 16344
instruction, in another course of study. In the case of a student 16345
who has participated in the junior reserve officer training corps 16346
for at least two full school years, credit received for that 16347
participation may be used to satisfy the requirement to complete 16348
one-half unit in another course of study. 16349

(M) It is important that high school students learn and 16350
understand United States history and the governments of both the 16351
United States and the state of Ohio. Therefore, beginning with 16352
students who enter ninth grade for the first time on or after July 16353
1, 2012, the study of American history and American government 16354
required by divisions (B)(6) and (C)(6) of this section shall 16355
include the study of all of the following documents: 16356

(1) The Declaration of Independence; 16357

(2) The Northwest Ordinance; 16358

(3) The Constitution of the United States with emphasis on 16359
the Bill of Rights; 16360

(4) The Ohio Constitution. 16361

The study of each of the documents prescribed in divisions 16362
(M)(1) to (4) of this section shall include study of that document 16363
in its original context. 16364

The study of American history and government required by 16365

divisions (B)(6) and (C)(6) of this section shall include the 16366
historical evidence of the role of documents such as the 16367
Federalist Papers and the Anti-Federalist Papers to firmly 16368
establish the historical background leading to the establishment 16369
of the provisions of the Constitution and Bill of Rights. 16370

(N) A student may apply one unit of instruction in computer 16371
science to satisfy one unit of mathematics or one unit of science 16372
under division (C) of this section as the student chooses, 16373
regardless of the field of certification of the teacher who 16374
teaches the course, so long as that teacher meets the licensure 16375
requirements prescribed by section 3319.236 of the Revised Code 16376
and, prior to teaching the course, completes a professional 16377
development program determined to be appropriate by the district 16378
board. 16379

If a student applies more than one computer science course to 16380
satisfy curriculum requirements under that division, the courses 16381
shall be sequential and progressively more difficult or cover 16382
different subject areas within computer science. 16383

Sec. 3313.608. (A)(1) Beginning with students who enter third 16384
grade in the school year that starts July 1, 2009, and until June 16385
30, 2013, unless the student is excused under division (C) of 16386
section 3301.0711 of the Revised Code from taking the assessment 16387
described in this section, for any student who does not attain at 16388
least the equivalent level of achievement designated under 16389
division (A)(3) of section 3301.0710 of the Revised Code on the 16390
assessment prescribed under that section to measure skill in 16391
English language arts expected at the end of third grade, each 16392
school district, in accordance with the policy adopted under 16393
section 3313.609 of the Revised Code, shall do one of the 16394
following: 16395

(a) Promote the student to fourth grade if the student's 16396

principal and reading teacher agree that other evaluations of the student's skill in reading demonstrate that the student is academically prepared to be promoted to fourth grade;

(b) Promote the student to fourth grade but provide the student with intensive intervention services in fourth grade;

(c) Retain the student in third grade.

(2) Beginning with students who enter third grade in the 2013-2014 school year, unless the student is excused under division (C) of section 3301.0711 of the Revised Code from taking the assessment described in this section, no school district shall promote to fourth grade any student who does not attain at least the equivalent level of achievement designated under division (A)(3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected at the end of third grade, unless one of the following applies:

(a) The student is a ~~limited~~ an English ~~proficient student~~ learner who has been enrolled in United States schools for less than three full school years and has had less than three years of instruction in an English as a second language program.

(b) The student is a child with a disability entitled to special education and related services under Chapter 3323. of the Revised Code and the student's individualized education program exempts the student from retention under this division.

(c) The student demonstrates an acceptable level of performance on an alternative standardized reading assessment as determined by the department of education.

(d) All of the following apply:

(i) The student is a child with a disability entitled to special education and related services under Chapter 3323. of the

Revised Code. 16427

(ii) The student has taken the third grade English language arts achievement assessment prescribed under section 3301.0710 of the Revised Code. 16428
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(iii) The student's individualized education program or plan under section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, as amended, shows that the student has received intensive remediation in reading for two school years but still demonstrates a deficiency in reading. 16431
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(iv) The student previously was retained in any of grades kindergarten to three. 16436
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(e)(i) The student received intensive remediation for reading for two school years but still demonstrates a deficiency in reading and was previously retained in any of grades kindergarten to three. 16438
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(ii) A student who is promoted under division (A)(2)(e)(i) of this section shall continue to receive intensive reading instruction in grade four. The instruction shall include an altered instructional day that includes specialized diagnostic information and specific research-based reading strategies for the student that have been successful in improving reading among low-performing readers. 16442
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(B)(1) Beginning in the 2012-2013 school year, to assist students in meeting the third grade guarantee established by this section, each school district board of education shall adopt policies and procedures with which it annually shall assess the reading skills of each student, except those students with significant cognitive disabilities or other disabilities as authorized by the department on a case-by-case basis, enrolled in kindergarten to third grade and shall identify students who are reading below their grade level. The reading skills assessment 16449
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shall be completed by the thirtieth day of September for students 16458
in grades one to three, and by the first day of November for 16459
students in kindergarten. Each district shall use the diagnostic 16460
assessment to measure reading ability for the appropriate grade 16461
level adopted under section 3301.079 of the Revised Code, or a 16462
comparable tool approved by the department of education, to 16463
identify such students. The policies and procedures shall require 16464
the students' classroom teachers to be involved in the assessment 16465
and the identification of students reading below grade level. The 16466
assessment may be administered electronically using live, two-way 16467
video and audio connections whereby the teacher administering the 16468
assessment may be in a separate location from the student. 16469

(2) For each student identified by the diagnostic assessment 16470
prescribed under this section as having reading skills below grade 16471
level, the district shall do both of the following: 16472

(a) Provide to the student's parent or guardian, in writing, 16473
all of the following: 16474

(i) Notification that the student has been identified as 16475
having a substantial deficiency in reading; 16476

(ii) A description of the current services that are provided 16477
to the student; 16478

(iii) A description of the proposed supplemental 16479
instructional services and supports that will be provided to the 16480
student that are designed to remediate the identified areas of 16481
reading deficiency; 16482

(iv) Notification that if the student attains a score in the 16483
range designated under division (A)(3) of section 3301.0710 of the 16484
Revised Code on the assessment prescribed under that section to 16485
measure skill in English language arts expected at the end of 16486
third grade, the student shall be retained unless the student is 16487
exempt under division (A) of this section. The notification shall 16488

specify that the assessment under section 3301.0710 of the Revised Code is not the sole determinant of promotion and that additional evaluations and assessments are available to the student to assist parents and the district in knowing when a student is reading at or above grade level and ready for promotion.

(b) Provide intensive reading instruction services and regular diagnostic assessments to the student immediately following identification of a reading deficiency until the development of the reading improvement and monitoring plan required by division (C) of this section. These intervention services shall include research-based reading strategies that have been shown to be successful in improving reading among low-performing readers and instruction targeted at the student's identified reading deficiencies.

(3) For each student retained under division (A) of this section, the district shall do all of the following:

(a) Provide intense remediation services until the student is able to read at grade level. The remediation services shall include intensive interventions in reading that address the areas of deficiencies identified under this section including, but not limited to, not less than ninety minutes of reading instruction per day, and may include any of the following:

(i) Small group instruction;

(ii) Reduced teacher-student ratios;

(iii) More frequent progress monitoring;

(iv) Tutoring or mentoring;

(v) Transition classes containing third and fourth grade students;

(vi) Extended school day, week, or year;

(vii) Summer reading camps.

(b) Establish a policy for the mid-year promotion of a student retained under division (A) of this section who demonstrates that the student is reading at or above grade level;

(c) Provide each student with a teacher who satisfies one or more of the criteria set forth in division (H) of this section.

The district shall offer the option for students to receive applicable services from one or more providers other than the district. Providers shall be screened and approved by the district or the department of education. If the student participates in the remediation services and demonstrates reading proficiency in accordance with standards adopted by the department prior to the start of fourth grade, the district shall promote the student to that grade.

(4) For each student retained under division (A) of this section who has demonstrated proficiency in a specific academic ability field, each district shall provide instruction commensurate with student achievement levels in that specific academic ability field.

As used in this division, "specific academic ability field" has the same meaning as in section 3324.01 of the Revised Code.

(C) For each student required to be provided intervention services under this section, the district shall develop a reading improvement and monitoring plan within sixty days after receiving the student's results on the diagnostic assessment or comparable tool administered under division (B)(1) of this section. The district shall involve the student's parent or guardian and classroom teacher in developing the plan. The plan shall include all of the following:

(1) Identification of the student's specific reading deficiencies;

(2) A description of the additional instructional services

and support that will be provided to the student to remediate the 16550
identified reading deficiencies; 16551

(3) Opportunities for the student's parent or guardian to be 16552
involved in the instructional services and support described in 16553
division (C)(2) of this section; 16554

(4) A process for monitoring the extent to which the student 16555
receives the instructional services and support described in 16556
division (C)(2) of this section; 16557

(5) A reading curriculum during regular school hours that 16558
does all of the following: 16559

(a) Assists students to read at grade level; 16560

(b) Provides scientifically based and reliable assessment; 16561

(c) Provides initial and ongoing analysis of each student's 16562
reading progress. 16563

(6) A statement that if the student does not attain at least 16564
the equivalent level of achievement designated under division 16565
(A)(3) of section 3301.0710 of the Revised Code on the assessment 16566
prescribed under that section to measure skill in English language 16567
arts expected by the end of third grade, the student may be 16568
retained in third grade. 16569

Each student with a reading improvement and monitoring plan 16570
under this division who enters third grade after July 1, 2013, 16571
shall be assigned to a teacher who satisfies one or more of the 16572
criteria set forth in division (H) of this section. 16573

The district shall report any information requested by the 16574
department about the reading improvement monitoring plans 16575
developed under this division in the manner required by the 16576
department. 16577

(D) Each school district shall report annually to the 16578
department on its implementation and compliance with this section 16579

using guidelines prescribed by the superintendent of public 16580
instruction. The superintendent of public instruction annually 16581
shall report to the governor and general assembly the number and 16582
percentage of students in grades kindergarten through four reading 16583
below grade level based on the diagnostic assessments administered 16584
under division (B) of this section and the achievement assessments 16585
administered under divisions (A)(1)(a) and (b) of section 16586
3301.0710 of the Revised Code in English language arts, aggregated 16587
by school district and building; the types of intervention 16588
services provided to students; and, if available, an evaluation of 16589
the efficacy of the intervention services provided. 16590

(E) Any summer remediation services funded in whole or in 16591
part by the state and offered by school districts to students 16592
under this section shall meet the following conditions: 16593

(1) The remediation methods are based on reliable educational 16594
research. 16595

(2) The school districts conduct assessment before and after 16596
students participate in the program to facilitate monitoring 16597
results of the remediation services. 16598

(3) The parents of participating students are involved in 16599
programming decisions. 16600

(F) Any intervention or remediation services required by this 16601
section shall include intensive, explicit, and systematic 16602
instruction. 16603

(G) This section does not create a new cause of action or a 16604
substantive legal right for any person. 16605

(H)(1) Except as provided under divisions (H)(2), (3), and 16606
(4) of this section, each student described in division (B)(3) or 16607
(C) of this section who enters third grade for the first time on 16608
or after July 1, 2013, shall be assigned a teacher who has at 16609
least one year of teaching experience and who satisfies one or 16610

more of the following criteria: 16611

(a) The teacher holds a reading endorsement on the teacher's license and has attained a passing score on the corresponding assessment for that endorsement, as applicable. 16612
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(b) The teacher has completed a master's degree program with a major in reading. 16615
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(c) The teacher was rated "most effective" for reading instruction consecutively for the most recent two years based on assessments of student growth measures developed by a vendor and that is on the list of student assessments approved by the state board under division (B)(2) of section 3319.112 of the Revised Code. 16617
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(d) The teacher was rated "above expected value added," in reading instruction, as determined by criteria established by the department, for the most recent, consecutive two years. 16623
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(e) The teacher has earned a passing score on a rigorous test of principles of scientifically research-based reading instruction as approved by the state board. 16626
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(f) The teacher holds an educator license for teaching grades pre-kindergarten through three or four through nine issued on or after July 1, 2017. 16629
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(2) Notwithstanding division (H)(1) of this section, a student described in division (B)(3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, may be assigned to a teacher with less than one year of teaching experience provided that the teacher meets one or more of the criteria described in divisions (H)(1)(a) to (f) of this section and that teacher is assigned a teacher mentor who meets the qualifications of division (H)(1) of this section. 16632
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(3) Notwithstanding division (H)(1) of this section, a 16640

student described in division (B)(3) or (C) of this section who 16641
enters third grade for the first time on or after July 1, 2013, 16642
but prior to July 1, 2016, may be assigned to a teacher who holds 16643
an alternative credential approved by the department or who has 16644
successfully completed training that is based on principles of 16645
scientifically research-based reading instruction that has been 16646
approved by the department. Beginning on July 1, 2014, the 16647
alternative credentials and training described in division (H)(3) 16648
of this section shall be aligned with the reading competencies 16649
adopted by the state board of education under section 3301.077 of 16650
the Revised Code. 16651

(4) Notwithstanding division (H)(1) of this section, a 16652
student described in division (B)(3) or (C) of this section who 16653
enters third grade for the first time on or after July 1, 2013, 16654
may receive reading intervention or remediation services under 16655
this section from an individual employed as a speech-language 16656
pathologist who holds a license issued by the state speech and 16657
hearing professionals board under Chapter 4753. of the Revised 16658
Code and a professional pupil services license as a school 16659
speech-language pathologist issued by the state board of 16660
education. 16661

(5) A teacher, other than a student's teacher of record, may 16662
provide any services required under this section, so long as that 16663
other teacher meets the requirements of division (H) of this 16664
section and the teacher of record and the school principal agree 16665
to the assignment. Any such assignment shall be documented in the 16666
student's reading improvement and monitoring plan. 16667

As used in this division, "teacher of record" means the 16668
classroom teacher to whom a student is assigned. 16669

(I) Notwithstanding division (H) of this section, a teacher 16670
may teach reading to any student who is an English language 16671
learner, and has been in the United States for three years or 16672

less, or to a student who has an individualized education program 16673
developed under Chapter 3323. of the Revised Code if that teacher 16674
holds an alternative credential approved by the department or has 16675
successfully completed training that is based on principles of 16676
scientifically research-based reading instruction that has been 16677
approved by the department. Beginning on July 1, 2014, the 16678
alternative credentials and training described in this division 16679
shall be aligned with the reading competencies adopted by the 16680
state board of education under section 3301.077 of the Revised 16681
Code. 16682

(J) If, on or after June 4, 2013, a school district or 16683
community school cannot furnish the number of teachers needed who 16684
satisfy one or more of the criteria set forth in division (H) of 16685
this section for the 2013-2014 school year, the school district or 16686
community school shall develop and submit a staffing plan by June 16687
30, 2013. The staffing plan shall include criteria that will be 16688
used to assign a student described in division (B)(3) or (C) of 16689
this section to a teacher, credentials or training held by 16690
teachers currently teaching at the school, and how the school 16691
district or community school will meet the requirements of this 16692
section. The school district or community school shall post the 16693
staffing plan on its web site for the applicable school year. 16694

Not later than March 1, 2014, and on the first day of March 16695
in each year thereafter, a school district or community school 16696
that has submitted a plan under this division shall submit to the 16697
department a detailed report of the progress the district or 16698
school has made in meeting the requirements under this section. 16699

A school district or community school may request an 16700
extension of a staffing plan beyond the 2013-2014 school year. 16701
Extension requests must be submitted to the department not later 16702
than the thirtieth day of April prior to the start of the 16703
applicable school year. The department may grant extensions valid 16704

through the 2015-2016 school year. 16705

Until June 30, 2015, the department annually shall review all 16706
staffing plans and report to the state board not later than the 16707
thirtieth day of June of each year the progress of school 16708
districts and community schools in meeting the requirements of 16709
this section. 16710

(K) The department of education shall designate one or more 16711
staff members to provide guidance and assistance to school 16712
districts and community schools in implementing the third grade 16713
guarantee established by this section, including any standards or 16714
requirements adopted to implement the guarantee and to provide 16715
information and support for reading instruction and achievement. 16716

Sec. 3313.6024. (A) Annually, beginning in the 2019-2020 16717
school year, each school district shall report to the department 16718
of education, in the manner prescribed by the department, the 16719
types of prevention-focused programs, services, and supports used 16720
to assist students in developing the knowledge and skills to 16721
engage in healthy behaviors and decision-making and to increase 16722
their awareness of the dangers and consequences of risky 16723
behaviors, including substance abuse, suicide, bullying, and other 16724
harmful behaviors. The district shall report the following 16725
information regarding such programs, services, and supports for 16726
each building operated by the district and for each of grades 16727
kindergarten through twelve served by the building: 16728

(1) Curriculum and instruction provided during the school 16729
day; 16730

(2) Programs and supports provided outside of the classroom 16731
or outside of the school day; 16732

(3) Professional development for teachers, administrators, 16733
and other staff; 16734

<u>(4) Partnerships with community coalitions and organizations</u>	16735
<u>to provide prevention services and resources to students and their</u>	16736
<u>families;</u>	16737
<u>(5) School efforts to engage parents and the community;</u>	16738
<u>(6) Activities designed to communicate with and learn from</u>	16739
<u>other schools or professionals with expertise in prevention</u>	16740
<u>education.</u>	16741
<u>(B) The department may use information reported under this</u>	16742
<u>section, and any other information collected by the department</u>	16743
<u>pursuant to law, as a factor in the distribution of any funding</u>	16744
<u>available for prevention-focused programs, services, and supports.</u>	16745
Sec. 3313.61. (A) A diploma shall be granted by the board of	16746
education of any city, exempted village, or local school district	16747
that operates a high school to any person to whom all of the	16748
following apply:	16749
(1) The person has successfully completed the curriculum in	16750
any high school or the individualized education program developed	16751
for the person by any high school pursuant to section 3323.08 of	16752
the Revised Code, or has qualified under division (D) or (F) of	16753
section 3313.603 of the Revised Code, provided that no school	16754
district shall require a student to remain in school for any	16755
specific number of semesters or other terms if the student	16756
completes the required curriculum early;	16757
(2) Subject to section 3313.614 of the Revised Code, the	16758
person has met the assessment requirements of division (A)(2)(a)	16759
or (b) of this section, as applicable.	16760
(a) If the person entered the ninth grade prior to July 1,	16761
2014, the person either:	16762
(i) Has attained at least the applicable scores designated	16763
under division (B)(1) of section 3301.0710 of the Revised Code on	16764

all the assessments required by that division unless the person 16765
was excused from taking any such assessment pursuant to section 16766
3313.532 of the Revised Code or unless division (H) or (L) of this 16767
section applies to the person; 16768

(ii) Has satisfied the alternative conditions prescribed in 16769
section 3313.615 of the Revised Code. 16770

(b) If the person entered the ninth grade on or after July 1, 16771
2014, the person has met the requirement prescribed by section 16772
3313.618 of the Revised Code, except to the extent that the person 16773
is excused from an assessment prescribed by that section pursuant 16774
to section 3313.532 of the Revised Code or division (H) or (L) of 16775
this section. 16776

(3) The person is not eligible to receive an honors diploma 16777
granted pursuant to division (B) of this section. 16778

Except as provided in divisions (C), (E), (J), and (L) of 16779
this section, no diploma shall be granted under this division to 16780
anyone except as provided under this division. 16781

(B) In lieu of a diploma granted under division (A) of this 16782
section, an honors diploma shall be granted, in accordance with 16783
rules of the state board, by any such district board to anyone who 16784
accomplishes all of the following: 16785

(1) Successfully completes the curriculum in any high school 16786
or the individualized education program developed for the person 16787
by any high school pursuant to section 3323.08 of the Revised 16788
Code; 16789

(2) Subject to section 3313.614 of the Revised Code, has met 16790
the assessment requirements of division (B)(2)(a) or (b) of this 16791
section, as applicable. 16792

(a) If the person entered the ninth grade prior to July 1, 16793
2014, the person either: 16794

(i) Has attained at least the applicable scores designated 16795
under division (B)(1) of section 3301.0710 of the Revised Code on 16796
all the assessments required by that division; 16797

(ii) Has satisfied the alternative conditions prescribed in 16798
section 3313.615 of the Revised Code. 16799

(b) If the person entered the ninth grade on or after July 1, 16800
2014, the person has met the requirement prescribed under section 16801
3313.618 of the Revised Code. 16802

(3) Has met additional criteria established by the state 16803
board for the granting of such a diploma. 16804

An honors diploma shall not be granted to a student who is 16805
subject to the requirements prescribed in division (C) of section 16806
3313.603 of the Revised Code but elects the option of division (D) 16807
or (F) of that section. Except as provided in divisions (C), (E), 16808
and (J) of this section, no honors diploma shall be granted to 16809
anyone failing to comply with this division and no more than one 16810
honors diploma shall be granted to any student under this 16811
division. 16812

The state board shall adopt rules prescribing the granting of 16813
honors diplomas under this division. These rules may prescribe the 16814
granting of honors diplomas that recognize a student's achievement 16815
as a whole or that recognize a student's achievement in one or 16816
more specific subjects or both. The rules may prescribe the 16817
granting of an honors diploma recognizing technical expertise for 16818
a career-technical student. In any case, the rules shall designate 16819
two or more criteria for the granting of each type of honors 16820
diploma the board establishes under this division and the number 16821
of such criteria that must be met for the granting of that type of 16822
diploma. The number of such criteria for any type of honors 16823
diploma shall be at least one less than the total number of 16824
criteria designated for that type and no one or more particular 16825

criteria shall be required of all persons who are to be granted 16826
that type of diploma. 16827

(C) Any district board administering any of the assessments 16828
required by section 3301.0710 of the Revised Code to any person 16829
requesting to take such assessment pursuant to division (B)(8)(b) 16830
of section 3301.0711 of the Revised Code shall award a diploma to 16831
such person if the person attains at least the applicable scores 16832
designated under division (B)(1) of section 3301.0710 of the 16833
Revised Code on all the assessments administered and if the person 16834
has previously attained the applicable scores on all the other 16835
assessments required by division (B)(1) of that section or has 16836
been exempted or excused from attaining the applicable score on 16837
any such assessment pursuant to division (H) or (L) of this 16838
section or from taking any such assessment pursuant to section 16839
3313.532 of the Revised Code. 16840

(D) Each diploma awarded under this section shall be signed 16841
by the president and treasurer of the issuing board, the 16842
superintendent of schools, and the principal of the high school. 16843
Each diploma shall bear the date of its issue, be in such form as 16844
the district board prescribes, and be paid for out of the 16845
district's general fund. 16846

(E) A person who is a resident of Ohio and is eligible under 16847
state board of education minimum standards to receive a high 16848
school diploma based in whole or in part on credits earned while 16849
an inmate of a correctional institution operated by the state or 16850
any political subdivision thereof, shall be granted such diploma 16851
by the correctional institution operating the programs in which 16852
such credits were earned, and by the board of education of the 16853
school district in which the inmate resided immediately prior to 16854
the inmate's placement in the institution. The diploma granted by 16855
the correctional institution shall be signed by the director of 16856
the institution, and by the person serving as principal of the 16857

institution's high school and shall bear the date of issue. 16858

(F) Persons who are not residents of Ohio but who are inmates 16859
of correctional institutions operated by the state or any 16860
political subdivision thereof, and who are eligible under state 16861
board of education minimum standards to receive a high school 16862
diploma based in whole or in part on credits earned while an 16863
inmate of the correctional institution, shall be granted a diploma 16864
by the correctional institution offering the program in which the 16865
credits were earned. The diploma granted by the correctional 16866
institution shall be signed by the director of the institution and 16867
by the person serving as principal of the institution's high 16868
school and shall bear the date of issue. 16869

(G) The state board of education shall provide by rule for 16870
the administration of the assessments required by sections 16871
3301.0710 and 3301.0712 of the Revised Code to inmates of 16872
correctional institutions. 16873

(H) Any person to whom all of the following apply shall be 16874
exempted from attaining the applicable score on the assessment in 16875
social studies designated under division (B)(1) of section 16876
3301.0710 of the Revised Code, any American history end-of-course 16877
examination and any American government end-of-course examination 16878
required under division (B) of section 3301.0712 of the Revised 16879
Code if such an exemption is prescribed by rule of the state board 16880
under division (D)(3) of section 3301.0712 of the Revised Code, or 16881
the test in citizenship designated under former division (B) of 16882
section 3301.0710 of the Revised Code as it existed prior to 16883
September 11, 2001: 16884

(1) The person is not a citizen of the United States; 16885

(2) The person is not a permanent resident of the United 16886
States; 16887

(3) The person indicates no intention to reside in the United 16888

States after the completion of high school. 16889

(I) Notwithstanding division (D) of section 3311.19 and 16890
division (D) of section 3311.52 of the Revised Code, this section 16891
and section 3313.611 of the Revised Code do not apply to the board 16892
of education of any joint vocational school district or any 16893
cooperative education school district established pursuant to 16894
divisions (A) to (C) of section 3311.52 of the Revised Code. 16895

(J) Upon receipt of a notice under division (D) of section 16896
3325.08 or division (D) of section 3328.25 of the Revised Code 16897
that a student has received a diploma under either section, the 16898
board of education receiving the notice may grant a high school 16899
diploma under this section to the student, except that such board 16900
shall grant the student a diploma if the student meets the 16901
graduation requirements that the student would otherwise have had 16902
to meet to receive a diploma from the district. The diploma 16903
granted under this section shall be of the same type the notice 16904
indicates the student received under section 3325.08 or 3328.25 of 16905
the Revised Code. 16906

(K) As used in this division, "~~limited English proficient~~ 16907
~~student learner~~" has the same meaning as in division (C)(3) of 16908
section 3301.0711 of the Revised Code. 16909

Notwithstanding division (C)(3) of section 3301.0711 of the 16910
Revised Code, no ~~limited English proficient student learner~~ who 16911
has not either attained the applicable scores designated under 16912
division (B)(1) of section 3301.0710 of the Revised Code on all 16913
the assessments required by that division, or met the requirement 16914
prescribed by section 3313.618 of the Revised Code, shall be 16915
awarded a diploma under this section. 16916

(L) Any student described by division (A)(1) of this section 16917
may be awarded a diploma without meeting the requirement 16918
prescribed by section 3313.618 of the Revised Code provided an 16919

individualized education program specifically exempts the student 16920
from meeting such requirement. This division does not negate the 16921
requirement for a student to take the assessments prescribed by 16922
section 3301.0710 or under division (B) of section 3301.0712 of 16923
the Revised Code, or alternate assessments required by division 16924
(C)(1) of section 3301.0711 of the Revised Code, for the purpose 16925
of assessing student progress as required by federal law. 16926

Sec. 3313.611. (A) The state board of education shall adopt, 16927
by rule, standards for awarding high school credit equivalent to 16928
credit for completion of high school academic and vocational 16929
education courses to applicants for diplomas under this section. 16930
The standards may permit high school credit to be granted to an 16931
applicant for any of the following: 16932

(1) Work experiences or experiences as a volunteer; 16933

(2) Completion of academic, vocational, or self-improvement 16934
courses offered to persons over the age of twenty-one by a 16935
chartered public or nonpublic school; 16936

(3) Completion of academic, vocational, or self-improvement 16937
courses offered by an organization, individual, or educational 16938
institution other than a chartered public or nonpublic school; 16939

(4) Other life experiences considered by the board to provide 16940
knowledge and learning experiences comparable to that gained in a 16941
classroom setting. 16942

(B) The board of education of any city, exempted village, or 16943
local school district that operates a high school shall grant a 16944
diploma of adult education to any applicant if all of the 16945
following apply: 16946

(1) The applicant is a resident of the district; 16947

(2) The applicant is over the age of twenty-one and has not 16948
been issued a diploma as provided in section 3313.61 of the 16949

Revised Code; 16950

(3) Subject to section 3313.614 of the Revised Code, the 16951
applicant has met the assessment requirements of division 16952
(B)(3)(a) or (b) of this section, as applicable. 16953

(a) Prior to July 1, 2014, the applicant either: 16954

(i) Has attained the applicable scores designated under 16955
division (B)(1) of section 3301.0710 of the Revised Code on all of 16956
the assessments required by that division or was excused or 16957
exempted from any such assessment pursuant to section 3313.532 or 16958
was exempted from attaining the applicable score on any such 16959
assessment pursuant to division (H) or (L) of section 3313.61 of 16960
the Revised Code; 16961

(ii) Has satisfied the alternative conditions prescribed in 16962
section 3313.615 of the Revised Code. 16963

(b) On or after July 1, 2014, has met the requirement 16964
prescribed by section 3313.618 of the Revised Code, except and 16965
only to the extent that the applicant is excused from some portion 16966
of that section pursuant to section 3313.532 of the Revised Code 16967
or division (H) or (L) of section 3313.61 of the Revised Code. 16968

(4) The district board determines, in accordance with the 16969
standards adopted under division (A) of this section, that the 16970
applicant has attained sufficient high school credits, including 16971
equivalent credits awarded under such standards, to qualify as 16972
having successfully completed the curriculum required by the 16973
district for graduation. 16974

(C) If a district board determines that an applicant is not 16975
eligible for a diploma under division (B) of this section, it 16976
shall inform the applicant of the reason the applicant is 16977
ineligible and shall provide a list of any courses required for 16978
the diploma for which the applicant has not received credit. An 16979
applicant may reapply for a diploma under this section at any 16980

time. 16981

(D) If a district board awards an adult education diploma 16982
under this section, the president and treasurer of the board and 16983
the superintendent of schools shall sign it. Each diploma shall 16984
bear the date of its issuance, be in such form as the district 16985
board prescribes, and be paid for from the district's general 16986
fund, except that the state board may by rule prescribe standard 16987
language to be included on each diploma. 16988

(E) As used in this division, "~~limited English proficient~~ 16989
~~student learner~~" has the same meaning as in division (C)(3) of 16990
section 3301.0711 of the Revised Code. 16991

Notwithstanding division (C)(3) of section 3301.0711 of the 16992
Revised Code, no ~~limited English proficient student learner~~ who 16993
has not either attained the applicable scores designated under 16994
division (B)(1) of section 3301.0710 of the Revised Code on all 16995
the assessments required by that division, or has not met the 16996
requirement prescribed by section 3313.618 of the Revised Code, 16997
shall be awarded a diploma under this section. 16998

Sec. 3313.612. (A) No nonpublic school chartered by the state 16999
board of education shall grant a high school diploma to any person 17000
unless, subject to section 3313.614 of the Revised Code, the 17001
person has met the assessment requirements of division (A)(1) or 17002
(2) of this section, as applicable. 17003

(1) If the person entered the ninth grade prior to July 1, 17004
2014, the person has attained at least the applicable scores 17005
designated under division (B)(1) of section 3301.0710 of the 17006
Revised Code on all the assessments required by that division, or 17007
has satisfied the alternative conditions prescribed in section 17008
3313.615 of the Revised Code. 17009

(2) If the person entered the ninth grade on or after July 1, 17010

2014, the person has met the requirement prescribed by section 17011
3313.618 or 3313.619 of the Revised Code. 17012

(B) This section does not apply to any of the following: 17013

(1) Any person with regard to any assessment from which the 17014
person was excused pursuant to division (C)(1)(c) of section 17015
3301.0711 of the Revised Code; 17016

(2) Except as provided in division (B)(4) of this section, 17017
any person who attends a nonpublic school accredited through the 17018
independent schools association of the central states, except for 17019
a student attending the school under a state scholarship program 17020
as defined in section 3301.0711 of the Revised Code; 17021

(3) Any person with regard to the social studies assessment 17022
under division (B)(1) of section 3301.0710 of the Revised Code, 17023
any American history end-of-course examination and any American 17024
government end-of-course examination required under division (B) 17025
of section 3301.0712 of the Revised Code if such an exemption is 17026
prescribed by rule of the state board of education under division 17027
(D)(3) of section 3301.0712 of the Revised Code, or the 17028
citizenship test under former division (B) of section 3301.0710 of 17029
the Revised Code as it existed prior to September 11, 2001, if all 17030
of the following apply: 17031

(a) The person is not a citizen of the United States; 17032

(b) The person is not a permanent resident of the United 17033
States; 17034

(c) The person indicates no intention to reside in the United 17035
States after completion of high school. 17036

(4) Any person who attends a chartered nonpublic school that 17037
satisfies the requirements of division (L)(4) of section 3301.0711 17038
of the Revised Code. In the case of such a student, the student's 17039
chartered nonpublic school shall determine the student's 17040

eligibility for graduation based on the standards of the school's 17041
accrediting body. 17042

(C) As used in this division, "~~limited English proficient~~ 17043
~~student learner~~" has the same meaning as in division (C)(3) of 17044
section 3301.0711 of the Revised Code. 17045

Notwithstanding division (C)(3) of section 3301.0711 of the 17046
Revised Code, no ~~limited English proficient student learner~~ who 17047
has not either attained the applicable scores designated under 17048
division (B)(1) of section 3301.0710 of the Revised Code on all 17049
the assessments required by that division, or met the requirement 17050
prescribed by section 3313.618 or 3313.619 of the Revised Code, 17051
shall be awarded a diploma under this section. 17052

(D) The state board shall not impose additional requirements 17053
or assessments for the granting of a high school diploma under 17054
this section that are not prescribed by this section. 17055

(E) The department of education shall furnish the assessment 17056
administered by a nonpublic school pursuant to division (B)(1) of 17057
section 3301.0712 of the Revised Code. 17058

Sec. 3314.0211. (A) No community school to which either of 17059
the following applies shall be eligible to merge with one or more 17060
other community schools under this section: 17061

(1) The school has met the performance criteria for required 17062
closure specified in division (A)(3) of section 3314.35 or 17063
division (A) of section 3314.351 of the Revised Code for at least 17064
one of the two most recent school years. 17065

(2) The school has been notified of the sponsor's intent to 17066
terminate or not renew the school's contract pursuant to section 17067
3314.07 of the Revised Code. 17068

(B) Two or more community schools may merge upon the adoption 17069
of a resolution by the governing authority of each school involved 17070

in the merger. Any merger shall take effect on the first day of 17071
July of the year specified in the resolution. 17072

(C) Not less than sixty days prior to the effective date of a 17073
merger under division (B) of this section, each community school 17074
involved in the merger shall do both of the following: 17075

(1) Provide a copy of the resolution to the school's sponsor; 17076

(2) Notify the department of education of all of the 17077
following: 17078

(a) The impending merger; 17079

(b) The effective date of the merger; 17080

(c) The school that will be designated as the surviving 17081
school in accordance with section 1702.41 of the Revised Code; 17082

(d) The entity that will sponsor the surviving school. 17083

(D) Notwithstanding anything to the contrary in the Revised 17084
Code, the governing authority of the surviving community school 17085
shall enter into a new contract with the school's sponsor under 17086
section 3314.03 of the Revised Code. 17087

(E) No sponsor shall do either of the following: 17088

(1) Assign the sponsor's existing contract with a merging 17089
community school to the sponsor of the surviving community school; 17090

(2) Assume an existing contract from the sponsor of a 17091
community school involved in a merger under division (B) of this 17092
section. 17093

Division (E) of this section shall not apply to the office of 17094
Ohio school sponsorship established under section 3314.029 of the 17095
Revised Code. 17096

(F)(1) The department shall issue a report card under section 17097
3302.03 or 3314.017 of the Revised Code for the surviving 17098
community school. 17099

(2) Notwithstanding anything to the contrary in division (B) of section 3314.012 of the Revised Code, all report card ratings associated with the surviving school, whether issued before or after the merger, shall be used for purposes of section 3314.35 or 3314.351 of the Revised Code and any other matter that is based on report card ratings or measures.

(G) Nothing in this section shall exempt a community school from closure under section 3314.35 or 3314.351 of the Revised Code.

Sec. 3314.03. A copy of every contract entered into under this section shall be filed with the superintendent of public instruction. The department of education shall make available on its web site a copy of every approved, executed contract filed with the superintendent under this section.

(A) Each contract entered into between a sponsor and the governing authority of a community school shall specify the following:

(1) That the school shall be established as either of the following:

(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003;

(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003.

(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;

(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;

(4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor;	17130 17131 17132 17133
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	17134 17135
(6)(a) Dismissal procedures;	17136
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in seventy-two consecutive hours of the learning opportunities offered to the student.	17137 17138 17139 17140 17141
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	17142 17143
(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state. Audits shall be conducted in accordance with section 117.10 of the Revised Code.	17144 17145 17146 17147 17148 17149
(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:	17150 17151
(a) A detailed description of each facility used for instructional purposes;	17152 17153
(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;	17154 17155
(c) The annual mortgage principal and interest payments that are paid by the school;	17156 17157
(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if	17158 17159

any. 17160

(10) Qualifications of teachers, including a requirement that 17161
the school's classroom teachers be licensed in accordance with 17162
sections 3319.22 to 3319.31 of the Revised Code, except that a 17163
community school may engage noncertificated persons to teach up to 17164
twelve hours per week pursuant to section 3319.301 of the Revised 17165
Code. 17166

(11) That the school will comply with the following 17167
requirements: 17168

(a) The school will provide learning opportunities to a 17169
minimum of twenty-five students for a minimum of nine hundred 17170
twenty hours per school year. 17171

(b) The governing authority will purchase liability 17172
insurance, or otherwise provide for the potential liability of the 17173
school. 17174

(c) The school will be nonsectarian in its programs, 17175
admission policies, employment practices, and all other 17176
operations, and will not be operated by a sectarian school or 17177
religious institution. 17178

(d) The school will comply with sections 9.90, 9.91, 109.65, 17179
121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 17180
3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 3313.50, 17181
3313.536, 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012, 17182
3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6024, 3313.643, 17183
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 17184
3313.667, 3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 17185
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 17186
3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.86, 3313.89, 17187
3313.96, 3319.073, ~~3319.074~~, 3319.321, 3319.39, 3319.391, 3319.41, 17188
3319.46, 3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 17189
3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 17190

5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 17191
4123., 4141., and 4167. of the Revised Code as if it were a school 17192
district and will comply with section 3301.0714 of the Revised 17193
Code in the manner specified in section 3314.17 of the Revised 17194
Code. 17195

(e) The school shall comply with Chapter 102. and section 17196
2921.42 of the Revised Code. 17197

(f) The school will comply with sections 3313.61, 3313.611, 17198
and 3313.614 of the Revised Code, except that for students who 17199
enter ninth grade for the first time before July 1, 2010, the 17200
requirement in sections 3313.61 and 3313.611 of the Revised Code 17201
that a person must successfully complete the curriculum in any 17202
high school prior to receiving a high school diploma may be met by 17203
completing the curriculum adopted by the governing authority of 17204
the community school rather than the curriculum specified in Title 17205
XXXIII of the Revised Code or any rules of the state board of 17206
education. Beginning with students who enter ninth grade for the 17207
first time on or after July 1, 2010, the requirement in sections 17208
3313.61 and 3313.611 of the Revised Code that a person must 17209
successfully complete the curriculum of a high school prior to 17210
receiving a high school diploma shall be met by completing the 17211
requirements prescribed in division (C) of section 3313.603 of the 17212
Revised Code, unless the person qualifies under division (D) or 17213
(F) of that section. Each school shall comply with the plan for 17214
awarding high school credit based on demonstration of subject area 17215
competency, and beginning with the 2017-2018 school year, with the 17216
updated plan that permits students enrolled in seventh and eighth 17217
grade to meet curriculum requirements based on subject area 17218
competency adopted by the state board of education under divisions 17219
(J)(1) and (2) of section 3313.603 of the Revised Code. Beginning 17220
with the 2018-2019 school year, the school shall comply with the 17221
framework for granting units of high school credit to students who 17222

demonstrate subject area competency through work-based learning 17223
experiences, internships, or cooperative education developed by 17224
the department under division (J)(3) of section 3313.603 of the 17225
Revised Code. 17226

(g) The school governing authority will submit within four 17227
months after the end of each school year a report of its 17228
activities and progress in meeting the goals and standards of 17229
divisions (A)(3) and (4) of this section and its financial status 17230
to the sponsor and the parents of all students enrolled in the 17231
school. 17232

(h) The school, unless it is an internet- or computer-based 17233
community school, will comply with section 3313.801 of the Revised 17234
Code as if it were a school district. 17235

(i) If the school is the recipient of moneys from a grant 17236
awarded under the federal race to the top program, Division (A), 17237
Title XIV, Sections 14005 and 14006 of the "American Recovery and 17238
Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the 17239
school will pay teachers based upon performance in accordance with 17240
section 3317.141 and will comply with section 3319.111 of the 17241
Revised Code as if it were a school district. 17242

(j) If the school operates a preschool program that is 17243
licensed by the department of education under sections 3301.52 to 17244
3301.59 of the Revised Code, the school shall comply with sections 17245
3301.50 to 3301.59 of the Revised Code and the minimum standards 17246
for preschool programs prescribed in rules adopted by the state 17247
board under section 3301.53 of the Revised Code. 17248

(k) The school will comply with sections 3313.6021 and 17249
3313.6023 of the Revised Code as if it were a school district 17250
unless it is either of the following: 17251

(i) An internet- or computer-based community school; 17252

(ii) A community school in which a majority of the enrolled 17253

students are children with disabilities as described in division	17254
(A)(4)(b) of section 3314.35 of the Revised Code.	17255
(12) Arrangements for providing health and other benefits to	17256
employees;	17257
(13) The length of the contract, which shall begin at the	17258
beginning of an academic year. No contract shall exceed five years	17259
unless such contract has been renewed pursuant to division (E) of	17260
this section.	17261
(14) The governing authority of the school, which shall be	17262
responsible for carrying out the provisions of the contract;	17263
(15) A financial plan detailing an estimated school budget	17264
for each year of the period of the contract and specifying the	17265
total estimated per pupil expenditure amount for each such year.	17266
(16) Requirements and procedures regarding the disposition of	17267
employees of the school in the event the contract is terminated or	17268
not renewed pursuant to section 3314.07 of the Revised Code;	17269
(17) Whether the school is to be created by converting all or	17270
part of an existing public school or educational service center	17271
building or is to be a new start-up school, and if it is a	17272
converted public school or service center building, specification	17273
of any duties or responsibilities of an employer that the board of	17274
education or service center governing board that operated the	17275
school or building before conversion is delegating to the	17276
governing authority of the community school with respect to all or	17277
any specified group of employees provided the delegation is not	17278
prohibited by a collective bargaining agreement applicable to such	17279
employees;	17280
(18) Provisions establishing procedures for resolving	17281
disputes or differences of opinion between the sponsor and the	17282
governing authority of the community school;	17283

(19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside outside the district in which the school is located. That policy shall comply with the admissions procedures specified in sections 3314.06 and 3314.061 of the Revised Code and, at the sole discretion of the authority, shall do one of the following:

(a) Prohibit the enrollment of students who reside outside the district in which the school is located;

(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located;

(c) Permit the enrollment of students who reside in any other district in the state.

(20) A provision recognizing the authority of the department of education to take over the sponsorship of the school in accordance with the provisions of division (C) of section 3314.015 of the Revised Code;

(21) A provision recognizing the sponsor's authority to assume the operation of a school under the conditions specified in division (B) of section 3314.073 of the Revised Code;

(22) A provision recognizing both of the following:

(a) The authority of public health and safety officials to inspect the facilities of the school and to order the facilities closed if those officials find that the facilities are not in compliance with health and safety laws and regulations;

(b) The authority of the department of education as the community school oversight body to suspend the operation of the school under section 3314.072 of the Revised Code if the department has evidence of conditions or violations of law at the school that pose an imminent danger to the health and safety of the school's students and employees and the sponsor refuses to

take such action. 17314

(23) A description of the learning opportunities that will be 17315
offered to students including both classroom-based and 17316
non-classroom-based learning opportunities that is in compliance 17317
with criteria for student participation established by the 17318
department under division (H)(2) of section 3314.08 of the Revised 17319
Code; 17320

(24) The school will comply with sections 3302.04 and 17321
3302.041 of the Revised Code, except that any action required to 17322
be taken by a school district pursuant to those sections shall be 17323
taken by the sponsor of the school. However, the sponsor shall not 17324
be required to take any action described in division (F) of 17325
section 3302.04 of the Revised Code. 17326

(25) Beginning in the 2006-2007 school year, the school will 17327
open for operation not later than the thirtieth day of September 17328
each school year, unless the mission of the school as specified 17329
under division (A)(2) of this section is solely to serve dropouts. 17330
In its initial year of operation, if the school fails to open by 17331
the thirtieth day of September, or within one year after the 17332
adoption of the contract pursuant to division (D) of section 17333
3314.02 of the Revised Code if the mission of the school is solely 17334
to serve dropouts, the contract shall be void. 17335

(26) Whether the school's governing authority is planning to 17336
seek designation for the school as a STEM school equivalent under 17337
section 3326.032 of the Revised Code; 17338

(27) That the school's attendance and participation policies 17339
will be available for public inspection; 17340

(28) That the school's attendance and participation records 17341
shall be made available to the department of education, auditor of 17342
state, and school's sponsor to the extent permitted under and in 17343
accordance with the "Family Educational Rights and Privacy Act of 17344

1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any 17345
regulations promulgated under that act, and section 3319.321 of 17346
the Revised Code; 17347

(29) If a school operates using the blended learning model, 17348
as defined in section 3301.079 of the Revised Code, all of the 17349
following information: 17350

(a) An indication of what blended learning model or models 17351
will be used; 17352

(b) A description of how student instructional needs will be 17353
determined and documented; 17354

(c) The method to be used for determining competency, 17355
granting credit, and promoting students to a higher grade level; 17356

(d) The school's attendance requirements, including how the 17357
school will document participation in learning opportunities; 17358

(e) A statement describing how student progress will be 17359
monitored; 17360

(f) A statement describing how private student data will be 17361
protected; 17362

(g) A description of the professional development activities 17363
that will be offered to teachers. 17364

(30) A provision requiring that all moneys the school's 17365
operator loans to the school, including facilities loans or cash 17366
flow assistance, must be accounted for, documented, and bear 17367
interest at a fair market rate; 17368

(31) A provision requiring that, if the governing authority 17369
contracts with an attorney, accountant, or entity specializing in 17370
audits, the attorney, accountant, or entity shall be independent 17371
from the operator with which the school has contracted. 17372

(32) A provision requiring the governing authority to adopt 17373
an enrollment and attendance policy that requires a student's 17374

parent to notify the community school in which the student is 17375
enrolled when there is a change in the location of the parent's or 17376
student's primary residence. 17377

(33) A provision requiring the governing authority to adopt a 17378
student residence and address verification policy for students 17379
enrolling in or attending the school. 17380

(B) The community school shall also submit to the sponsor a 17381
comprehensive plan for the school. The plan shall specify the 17382
following: 17383

(1) The process by which the governing authority of the 17384
school will be selected in the future; 17385

(2) The management and administration of the school; 17386

(3) If the community school is a currently existing public 17387
school or educational service center building, alternative 17388
arrangements for current public school students who choose not to 17389
attend the converted school and for teachers who choose not to 17390
teach in the school or building after conversion; 17391

(4) The instructional program and educational philosophy of 17392
the school; 17393

(5) Internal financial controls. 17394

When submitting the plan under this division, the school 17395
shall also submit copies of all policies and procedures regarding 17396
internal financial controls adopted by the governing authority of 17397
the school. 17398

(C) A contract entered into under section 3314.02 of the 17399
Revised Code between a sponsor and the governing authority of a 17400
community school may provide for the community school governing 17401
authority to make payments to the sponsor, which is hereby 17402
authorized to receive such payments as set forth in the contract 17403
between the governing authority and the sponsor. The total amount 17404

of such payments for monitoring, oversight, and technical 17405
assistance of the school shall not exceed three per cent of the 17406
total amount of payments for operating expenses that the school 17407
receives from the state. 17408

(D) The contract shall specify the duties of the sponsor 17409
which shall be in accordance with the written agreement entered 17410
into with the department of education under division (B) of 17411
section 3314.015 of the Revised Code and shall include the 17412
following: 17413

(1) Monitor the community school's compliance with all laws 17414
applicable to the school and with the terms of the contract; 17415

(2) Monitor and evaluate the academic and fiscal performance 17416
and the organization and operation of the community school on at 17417
least an annual basis; 17418

(3) Report on an annual basis the results of the evaluation 17419
conducted under division (D)(2) of this section to the department 17420
of education and to the parents of students enrolled in the 17421
community school; 17422

(4) Provide technical assistance to the community school in 17423
complying with laws applicable to the school and terms of the 17424
contract; 17425

(5) Take steps to intervene in the school's operation to 17426
correct problems in the school's overall performance, declare the 17427
school to be on probationary status pursuant to section 3314.073 17428
of the Revised Code, suspend the operation of the school pursuant 17429
to section 3314.072 of the Revised Code, or terminate the contract 17430
of the school pursuant to section 3314.07 of the Revised Code as 17431
determined necessary by the sponsor; 17432

(6) Have in place a plan of action to be undertaken in the 17433
event the community school experiences financial difficulties or 17434
closes prior to the end of a school year. 17435

(E) Upon the expiration of a contract entered into under this section, the sponsor of a community school may, with the approval of the governing authority of the school, renew that contract for a period of time determined by the sponsor, but not ending earlier than the end of any school year, if the sponsor finds that the school's compliance with applicable laws and terms of the contract and the school's progress in meeting the academic goals prescribed in the contract have been satisfactory. Any contract that is renewed under this division remains subject to the provisions of sections 3314.07, 3314.072, and 3314.073 of the Revised Code.

(F) If a community school fails to open for operation within one year after the contract entered into under this section is adopted pursuant to division (D) of section 3314.02 of the Revised Code or permanently closes prior to the expiration of the contract, the contract shall be void and the school shall not enter into a contract with any other sponsor. A school shall not be considered permanently closed because the operations of the school have been suspended pursuant to section 3314.072 of the Revised Code.

Sec. 3314.08. (A) As used in this section:

(1)(a) "Category one career-technical education student" means a student who is receiving the career-technical education services described in division (A) of section 3317.014 of the Revised Code.

(b) "Category two career-technical student" means a student who is receiving the career-technical education services described in division (B) of section 3317.014 of the Revised Code.

(c) "Category three career-technical student" means a student who is receiving the career-technical education services described in division (C) of section 3317.014 of the Revised Code.

- (d) "Category four career-technical student" means a student who is receiving the career-technical education services described in division (D) of section 3317.014 of the Revised Code. 17466
17467
17468
- (e) "Category five career-technical education student" means a student who is receiving the career-technical education services described in division (E) of section 3317.014 of the Revised Code. 17469
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- (2)(a) "Category one ~~limited English proficient student~~ learner" means a ~~limited~~ an English ~~proficient student~~ learner described in division (A) of section 3317.016 of the Revised Code. 17472
17473
17474
- (b) "Category two ~~limited English proficient student~~ learner" means a ~~limited~~ an English ~~proficient student~~ learner described in division (B) of section 3317.016 of the Revised Code. 17475
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17477
- (c) "Category three ~~limited English proficient student~~ learner" means a ~~limited~~ an English ~~proficient student~~ learner described in division (C) of section 3317.016 of the Revised Code. 17478
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17480
- (3)(a) "Category one special education student" means a student who is receiving special education services for a disability specified in division (A) of section 3317.013 of the Revised Code. 17481
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- (b) "Category two special education student" means a student who is receiving special education services for a disability specified in division (B) of section 3317.013 of the Revised Code. 17485
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- (c) "Category three special education student" means a student who is receiving special education services for a disability specified in division (C) of section 3317.013 of the Revised Code. 17488
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- (d) "Category four special education student" means a student who is receiving special education services for a disability specified in division (D) of section 3317.013 of the Revised Code. 17492
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- (e) "Category five special education student" means a student 17495

who is receiving special education services for a disability 17496
specified in division (E) of section 3317.013 of the Revised Code. 17497

(f) "Category six special education student" means a student 17498
who is receiving special education services for a disability 17499
specified in division (F) of section 3317.013 of the Revised Code. 17500

(4) "Formula amount" has the same meaning as in section 17501
3317.02 of the Revised Code. 17502

(5) "IEP" has the same meaning as in section 3323.01 of the 17503
Revised Code. 17504

(6) "Resident district" means the school district in which a 17505
student is entitled to attend school under section 3313.64 or 17506
3313.65 of the Revised Code. 17507

(7) "State education aid" has the same meaning as in section 17508
5751.20 of the Revised Code. 17509

(B) The state board of education shall adopt rules requiring 17510
both of the following: 17511

(1) The board of education of each city, exempted village, 17512
and local school district to annually report the number of 17513
students entitled to attend school in the district who are 17514
enrolled in each grade kindergarten through twelve in a community 17515
school established under this chapter, and for each child, the 17516
community school in which the child is enrolled. 17517

(2) The governing authority of each community school 17518
established under this chapter to annually report all of the 17519
following: 17520

(a) The number of students enrolled in grades one through 17521
twelve and the full-time equivalent number of students enrolled in 17522
kindergarten in the school who are not receiving special education 17523
and related services pursuant to an IEP; 17524

(b) The number of enrolled students in grades one through 17525

twelve and the full-time equivalent number of enrolled students in 17526
kindergarten, who are receiving special education and related 17527
services pursuant to an IEP; 17528

(c) The number of students reported under division (B)(2)(b) 17529
of this section receiving special education and related services 17530
pursuant to an IEP for a disability described in each of divisions 17531
(A) to (F) of section 3317.013 of the Revised Code; 17532

(d) The full-time equivalent number of students reported 17533
under divisions (B)(2)(a) and (b) of this section who are enrolled 17534
in career-technical education programs or classes described in 17535
each of divisions (A) to (E) of section 3317.014 of the Revised 17536
Code that are provided by the community school; 17537

(e) The number of students reported under divisions (B)(2)(a) 17538
and (b) of this section who are not reported under division 17539
(B)(2)(d) of this section but who are enrolled in career-technical 17540
education programs or classes described in each of divisions (A) 17541
to (E) of section 3317.014 of the Revised Code at a joint 17542
vocational school district or another district in the 17543
career-technical planning district to which the school is 17544
assigned; 17545

(f) The number of students reported under divisions (B)(2)(a) 17546
and (b) of this section who are category one to three ~~limited~~ 17547
English ~~proficient students~~ learners described in each of 17548
divisions (A) to (C) of section 3317.016 of the Revised Code; 17549

(g) The number of students reported under divisions (B)(2)(a) 17550
and (b) of this section who are economically disadvantaged, as 17551
defined by the department. A student shall not be categorically 17552
excluded from the number reported under division (B)(2)(g) of this 17553
section based on anything other than family income. 17554

(h) For each student, the city, exempted village, or local 17555
school district in which the student is entitled to attend school 17556

under section 3313.64 or 3313.65 of the Revised Code. 17557

(i) The number of students enrolled in a preschool program 17558
operated by the school that is licensed by the department of 17559
education under sections 3301.52 to 3301.59 of the Revised Code 17560
who are not receiving special education and related services 17561
pursuant to an IEP. 17562

A school district board and a community school governing 17563
authority shall include in their respective reports under division 17564
(B) of this section any child admitted in accordance with division 17565
(A)(2) of section 3321.01 of the Revised Code. 17566

A governing authority of a community school shall not include 17567
in its report under divisions (B)(2)(a) to (h) of this section any 17568
student for whom tuition is charged under division (F) of this 17569
section. 17570

(C)(1) Except as provided in division (C)(2) of this section, 17571
and subject to divisions (C)(3), (4), (5), (6), and (7) of this 17572
section, on a full-time equivalency basis, for each student 17573
enrolled in a community school established under this chapter, the 17574
department of education annually shall deduct from the state 17575
education aid of a student's resident district and, if necessary, 17576
from the payment made to the district under sections 321.24 and 17577
323.156 of the Revised Code and pay to the community school the 17578
sum of the following: 17579

(a) An opportunity grant in an amount equal to the formula 17580
amount; 17581

(b) The per pupil amount of targeted assistance funds 17582
calculated under division (A) of section 3317.0217 of the Revised 17583
Code for the student's resident district, as determined by the 17584
department, X 0.25; 17585

(c) Additional state aid for special education and related 17586
services provided under Chapter 3323. of the Revised Code as 17587

follows:	17588
(i) If the student is a category one special education student, the amount specified in division (A) of section 3317.013 of the Revised Code;	17589 17590 17591
(ii) If the student is a category two special education student, the amount specified in division (B) of section 3317.013 of the Revised Code;	17592 17593 17594
(iii) If the student is a category three special education student, the amount specified in division (C) of section 3317.013 of the Revised Code;	17595 17596 17597
(iv) If the student is a category four special education student, the amount specified in division (D) of section 3317.013 of the Revised Code;	17598 17599 17600
(v) If the student is a category five special education student, the amount specified in division (E) of section 3317.013 of the Revised Code;	17601 17602 17603
(vi) If the student is a category six special education student, the amount specified in division (F) of section 3317.013 of the Revised Code.	17604 17605 17606
(d) If the student is in kindergarten through third grade, an additional amount of \$320;	17607 17608
(e) If the student is economically disadvantaged, an additional amount equal to the following:	17609 17610
\$272 X the resident district's economically disadvantaged index	17611 17612
(f) Limited English proficiency <u>learner</u> funds as follows:	17613
(i) If the student is a category one limited English proficient student <u>learner</u> , the amount specified in division (A) of section 3317.016 of the Revised Code;	17614 17615 17616

(ii) If the student is a category two ~~limited~~ English 17617
~~proficient student~~ learner, the amount specified in division (B) 17618
of section 3317.016 of the Revised Code; 17619

(iii) If the student is a category three ~~limited~~ English 17620
~~proficient student~~ learner, the amount specified in division (C) 17621
of section 3317.016 of the Revised Code. 17622

(g) If the student is reported under division (B)(2)(d) of 17623
this section, career-technical education funds as follows: 17624

(i) If the student is a category one career-technical 17625
education student, the amount specified in division (A) of section 17626
3317.014 of the Revised Code; 17627

(ii) If the student is a category two career-technical 17628
education student, the amount specified in division (B) of section 17629
3317.014 of the Revised Code; 17630

(iii) If the student is a category three career-technical 17631
education student, the amount specified in division (C) of section 17632
3317.014 of the Revised Code; 17633

(iv) If the student is a category four career-technical 17634
education student, the amount specified in division (D) of section 17635
3317.014 of the Revised Code; 17636

(v) If the student is a category five career-technical 17637
education student, the amount specified in division (E) of section 17638
3317.014 of the Revised Code. 17639

Deduction and payment of funds under division (C)(1)(g) of 17640
this section is subject to approval by the lead district of a 17641
career-technical planning district or the department of education 17642
under section 3317.161 of the Revised Code. 17643

(2) When deducting from the state education aid of a 17644
student's resident district for students enrolled in an internet- 17645
or computer-based community school and making payments to such 17646

school under this section, the department shall make the 17647
deductions and payments described in only divisions (C)(1)(a), 17648
(c), and (g) of this section. 17649

No deductions or payments shall be made for a student 17650
enrolled in such school under division (C)(1)(b), (d), (e), or (f) 17651
of this section. 17652

(3)(a) If a community school's costs for a fiscal year for a 17653
student receiving special education and related services pursuant 17654
to an IEP for a disability described in divisions (B) to (F) of 17655
section 3317.013 of the Revised Code exceed the threshold 17656
catastrophic cost for serving the student as specified in division 17657
(B) of section 3317.0214 of the Revised Code, the school may 17658
submit to the superintendent of public instruction documentation, 17659
as prescribed by the superintendent, of all its costs for that 17660
student. Upon submission of documentation for a student of the 17661
type and in the manner prescribed, the department shall pay to the 17662
community school an amount equal to the school's costs for the 17663
student in excess of the threshold catastrophic costs. 17664

(b) The community school shall report under division 17665
(C)(3)(a) of this section, and the department shall pay for, only 17666
the costs of educational expenses and the related services 17667
provided to the student in accordance with the student's 17668
individualized education program. Any legal fees, court costs, or 17669
other costs associated with any cause of action relating to the 17670
student may not be included in the amount. 17671

(4) In any fiscal year, a community school receiving funds 17672
under division (C)(1)(g) of this section shall spend those funds 17673
only for the purposes that the department designates as approved 17674
for career-technical education expenses. Career-technical 17675
education expenses approved by the department shall include only 17676
expenses connected to the delivery of career-technical programming 17677
to career-technical students. The department shall require the 17678

school to report data annually so that the department may monitor 17679
the school's compliance with the requirements regarding the manner 17680
in which funding received under division (C)(1)(g) of this section 17681
may be spent. 17682

(5) Notwithstanding anything to the contrary in section 17683
3313.90 of the Revised Code, except as provided in division (C)(9) 17684
of this section, all funds received under division (C)(1)(g) of 17685
this section shall be spent in the following manner: 17686

(a) At least seventy-five per cent of the funds shall be 17687
spent on curriculum development, purchase, and implementation; 17688
instructional resources and supplies; industry-based program 17689
certification; student assessment, credentialing, and placement; 17690
curriculum specific equipment purchases and leases; 17691
career-technical student organization fees and expenses; home and 17692
agency linkages; work-based learning experiences; professional 17693
development; and other costs directly associated with 17694
career-technical education programs including development of new 17695
programs. 17696

(b) Not more than twenty-five per cent of the funds shall be 17697
used for personnel expenditures. 17698

(6) A community school shall spend the funds it receives 17699
under division (C)(1)(e) of this section in accordance with 17700
section 3317.25 of the Revised Code. 17701

(7) If the sum of the payments computed under divisions 17702
(C)(1) and (8)(a) of this section for the students entitled to 17703
attend school in a particular school district under sections 17704
3313.64 and 3313.65 of the Revised Code exceeds the sum of that 17705
district's state education aid and its payment under sections 17706
321.24 and 323.156 of the Revised Code, the department shall 17707
calculate and apply a proration factor to the payments to all 17708
community schools under that division for the students entitled to 17709

attend school in that district. 17710

(8)(a) Subject to division (C)(7) of this section, the 17711
department annually shall pay to each community school, including 17712
each internet- or computer-based community school, an amount equal 17713
to the following: 17714

(The number of students reported by the community school 17715
under division (B)(2)(e) of this section X the formula amount X 17716
.20) 17717

(b) For each payment made to a community school under 17718
division (C)(8)(a) of this section, the department shall deduct 17719
from the state education aid of each city, local, and exempted 17720
village school district and, if necessary, from the payment made 17721
to the district under sections 321.24 and 323.156 of the Revised 17722
Code an amount equal to the following: 17723

(The number of the district's students reported by the 17724
community school under division (B)(2)(e) of this section X the 17725
formula amount X .20) 17726

(9) The department may waive the requirement in division 17727
(C)(5) of this section for any community school that exclusively 17728
provides one or more career-technical workforce development 17729
programs in arts and communications that are not 17730
equipment-intensive, as determined by the department. 17731

(D) A board of education sponsoring a community school may 17732
utilize local funds to make enhancement grants to the school or 17733
may agree, either as part of the contract or separately, to 17734
provide any specific services to the community school at no cost 17735
to the school. 17736

(E) A community school may not levy taxes or issue bonds 17737
secured by tax revenues. 17738

(F) No community school shall charge tuition for the 17739

enrollment of any student who is a resident of this state. A 17740
community school may charge tuition for the enrollment of any 17741
student who is not a resident of this state. 17742

(G)(1)(a) A community school may borrow money to pay any 17743
necessary and actual expenses of the school in anticipation of the 17744
receipt of any portion of the payments to be received by the 17745
school pursuant to division (C) of this section. The school may 17746
issue notes to evidence such borrowing. The proceeds of the notes 17747
shall be used only for the purposes for which the anticipated 17748
receipts may be lawfully expended by the school. 17749

(b) A school may also borrow money for a term not to exceed 17750
fifteen years for the purpose of acquiring facilities. 17751

(2) Except for any amount guaranteed under section 3318.50 of 17752
the Revised Code, the state is not liable for debt incurred by the 17753
governing authority of a community school. 17754

(H) The department of education shall adjust the amounts 17755
subtracted and paid under division (C) of this section to reflect 17756
any enrollment of students in community schools for less than the 17757
equivalent of a full school year. The state board of education 17758
within ninety days after April 8, 2003, shall adopt in accordance 17759
with Chapter 119. of the Revised Code rules governing the payments 17760
to community schools under this section including initial payments 17761
in a school year and adjustments and reductions made in subsequent 17762
periodic payments to community schools and corresponding 17763
deductions from school district accounts as provided under 17764
division (C) of this section. For purposes of this section: 17765

(1) A student shall be considered enrolled in the community 17766
school for any portion of the school year the student is 17767
participating at a college under Chapter 3365. of the Revised 17768
Code. 17769

(2) A student shall be considered to be enrolled in a 17770

community school for the period of time beginning on the later of 17771
the date on which the school both has received documentation of 17772
the student's enrollment from a parent and the student has 17773
commenced participation in learning opportunities as defined in 17774
the contract with the sponsor, or thirty days prior to the date on 17775
which the student is entered into the education management 17776
information system established under section 3301.0714 of the 17777
Revised Code. For purposes of applying this division and divisions 17778
(H)(3) and (4) of this section to a community school student, 17779
"learning opportunities" shall be defined in the contract, which 17780
shall describe both classroom-based and non-classroom-based 17781
learning opportunities and shall be in compliance with criteria 17782
and documentation requirements for student participation which 17783
shall be established by the department. Any student's instruction 17784
time in non-classroom-based learning opportunities shall be 17785
certified by an employee of the community school. A student's 17786
enrollment shall be considered to cease on the date on which any 17787
of the following occur: 17788

(a) The community school receives documentation from a parent 17789
terminating enrollment of the student. 17790

(b) The community school is provided documentation of a 17791
student's enrollment in another public or private school. 17792

(c) The community school ceases to offer learning 17793
opportunities to the student pursuant to the terms of the contract 17794
with the sponsor or the operation of any provision of this 17795
chapter. 17796

Except as otherwise specified in this paragraph, beginning in 17797
the 2011-2012 school year, any student who completed the prior 17798
school year in an internet- or computer-based community school 17799
shall be considered to be enrolled in the same school in the 17800
subsequent school year until the student's enrollment has ceased 17801
as specified in division (H)(2) of this section. The department 17802

shall continue subtracting and paying amounts for the student 17803
under division (C) of this section without interruption at the 17804
start of the subsequent school year. However, if the student 17805
without a legitimate excuse fails to participate in the first 17806
seventy-two consecutive hours of learning opportunities offered to 17807
the student in that subsequent school year, the student shall be 17808
considered not to have re-enrolled in the school for that school 17809
year and the department shall recalculate the payments to the 17810
school for that school year to account for the fact that the 17811
student is not enrolled. 17812

(3) The department shall determine each community school 17813
student's percentage of full-time equivalency based on the 17814
percentage of learning opportunities offered by the community 17815
school to that student, reported either as number of hours or 17816
number of days, is of the total learning opportunities offered by 17817
the community school to a student who attends for the school's 17818
entire school year. However, no internet- or computer-based 17819
community school shall be credited for any time a student spends 17820
participating in learning opportunities beyond ten hours within 17821
any period of twenty-four consecutive hours. Whether it reports 17822
hours or days of learning opportunities, each community school 17823
shall offer not less than nine hundred twenty hours of learning 17824
opportunities during the school year. 17825

(4) With respect to the calculation of full-time equivalency 17826
under division (H)(3) of this section, the department shall waive 17827
the number of hours or days of learning opportunities not offered 17828
to a student because the community school was closed during the 17829
school year due to disease epidemic, hazardous weather conditions, 17830
law enforcement emergencies, inoperability of school buses or 17831
other equipment necessary to the school's operation, damage to a 17832
school building, or other temporary circumstances due to utility 17833
failure rendering the school building unfit for school use, so 17834

long as the school was actually open for instruction with students 17835
in attendance during that school year for not less than the 17836
minimum number of hours required by this chapter. The department 17837
shall treat the school as if it were open for instruction with 17838
students in attendance during the hours or days waived under this 17839
division. 17840

(I) The department of education shall reduce the amounts paid 17841
under this section to reflect payments made to colleges under 17842
section 3365.07 of the Revised Code. 17843

(J)(1) No student shall be considered enrolled in any 17844
internet- or computer-based community school or, if applicable to 17845
the student, in any community school that is required to provide 17846
the student with a computer pursuant to division (C) of section 17847
3314.22 of the Revised Code, unless both of the following 17848
conditions are satisfied: 17849

(a) The student possesses or has been provided with all 17850
required hardware and software materials and all such materials 17851
are operational so that the student is capable of fully 17852
participating in the learning opportunities specified in the 17853
contract between the school and the school's sponsor as required 17854
by division (A)(23) of section 3314.03 of the Revised Code; 17855

(b) The school is in compliance with division (A) of section 17856
3314.22 of the Revised Code, relative to such student. 17857

(2) In accordance with policies adopted by the superintendent 17858
of public instruction, in consultation with the auditor of state, 17859
the department shall reduce the amounts otherwise payable under 17860
division (C) of this section to any community school that includes 17861
in its program the provision of computer hardware and software 17862
materials to any student, if such hardware and software materials 17863
have not been delivered, installed, and activated for each such 17864
student in a timely manner or other educational materials or 17865

services have not been provided according to the contract between 17866
the individual community school and its sponsor. 17867

The superintendent of public instruction and the auditor of 17868
state shall jointly establish a method for auditing any community 17869
school to which this division pertains to ensure compliance with 17870
this section. 17871

The superintendent, auditor of state, and the governor shall 17872
jointly make recommendations to the general assembly for 17873
legislative changes that may be required to assure fiscal and 17874
academic accountability for such schools. 17875

(K)(1) If the department determines that a review of a 17876
community school's enrollment is necessary, such review shall be 17877
completed and written notice of the findings shall be provided to 17878
the governing authority of the community school and its sponsor 17879
within ninety days of the end of the community school's fiscal 17880
year, unless extended for a period not to exceed thirty additional 17881
days for one of the following reasons: 17882

(a) The department and the community school mutually agree to 17883
the extension. 17884

(b) Delays in data submission caused by either a community 17885
school or its sponsor. 17886

(2) If the review results in a finding that additional 17887
funding is owed to the school, such payment shall be made within 17888
thirty days of the written notice. If the review results in a 17889
finding that the community school owes moneys to the state, the 17890
following procedure shall apply: 17891

(a) Within ten business days of the receipt of the notice of 17892
findings, the community school may appeal the department's 17893
determination to the state board of education or its designee. 17894

(b) The board or its designee shall conduct an informal 17895

hearing on the matter within thirty days of receipt of such an appeal and shall issue a decision within fifteen days of the conclusion of the hearing.

(c) If the board has enlisted a designee to conduct the hearing, the designee shall certify its decision to the board. The board may accept the decision of the designee or may reject the decision of the designee and issue its own decision on the matter.

(d) Any decision made by the board under this division is final.

(3) If it is decided that the community school owes moneys to the state, the department shall deduct such amount from the school's future payments in accordance with guidelines issued by the superintendent of public instruction.

(L) The department shall not subtract from a school district's state aid account and shall not pay to a community school under division (C) of this section any amount for any of the following:

(1) Any student who has graduated from the twelfth grade of a public or nonpublic high school;

(2) Any student who is not a resident of the state;

(3) Any student who was enrolled in the community school during the previous school year when assessments were administered under section 3301.0711 of the Revised Code but did not take one or more of the assessments required by that section and was not excused pursuant to division (C)(1) or (3) of that section, unless the superintendent of public instruction grants the student a waiver from the requirement to take the assessment and a parent is not paying tuition for the student pursuant to section 3314.26 of the Revised Code. The superintendent may grant a waiver only for good cause in accordance with rules adopted by the state board of education.

(4) Any student who has attained the age of twenty-two years, 17927
except for veterans of the armed services whose attendance was 17928
interrupted before completing the recognized twelve-year course of 17929
the public schools by reason of induction or enlistment in the 17930
armed forces and who apply for enrollment in a community school 17931
not later than four years after termination of war or their 17932
honorable discharge. If, however, any such veteran elects to 17933
enroll in special courses organized for veterans for whom tuition 17934
is paid under federal law, or otherwise, the department shall not 17935
subtract from a school district's state aid account and shall not 17936
pay to a community school under division (C) of this section any 17937
amount for that veteran. 17938

Sec. 3314.088. (A) As used in this section: 17939

(1) "Base per pupil amount" has the same meaning as in 17940
section 3317.0219 of the Revised Code. 17941

(2) "Resident district" has the same meaning as in section 17942
3314.08 of the Revised Code. 17943

(B) Subject to division (D) of this section, for fiscal years 17944
2020 and 2021, the department of education shall calculate and pay 17945
to each community school that is not an internet- or 17946
computer-based community school student wellness and success 17947
funds, on a full-time equivalency basis, for each student enrolled 17948
in the school as of the school's payment under section 3314.08 of 17949
the Revised Code in June of the immediately preceding fiscal year 17950
in an amount equal to the following: 17951

(The base per pupil amount of the student's resident district for 17952
that fiscal year + the scaled amount of the student's resident 17953
district, if any, computed under division (B)(4) of section 17954
3317.0219 of the Revised Code) 17955

However, each community school shall receive a minimum 17956
payment of \$25,000, for fiscal year 2020, or \$30,000, for fiscal 17957

year 2021. 17958

(C) Subject to division (D) of this section, for fiscal years 17959
2020 and 2021, the department shall pay student wellness and 17960
success funds to each internet- or computer-based community school 17961
in an amount equal to \$25,000, for fiscal year 2020, or \$30,000, 17962
for fiscal year 2021. 17963

(D) The department shall pay funds under divisions (B) and 17964
(C) of this section as follows: 17965

(1) One-half of the amount shall be paid not later than the 17966
thirty-first day of October of the fiscal year for which the 17967
payment is calculated. 17968

(2) One-half of the amount shall be paid not later than the 17969
twenty-eighth day of February of the fiscal year for which the 17970
payment is calculated. 17971

Upon making a payment for a fiscal year under this section, 17972
the department shall not make any reconciliations or adjustments 17973
to that payment. 17974

(E) A community school that receives a payment under this 17975
section shall comply with section 3317.26 of the Revised Code. 17976

Sec. 3317.016. The amounts for ~~limited~~ English ~~proficient~~ 17977
~~students~~ learners shall be as follows: 17978

(A) An amount of \$1,515 for each student who has been 17979
enrolled in schools in the United States for 180 school days or 17980
less and was not previously exempted from taking the spring 17981
administration of either of the state's English language arts 17982
assessments prescribed by section 3301.0710 of the Revised Code 17983
(reading or writing). 17984

(B) An amount of \$1,136 for each student who has been 17985
enrolled in schools in the United States for more than 180 school 17986
days or was previously exempted from taking the spring 17987

administration of either of the state's English language arts 17988
assessments prescribed by section 3301.0710 of the Revised Code 17989
(reading or writing). 17990

(C) An amount of \$758 for each student who does not qualify 17991
for inclusion under division (A) or (B) of this section and is in 17992
a trial-mainstream period, as defined by the department. 17993

Sec. 3317.02. As used in this chapter: 17994

(A)(1) "Category one career-technical education ADM" means 17995
the enrollment of students during the school year on a full-time 17996
equivalency basis in career-technical education programs described 17997
in division (A) of section 3317.014 of the Revised Code and 17998
certified under division (B)(11) or (D)(2)(h) of section 3317.03 17999
of the Revised Code. 18000

(2) "Category two career-technical education ADM" means the 18001
enrollment of students during the school year on a full-time 18002
equivalency basis in career-technical education programs described 18003
in division (B) of section 3317.014 of the Revised Code and 18004
certified under division (B)(12) or (D)(2)(i) of section 3317.03 18005
of the Revised Code. 18006

(3) "Category three career-technical education ADM" means the 18007
enrollment of students during the school year on a full-time 18008
equivalency basis in career-technical education programs described 18009
in division (C) of section 3317.014 of the Revised Code and 18010
certified under division (B)(13) or (D)(2)(j) of section 3317.03 18011
of the Revised Code. 18012

(4) "Category four career-technical education ADM" means the 18013
enrollment of students during the school year on a full-time 18014
equivalency basis in career-technical education programs described 18015
in division (D) of section 3317.014 of the Revised Code and 18016
certified under division (B)(14) or (D)(2)(k) of section 3317.03 18017

of the Revised Code. 18018

(5) "Category five career-technical education ADM" means the 18019
enrollment of students during the school year on a full-time 18020
equivalency basis in career-technical education programs described 18021
in division (E) of section 3317.014 of the Revised Code and 18022
certified under division (B)(15) or (D)(2)(l) of section 3317.03 18023
of the Revised Code. 18024

(B)(1) "Category one ~~limited~~ English ~~proficient~~ learner ADM" 18025
means the full-time equivalent number of ~~limited~~ English 18026
~~proficient students~~ learners described in division (A) of section 18027
3317.016 of the Revised Code and certified under division (B)(16) 18028
or (D)(2)(m) of section 3317.03 of the Revised Code. 18029

(2) "Category two ~~limited~~ English ~~proficient~~ learner ADM" 18030
means the full-time equivalent number of ~~limited~~ English 18031
~~proficient students~~ learners described in division (B) of section 18032
3317.016 of the Revised Code and certified under division (B)(17) 18033
or (D)(2)(n) of section 3317.03 of the Revised Code. 18034

(3) "Category three ~~limited~~ English ~~proficient~~ learner ADM" 18035
means the full-time equivalent number of ~~limited~~ English 18036
~~proficient students~~ learners described in division (C) of section 18037
3317.016 of the Revised Code and certified under division (B)(18) 18038
or (D)(2)(o) of section 3317.03 of the Revised Code. 18039

(C)(1) "Category one special education ADM" means the 18040
full-time equivalent number of children with disabilities 18041
receiving special education services for the disability specified 18042
in division (A) of section 3317.013 of the Revised Code and 18043
certified under division (B)(5) or (D)(2)(b) of section 3317.03 of 18044
the Revised Code. 18045

(2) "Category two special education ADM" means the full-time 18046
equivalent number of children with disabilities receiving special 18047
education services for those disabilities specified in division 18048

(B) of section 3317.013 of the Revised Code and certified under 18049
division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised 18050
Code. 18051

(3) "Category three special education ADM" means the 18052
full-time equivalent number of students receiving special 18053
education services for those disabilities specified in division 18054
(C) of section 3317.013 of the Revised Code, and certified under 18055
division (B)(7) or (D)(2)(d) of section 3317.03 of the Revised 18056
Code. 18057

(4) "Category four special education ADM" means the full-time 18058
equivalent number of students receiving special education services 18059
for those disabilities specified in division (D) of section 18060
3317.013 of the Revised Code and certified under division (B)(8) 18061
or (D)(2)(e) of section 3317.03 of the Revised Code. 18062

(5) "Category five special education ADM" means the full-time 18063
equivalent number of students receiving special education services 18064
for the disabilities specified in division (E) of section 3317.013 18065
of the Revised Code and certified under division (B)(9) or 18066
(D)(2)(f) of section 3317.03 of the Revised Code. 18067

(6) "Category six special education ADM" means the full-time 18068
equivalent number of students receiving special education services 18069
for the disabilities specified in division (F) of section 3317.013 18070
of the Revised Code and certified under division (B)(10) or 18071
(D)(2)(g) of section 3317.03 of the Revised Code. 18072

(D) "Economically disadvantaged index for a school district" 18073
means the square of the quotient of that district's percentage of 18074
students in its total ADM who are identified as economically 18075
disadvantaged as defined by the department of education, divided 18076
by the percentage of students in the statewide total ADM 18077
identified as economically disadvantaged. For purposes of this 18078
calculation: 18079

(1) For a city, local, or exempted village school district, 18080
the "statewide total ADM" equals the sum of the total ADM for all 18081
city, local, and exempted village school districts combined. 18082

(2) For a joint vocational school district, the "statewide 18083
total ADM" equals the sum of the formula ADM for all joint 18084
vocational school districts combined. 18085

(E)(1) "Formula ADM" means, for a city, local, or exempted 18086
village school district, the enrollment reported under division 18087
(A) of section 3317.03 of the Revised Code, as verified by the 18088
superintendent of public instruction and adjusted if so ordered 18089
under division (K) of that section, and as further adjusted by the 18090
department of education, as follows: 18091

(a) Count only twenty per cent of the number of joint 18092
vocational school district students counted under division (A)(3) 18093
of section 3317.03 of the Revised Code; 18094

(b) Add twenty per cent of the number of students who are 18095
entitled to attend school in the district under section 3313.64 or 18096
3313.65 of the Revised Code and are enrolled in another school 18097
district under a career-technical education compact. 18098

(2) "Formula ADM" means, for a joint vocational school 18099
district, the final number verified by the superintendent of 18100
public instruction, based on the enrollment reported and certified 18101
under division (D) of section 3317.03 of the Revised Code, as 18102
adjusted, if so ordered, under division (K) of that section. 18103

(F) "Formula amount" means \$6,010, for fiscal year 2018, and 18104
\$6,020, for fiscal year 2019. 18105

(G) "FTE basis" means a count of students based on full-time 18106
equivalency, in accordance with rules adopted by the department of 18107
education pursuant to section 3317.03 of the Revised Code. In 18108
adopting its rules under this division, the department shall 18109
provide for counting any student in category one, two, three, 18110

four, five, or six special education ADM or in category one, two, 18111
three, four, or five career-technical education ADM in the same 18112
proportion the student is counted in formula ADM. 18113

(H) "Internet- or computer-based community school" has the 18114
same meaning as in section 3314.02 of the Revised Code. 18115

(I) "Medically fragile child" means a child to whom all of 18116
the following apply: 18117

(1) The child requires the services of a doctor of medicine 18118
or osteopathic medicine at least once a week due to the 18119
instability of the child's medical condition. 18120

(2) The child requires the services of a registered nurse on 18121
a daily basis. 18122

(3) The child is at risk of institutionalization in a 18123
hospital, skilled nursing facility, or intermediate care facility 18124
for individuals with intellectual disabilities. 18125

(J)(1) A child may be identified as having an "other health 18126
impairment-major" if the child's condition meets the definition of 18127
"other health impaired" established in rules previously adopted by 18128
the state board of education and if either of the following apply: 18129

(a) The child is identified as having a medical condition 18130
that is among those listed by the superintendent of public 18131
instruction as conditions where a substantial majority of cases 18132
fall within the definition of "medically fragile child." 18133

(b) The child is determined by the superintendent of public 18134
instruction to be a medically fragile child. A school district 18135
superintendent may petition the superintendent of public 18136
instruction for a determination that a child is a medically 18137
fragile child. 18138

(2) A child may be identified as having an "other health 18139
impairment-minor" if the child's condition meets the definition of 18140

"other health impaired" established in rules previously adopted by the state board of education but the child's condition does not meet either of the conditions specified in division (J)(1)(a) or (b) of this section.

(K) "Preschool child with a disability" means a child with a disability, as defined in section 3323.01 of the Revised Code, who is at least age three but is not of compulsory school age, as defined in section 3321.01 of the Revised Code, and who is not currently enrolled in kindergarten.

(L) "Preschool scholarship ADM" means the number of preschool children with disabilities certified under division (B)(3)(h) of section 3317.03 of the Revised Code.

(M) "Related services" includes:

(1) Child study, special education supervisors and coordinators, speech and hearing services, adaptive physical development services, occupational or physical therapy, teacher assistants for children with disabilities whose disabilities are described in division (B) of section 3317.013 or division (B)(3) of this section, behavioral intervention, interpreter services, work study, nursing services, and specialized integrative services as those terms are defined by the department;

(2) Speech and language services provided to any student with a disability, including any student whose primary or only disability is a speech and language disability;

(3) Any related service not specifically covered by other state funds but specified in federal law, including but not limited to, audiology and school psychological services;

(4) Any service included in units funded under former division (O)(1) of section 3317.024 of the Revised Code;

(5) Any other related service needed by children with

disabilities in accordance with their individualized education programs.	18171 18172
(N) "School district," unless otherwise specified, means city, local, and exempted village school districts.	18173 18174
(O) "State education aid" has the same meaning as in section 5751.20 of the Revised Code.	18175 18176
(P) "State share index" means the state share index calculated for a district under section 3317.017 of the Revised Code.	18177 18178 18179
(Q) "Taxes charged and payable" means the taxes charged and payable against real and public utility property after making the reduction required by section 319.301 of the Revised Code, plus the taxes levied against tangible personal property.	18180 18181 18182 18183
(R)(1) For purposes of section 3317.017 of the Revised Code, "three-year average valuation" means the average of total taxable value for tax years 2014, 2015, and 2016.	18184 18185 18186
(2) For purposes of sections 3317.0217, 3317.0218, and 3317.16 of the Revised Code, "three-year average valuation" means the following:	18187 18188 18189
(a) For fiscal year 2018, the average of total taxable value for tax years 2014, 2015, and 2016;	18190 18191
(b) For fiscal year 2019, the average of total taxable value for tax years 2015, 2016, and 2017.	18192 18193
(S) "Total ADM" means, for a city, local, or exempted village school district, the enrollment reported under division (A) of section 3317.03 of the Revised Code, as verified by the superintendent of public instruction and adjusted if so ordered under division (K) of that section.	18194 18195 18196 18197 18198
(T) "Total special education ADM" means the sum of categories one through six special education ADM.	18199 18200

(U) "Total taxable value" means the sum of the amounts certified for a city, local, exempted village, or joint vocational school district under divisions (A)(1) and (2) of section 3317.021 of the Revised Code.

Sec. 3317.022. (A) The department of education shall compute and distribute state core foundation funding to each eligible school district for the fiscal year, using the information obtained under section 3317.021 of the Revised Code in the calendar year in which the fiscal year begins, as prescribed in the following divisions:

(1) An opportunity grant calculated according to the following formula:

The formula amount X (formula ADM + preschool scholarship ADM) X the district's state share index

(2) Targeted assistance funds calculated under divisions (A) and (B) of section 3317.0217 of the Revised Code;

(3) Additional state aid for special education and related services provided under Chapter 3323. of the Revised Code calculated as the sum of the following:

(a) The district's category one special education ADM X the amount specified in division (A) of section 3317.013 of the Revised Code X the district's state share index;

(b) The district's category two special education ADM X the amount specified in division (B) of section 3317.013 of the Revised Code X the district's state share index;

(c) The district's category three special education ADM X the amount specified in division (C) of section 3317.013 of the Revised Code X the district's state share index;

(d) The district's category four special education ADM X the amount specified in division (D) of section 3317.013 of the

Revised Code X the district's state share index;	18231
(e) The district's category five special education ADM X the amount specified in division (E) of section 3317.013 of the Revised Code X the district's state share index;	18232 18233 18234
(f) The district's category six special education ADM X the amount specified in division (F) of section 3317.013 of the Revised Code X the district's state share index.	18235 18236 18237
(4) Kindergarten through third grade literacy funds calculated according to the following formula:	18238 18239
(\$193 X formula ADM for grades kindergarten through three X the district's state share index) + (\$127 X formula ADM for grades kindergarten through three)	18240 18241 18242
For purposes of this calculation, the department shall subtract from a district's formula ADM for grades kindergarten through three the number of students reported under division (B)(3)(e) of section 3317.03 of the Revised Code as enrolled in an internet- or computer-based community school who are in grades kindergarten through three.	18243 18244 18245 18246 18247 18248
(5) Economically disadvantaged funds calculated according to the following formula:	18249 18250
\$272 X (the district's economically disadvantaged index) X the number of students who are economically disadvantaged as certified under division (B)(21) of section 3317.03 of the Revised Code	18251 18252 18253 18254
(6) Limited English proficiency <u>learner</u> funds calculated as the sum of the following:	18255 18256
(a) The district's category one limited English proficient <u>learner</u> ADM X the amount specified in division (A) of section 3317.016 of the Revised Code X the district's state share index;	18257 18258 18259
(b) The district's category two limited English proficient	18260

<u>learner</u> ADM X the amount specified in division (B) of section	18261
3317.016 of the Revised Code X the district's state share index;	18262
(c) The district's category three limited English proficient	18263
<u>learner</u> ADM X the amount specified in division (C) of section	18264
3317.016 of the Revised Code X the district's state share index.	18265
(7)(a) Gifted identification funds calculated according to	18266
the following formula:	18267
\$5.05 X the district's formula ADM	18268
(b) Gifted unit funding calculated under section 3317.051 of	18269
the Revised Code.	18270
(8) Career-technical education funds calculated as the sum of	18271
the following:	18272
(a) The district's category one career-technical education	18273
ADM X the amount specified in division (A) of section 3317.014 of	18274
the Revised Code X the district's state share index;	18275
(b) The district's category two career-technical education	18276
ADM X the amount specified in division (B) of section 3317.014 of	18277
the Revised Code X the district's state share index;	18278
(c) The district's category three career-technical education	18279
ADM X the amount specified in division (C) of section 3317.014 of	18280
the Revised Code X the district's state share index;	18281
(d) The district's category four career-technical education	18282
ADM X the amount specified in division (D) of section 3317.014 of	18283
the Revised Code X the district's state share index;	18284
(e) The district's category five career-technical education	18285
ADM X the amount specified in division (E) of section 3317.014 of	18286
the Revised Code X the district's state share index.	18287
Payment of funds under division (A)(8) of this section is	18288
subject to approval under section 3317.161 of the Revised Code.	18289
(9) Career-technical education associated services funds	18290

calculated according to the following formula: 18291

The district's state share index X the amount for career-technical 18292
education associated services specified in section 3317.014 of the 18293
Revised Code X the sum of categories one through five 18294
career-technical education ADM 18295

(10) Capacity aid funds calculated under section 3317.0218 of 18296
the Revised Code; 18297

(11) A graduation bonus calculated under section 3317.0215 of 18298
the Revised Code; 18299

(12) A third-grade reading bonus calculated under section 18300
3317.0216 of the Revised Code. 18301

(B) In any fiscal year, a school district shall spend for 18302
purposes that the department designates as approved for special 18303
education and related services expenses at least the amount 18304
calculated as follows: 18305

(The formula amount X the total special education ADM) + (the 18306
district's category one special education ADM X the amount 18307
specified in division (A) of section 3317.013 of the Revised Code) 18308
+ (the district's category two special education ADM X the amount 18309
specified in division (B) of section 3317.013 of the Revised Code) 18310
+ (the district's category three special education ADM X the 18311
amount specified in division (C) of section 3317.013 of the 18312
Revised Code) + (the district's category four special education 18313
ADM X the amount specified in division (D) of section 3317.013 of 18314
the Revised Code) + (the district's category five special 18315
education ADM X the amount specified in division (E) of section 18316
3317.013 of the Revised Code) + (the district's category six 18317
special education ADM X the amount specified in division (F) of 18318
section 3317.013 of the Revised Code) 18319

The purposes approved by the department for special education 18320
expenses shall include, but shall not be limited to, 18321

identification of children with disabilities, compliance with 18322
state rules governing the education of children with disabilities 18323
and prescribing the continuum of program options for children with 18324
disabilities, provision of speech language pathology services, and 18325
the portion of the school district's overall administrative and 18326
overhead costs that are attributable to the district's special 18327
education student population. 18328

The scholarships deducted from the school district's account 18329
under sections 3310.41 and 3310.55 of the Revised Code shall be 18330
considered to be an approved special education and related 18331
services expense for the purpose of the school district's 18332
compliance with this division. 18333

(C) In any fiscal year, a school district receiving funds 18334
under division (A)(8) of this section shall spend those funds only 18335
for the purposes that the department designates as approved for 18336
career-technical education expenses. Career-technical education 18337
expenses approved by the department shall include only expenses 18338
connected to the delivery of career-technical programming to 18339
career-technical students. The department shall require the school 18340
district to report data annually so that the department may 18341
monitor the district's compliance with the requirements regarding 18342
the manner in which funding received under division (A)(8) of this 18343
section may be spent. 18344

(D) In any fiscal year, a school district receiving funds 18345
under division (A)(9) of this section, or through a transfer of 18346
funds pursuant to division (I) of section 3317.023 of the Revised 18347
Code, shall spend those funds only for the purposes that the 18348
department designates as approved for career-technical education 18349
associated services expenses, which may include such purposes as 18350
apprenticeship coordinators, coordinators for other 18351
career-technical education services, career-technical evaluation, 18352
and other purposes designated by the department. The department 18353

may deny payment under division (A)(9) of this section to any district that the department determines is not operating those services or is using funds paid under division (A)(9) of this section, or through a transfer of funds pursuant to division (I) of section 3317.023 of the Revised Code, for other purposes.

(E) All funds received under division (A)(8) of this section shall be spent in the following manner:

(1) At least seventy-five per cent of the funds shall be spent on curriculum development, purchase, and implementation; instructional resources and supplies; industry-based program certification; student assessment, credentialing, and placement; curriculum specific equipment purchases and leases; career-technical student organization fees and expenses; home and agency linkages; work-based learning experiences; professional development; and other costs directly associated with career-technical education programs including development of new programs.

(2) Not more than twenty-five per cent of the funds shall be used for personnel expenditures.

(F) A school district shall spend the funds it receives under division (A)(5) of this section in accordance with section 3317.25 of the Revised Code.

Sec. 3317.0219. (A) As used in this section:

(1) A district's "base per pupil amount" means the following:

(a) For a district in the highest quintile determined under division (B)(2) of this section, \$250, for fiscal year 2020, and \$300, for fiscal year 2021.

(b) For a district in the second highest quintile determined under division (B)(2) of this section, \$200, for fiscal year 2020, and \$240, for fiscal year 2021.

<u>(c) For a district in the third highest quintile determined</u>	18384
<u>under division (B)(2) of this section, \$110, for fiscal year 2020,</u>	18385
<u>and \$130, for fiscal year 2021.</u>	18386
<u>(d) For a district in the fourth highest quintile determined</u>	18387
<u>under division (B)(2) of this section, \$50, for fiscal year 2020,</u>	18388
<u>and \$60, for fiscal year 2021.</u>	18389
<u>(e) For a district in the fifth highest quintile determined</u>	18390
<u>under division (B)(2) of this section, \$20, for fiscal year 2020,</u>	18391
<u>and \$25, for fiscal year 2021.</u>	18392
<u>(2) "Base poverty percentage" for a quintile determined under</u>	18393
<u>division (B)(2) of this section means the poverty percentage of</u>	18394
<u>the district ranked lowest in that quintile.</u>	18395
<u>(3) "Enrolled ADM" means, for a city, local, or exempted</u>	18396
<u>village school district, the enrollment reported under division</u>	18397
<u>(A) of section 3317.03 of the Revised Code, as verified by the</u>	18398
<u>superintendent of public instruction and adjusted if so ordered</u>	18399
<u>under division (K) of that section, and as further adjusted by the</u>	18400
<u>department of education, as follows:</u>	18401
<u>(a) Add the students counted under division (A)(1)(b) of</u>	18402
<u>section 3317.03 of the Revised Code.</u>	18403
<u>(b) Subtract the students counted under divisions (A)(2)(a),</u>	18404
<u>(b), (d), (g), (h), (i), and (j) of section 3317.03 of the Revised</u>	18405
<u>Code.</u>	18406
<u>(c) Subtract the students counted under division (A)(3) of</u>	18407
<u>section 3317.03 of the Revised Code.</u>	18408
<u>(B) Subject to division (C) of this section, for fiscal years</u>	18409
<u>2020 and 2021, the department of education shall calculate and pay</u>	18410
<u>student wellness and success funds to city, local, and exempted</u>	18411
<u>village school districts as follows:</u>	18412
<u>(1) Using the most recent five-year estimates published by</u>	18413

the United States census bureau in the American community survey 18414
or its successor report, compute the poverty percentage for each 18415
district, which equals the following quotient: 18416

The number of children younger than eighteen years old residing in 18417
the district who live in a household with a family income below 18418
one hundred eighty-five per cent of the federal poverty 18419
guidelines, as defined in section 5101.46 of the Revised Code / 18420
the total number of children younger than eighteen years old 18421
residing in the district 18422

(2) Rank all city, local, and exempted village school 18423
districts in order of poverty percentage calculated under division 18424
(B)(1) of this section, from the district with the highest 18425
percentage to the district with the lowest percentage, and group 18426
the districts into quintiles. 18427

(3) Determine each district's enrolled ADM that was used for 18428
the second payment under Chapter 3317. of the Revised Code in June 18429
of the immediately preceding fiscal year. If a district's enrolled 18430
ADM that was used for the second payment under Chapter 3317. of 18431
the Revised Code in June of the immediately preceding fiscal year 18432
is determined to be less than five, the district's enrolled ADM, 18433
for purposes of computations under this section, shall be zero. 18434

(4) For each district that is not in the highest quintile 18435
determined under division (B)(2) of this section, compute the 18436
district's scaled amount, which is equal to the following 18437
quotient: 18438

[(The district's poverty percentage computed under division (B)(1) 18439
of this section - the base poverty percentage of the district's 18440
quintile) / (the base poverty percentage of the quintile that is 18441
the next highest quintile compared to the district's quintile - 18442
the base poverty percentage of the district's quintile)] X (the 18443
base per pupil amount for a district in the quintile that is the 18444
next highest quintile compared to the district's quintile - the 18445

<u>district's base per pupil amount)</u>	18446
<u>(5) Compute a district's payment as follows:</u>	18447
<u>(a) Subject to division (B)(5)(c) of this section, if a</u>	18448
<u>district is in the highest quintile determined under division</u>	18449
<u>(B)(2) of this section, the district's payment shall be equal to</u>	18450
<u>the following amount:</u>	18451
<u>The district's base per pupil amount for that fiscal year X the</u>	18452
<u>district's enrolled ADM determined under division (B)(3) of this</u>	18453
<u>section</u>	18454
<u>(b) Subject to division (B)(5)(c) of this section, if a</u>	18455
<u>district is not in the highest quintile determined under division</u>	18456
<u>(B)(2) of this section, the district's payment shall be equal to</u>	18457
<u>the following amount:</u>	18458
<u>(The district's base per pupil amount for that fiscal year + the</u>	18459
<u>district's scaled amount computed under division (B)(4) of this</u>	18460
<u>section for that fiscal year) X the district's enrolled ADM</u>	18461
<u>determined under division (B)(3) of this section</u>	18462
<u>(c) If the computation of a district's payment under division</u>	18463
<u>(B)(5)(a) or (b) of this section is greater than zero but less</u>	18464
<u>than \$25,000, for fiscal year 2020, or \$30,000, for fiscal year</u>	18465
<u>2021, the district's payment shall be equal to \$25,000, for fiscal</u>	18466
<u>year 2020, or \$30,000, for fiscal year 2021.</u>	18467
<u>If the computation of a district's payment under division</u>	18468
<u>(B)(5)(a) or (b) of this section is equal to zero, the district's</u>	18469
<u>payment shall be equal to zero.</u>	18470
<u>(C) The department shall pay funds under division (B) of this</u>	18471
<u>section as follows:</u>	18472
<u>(1) One-half of the amount shall be paid not later than the</u>	18473
<u>thirty-first day of October of the fiscal year for which the</u>	18474
<u>payment is calculated.</u>	18475
<u>(2) One-half of the amount shall be paid not later than the</u>	18476

twenty-eighth day of February of the fiscal year for which the 18477
payment is calculated. 18478

Upon making a payment for a fiscal year under this section, 18479
the department shall not make any reconciliations or adjustments 18480
to that payment. 18481

(D) A city, local, or exempted village school district that 18482
receives a payment under this section shall comply with section 18483
3317.26 of the Revised Code. 18484

Sec. 3317.03. (A) The superintendent of each city, local, and 18485
exempted village school district shall report to the state board 18486
of education as of the last day of October, March, and June of 18487
each year the enrollment of students receiving services from 18488
schools under the superintendent's supervision, and the numbers of 18489
other students entitled to attend school in the district under 18490
section 3313.64 or 3313.65 of the Revised Code the superintendent 18491
is required to report under this section, so that the department 18492
of education can calculate the district's formula ADM, total ADM, 18493
category one through five career-technical education ADM, category 18494
one through three ~~limited~~ English ~~proficient~~ learner ADM, category 18495
one through six special education ADM, preschool scholarship ADM, 18496
transportation ADM, and, for purposes of provisions of law outside 18497
of Chapter 3317. of the Revised Code, average daily membership. 18498

(1) The enrollment reported by the superintendent during the 18499
reporting period shall consist of the number of students in grades 18500
kindergarten through twelve receiving any educational services 18501
from the district, except that the following categories of 18502
students shall not be included in the determination: 18503

(a) Students enrolled in adult education classes; 18504

(b) Adjacent or other district students enrolled in the 18505
district under an open enrollment policy pursuant to section 18506

3313.98 of the Revised Code; 18507

(c) Students receiving services in the district pursuant to a 18508
compact, cooperative education agreement, or a contract, but who 18509
are entitled to attend school in another district pursuant to 18510
section 3313.64 or 3313.65 of the Revised Code; 18511

(d) Students for whom tuition is payable pursuant to sections 18512
3317.081 and 3323.141 of the Revised Code; 18513

(e) Students receiving services in the district through a 18514
scholarship awarded under either section 3310.41 or sections 18515
3310.51 to 3310.64 of the Revised Code. 18516

When reporting students under division (A)(1) of this 18517
section, the superintendent also shall report the district where 18518
each student is entitled to attend school pursuant to sections 18519
3313.64 and 3313.65 of the Revised Code. 18520

(2) The department of education shall compile a list of all 18521
students reported to be enrolled in a district under division 18522
(A)(1) of this section and of the students entitled to attend 18523
school in the district pursuant to section 3313.64 or 3313.65 of 18524
the Revised Code on an FTE basis but receiving educational 18525
services in grades kindergarten through twelve from one or more of 18526
the following entities: 18527

(a) A community school pursuant to Chapter 3314. of the 18528
Revised Code, including any participation in a college pursuant to 18529
Chapter 3365. of the Revised Code while enrolled in such community 18530
school; 18531

(b) An alternative school pursuant to sections 3313.974 to 18532
3313.979 of the Revised Code as described in division (I)(2)(a) or 18533
(b) of this section; 18534

(c) A college pursuant to Chapter 3365. of the Revised Code, 18535
except when the student is enrolled in the college while also 18536

enrolled in a community school pursuant to Chapter 3314., a 18537
science, technology, engineering, and mathematics school 18538
established under Chapter 3326., or a college-preparatory boarding 18539
school established under Chapter 3328. of the Revised Code; 18540

(d) An adjacent or other school district under an open 18541
enrollment policy adopted pursuant to section 3313.98 of the 18542
Revised Code; 18543

(e) An educational service center or cooperative education 18544
district; 18545

(f) Another school district under a cooperative education 18546
agreement, compact, or contract; 18547

(g) A chartered nonpublic school with a scholarship paid 18548
under section 3310.08 of the Revised Code, if the students 18549
qualified for the scholarship under section 3310.03 of the Revised 18550
Code; 18551

(h) An alternative public provider or a registered private 18552
provider with a scholarship awarded under either section 3310.41 18553
or sections 3310.51 to 3310.64 of the Revised Code. 18554

As used in this section, "alternative public provider" and 18555
"registered private provider" have the same meanings as in section 18556
3310.41 or 3310.51 of the Revised Code, as applicable. 18557

(i) A science, technology, engineering, and mathematics 18558
school established under Chapter 3326. of the Revised Code, 18559
including any participation in a college pursuant to Chapter 3365. 18560
of the Revised Code while enrolled in the school; 18561

(j) A college-preparatory boarding school established under 18562
Chapter 3328. of the Revised Code, including any participation in 18563
a college pursuant to Chapter 3365. of the Revised Code while 18564
enrolled in the school. 18565

(3) The department also shall compile a list of the students 18566

entitled to attend school in the district under section 3313.64 or 18567
3313.65 of the Revised Code who are enrolled in a joint vocational 18568
school district or under a career-technical education compact, 18569
excluding any students so entitled to attend school in the 18570
district who are enrolled in another school district through an 18571
open enrollment policy as reported under division (A)(2)(d) of 18572
this section and then enroll in a joint vocational school district 18573
or under a career-technical education compact. 18574

The department shall provide each city, local, and exempted 18575
village school district with an opportunity to review the list of 18576
students compiled under divisions (A)(2) and (3) of this section 18577
to ensure that the students reported accurately reflect the 18578
enrollment of students in the district. 18579

(B) To enable the department of education to obtain the data 18580
needed to complete the calculation of payments pursuant to this 18581
chapter, each superintendent shall certify from the reports 18582
provided by the department under division (A) of this section all 18583
of the following: 18584

(1) The total student enrollment in regular learning day 18585
classes included in the report under division (A)(1) or (2) of 18586
this section for each of the individual grades kindergarten 18587
through twelve in schools under the superintendent's supervision; 18588

(2) The unduplicated count of the number of preschool 18589
children with disabilities enrolled in the district for whom the 18590
district is eligible to receive funding under section 3317.0213 of 18591
the Revised Code adjusted for the portion of the year each child 18592
is so enrolled, in accordance with the disability categories 18593
prescribed in section 3317.013 of the Revised Code; 18594

(3) The number of children entitled to attend school in the 18595
district pursuant to section 3313.64 or 3313.65 of the Revised 18596
Code who are: 18597

(a) Participating in a pilot project scholarship program established under sections 3313.974 to 3313.979 of the Revised Code as described in division (I)(2)(a) or (b) of this section;	18598 18599 18600
(b) Enrolled in a college under Chapter 3365. of the Revised Code, except when the student is enrolled in the college while also enrolled in a community school pursuant to Chapter 3314. of the Revised Code, a science, technology, engineering, and mathematics school established under Chapter 3326., or a college-preparatory boarding school established under Chapter 3328. of the Revised Code;	18601 18602 18603 18604 18605 18606 18607
(c) Enrolled in an adjacent or other school district under section 3313.98 of the Revised Code;	18608 18609
(d) Enrolled in a community school established under Chapter 3314. of the Revised Code that is not an internet- or computer-based community school as defined in section 3314.02 of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in such community school;	18610 18611 18612 18613 18614 18615
(e) Enrolled in an internet- or computer-based community school, as defined in section 3314.02 of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;	18616 18617 18618 18619
(f) Enrolled in a chartered nonpublic school with a scholarship paid under section 3310.08 of the Revised Code and who qualified for the scholarship under section 3310.03 of the Revised Code;	18620 18621 18622 18623
(g) Enrolled in kindergarten through grade twelve in an alternative public provider or a registered private provider with a scholarship awarded under section 3310.41 of the Revised Code;	18624 18625 18626
(h) Enrolled as a preschool child with a disability in an alternative public provider or a registered private provider with	18627 18628

a scholarship awarded under section 3310.41 of the Revised Code; 18629

(i) Participating in a program operated by a county board of 18630
developmental disabilities or a state institution; 18631

(j) Enrolled in a science, technology, engineering, and 18632
mathematics school established under Chapter 3326. of the Revised 18633
Code, including any participation in a college pursuant to Chapter 18634
3365. of the Revised Code while enrolled in the school; 18635

(k) Enrolled in a college-preparatory boarding school 18636
established under Chapter 3328. of the Revised Code, including any 18637
participation in a college pursuant to Chapter 3365. of the 18638
Revised Code while enrolled in the school; 18639

(l) Enrolled in an alternative public provider or a 18640
registered private provider with a scholarship awarded under 18641
sections 3310.51 to 3310.64 of the Revised Code. 18642

(4) The total enrollment of pupils in joint vocational 18643
schools; 18644

(5) The combined enrollment of children with disabilities 18645
reported under division (A)(1) or (2) of this section receiving 18646
special education services for the category one disability 18647
described in division (A) of section 3317.013 of the Revised Code, 18648
including children attending a special education program operated 18649
by an alternative public provider or a registered private provider 18650
with a scholarship awarded under sections 3310.51 to 3310.64 of 18651
the Revised Code; 18652

(6) The combined enrollment of children with disabilities 18653
reported under division (A)(1) or (2) of this section receiving 18654
special education services for category two disabilities described 18655
in division (B) of section 3317.013 of the Revised Code, including 18656
children attending a special education program operated by an 18657
alternative public provider or a registered private provider with 18658
a scholarship awarded under sections 3310.51 to 3310.64 of the 18659

Revised Code;	18660
(7) The combined enrollment of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;	18661 18662 18663 18664 18665 18666 18667 18668
(8) The combined enrollment of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for category four disabilities described in division (D) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;	18669 18670 18671 18672 18673 18674 18675 18676
(9) The combined enrollment of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for the category five disabilities described in division (E) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;	18677 18678 18679 18680 18681 18682 18683 18684
(10) The combined enrollment of children with disabilities reported under division (A)(1) or (2) and under division (B)(3)(h) of this section receiving special education services for category six disabilities described in division (F) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under either section	18685 18686 18687 18688 18689 18690 18691

3310.41 or sections 3310.51 to 3310.64 of the Revised Code; 18692

(11) The enrollment of pupils reported under division (A)(1) 18693
or (2) of this section on a full-time equivalency basis in 18694
category one career-technical education programs or classes, 18695
described in division (A) of section 3317.014 of the Revised Code, 18696
operated by the school district or by another district that is a 18697
member of the district's career-technical planning district, other 18698
than a joint vocational school district, or by an educational 18699
service center, notwithstanding division (G) of section 3317.02 of 18700
the Revised Code and division (C)(3) of this section; 18701

(12) The enrollment of pupils reported under division (A)(1) 18702
or (2) of this section on a full-time equivalency basis in 18703
category two career-technical education programs or services, 18704
described in division (B) of section 3317.014 of the Revised Code, 18705
operated by the school district or another school district that is 18706
a member of the district's career-technical planning district, 18707
other than a joint vocational school district, or by an 18708
educational service center, notwithstanding division (G) of 18709
section 3317.02 of the Revised Code and division (C)(3) of this 18710
section; 18711

(13) The enrollment of pupils reported under division (A)(1) 18712
or (2) of this section on a full-time equivalency basis in 18713
category three career-technical education programs or services, 18714
described in division (C) of section 3317.014 of the Revised Code, 18715
operated by the school district or another school district that is 18716
a member of the district's career-technical planning district, 18717
other than a joint vocational school district, or by an 18718
educational service center, notwithstanding division (G) of 18719
section 3317.02 of the Revised Code and division (C)(3) of this 18720
section; 18721

(14) The enrollment of pupils reported under division (A)(1) 18722
or (2) of this section on a full-time equivalency basis in 18723

category four career-technical education programs or services, 18724
described in division (D) of section 3317.014 of the Revised Code, 18725
operated by the school district or another school district that is 18726
a member of the district's career-technical planning district, 18727
other than a joint vocational school district, or by an 18728
educational service center, notwithstanding division (G) of 18729
section 3317.02 of the Revised Code and division (C)(3) of this 18730
section; 18731

(15) The enrollment of pupils reported under division (A)(1) 18732
or (2) of this section on a full-time equivalency basis in 18733
category five career-technical education programs or services, 18734
described in division (E) of section 3317.014 of the Revised Code, 18735
operated by the school district or another school district that is 18736
a member of the district's career-technical planning district, 18737
other than a joint vocational school district, or by an 18738
educational service center, notwithstanding division (G) of 18739
section 3317.02 of the Revised Code and division (C)(3) of this 18740
section; 18741

(16) The enrollment of pupils reported under division (A)(1) 18742
or (2) of this section who are ~~limited English proficient students~~ 18743
learners described in division (A) of section 3317.016 of the 18744
Revised Code, excluding any student reported under division 18745
(B)(3)(e) of this section as enrolled in an internet- or 18746
computer-based community school; 18747

(17) The enrollment of pupils reported under division (A)(1) 18748
or (2) of this section who are ~~limited English proficient students~~ 18749
learners described in division (B) of section 3317.016 of the 18750
Revised Code, excluding any student reported under division 18751
(B)(3)(e) of this section as enrolled in an internet- or 18752
computer-based community school; 18753

(18) The enrollment of pupils reported under division (A)(1) 18754
or (2) of this section who are ~~limited English proficient students~~ 18755

learners described in division (C) of section 3317.016 of the Revised Code, excluding any student reported under division (B)(3)(e) of this section as enrolled in an internet- or computer-based community school; 18756
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(19) The average number of children transported during the reporting period by the school district on board-owned or contractor-owned and -operated buses, reported in accordance with rules adopted by the department of education; 18760
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(20)(a) The number of children, other than preschool children with disabilities, the district placed with a county board of developmental disabilities in fiscal year 1998. Division (B)(20)(a) of this section does not apply after fiscal year 2013. 18764
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(b) The number of children with disabilities, other than preschool children with disabilities, placed with a county board of developmental disabilities in the current fiscal year to receive special education services for the category one disability described in division (A) of section 3317.013 of the Revised Code; 18768
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(c) The number of children with disabilities, other than preschool children with disabilities, placed with a county board of developmental disabilities in the current fiscal year to receive special education services for category two disabilities described in division (B) of section 3317.013 of the Revised Code; 18773
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(d) The number of children with disabilities, other than preschool children with disabilities, placed with a county board of developmental disabilities in the current fiscal year to receive special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code; 18778
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(e) The number of children with disabilities, other than preschool children with disabilities, placed with a county board of developmental disabilities in the current fiscal year to receive special education services for category four disabilities 18783
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described in division (D) of section 3317.013 of the Revised Code; 18787

(f) The number of children with disabilities, other than 18788
preschool children with disabilities, placed with a county board 18789
of developmental disabilities in the current fiscal year to 18790
receive special education services for the category five 18791
disabilities described in division (E) of section 3317.013 of the 18792
Revised Code; 18793

(g) The number of children with disabilities, other than 18794
preschool children with disabilities, placed with a county board 18795
of developmental disabilities in the current fiscal year to 18796
receive special education services for category six disabilities 18797
described in division (F) of section 3317.013 of the Revised Code. 18798

(21) The enrollment of students who are economically 18799
disadvantaged, as defined by the department, excluding any student 18800
reported under division (B)(3)(e) of this section as enrolled in 18801
an internet- or computer-based community school. A student shall 18802
not be categorically excluded from the number reported under 18803
division (B)(21) of this section based on anything other than 18804
family income. 18805

(C)(1) The state board of education shall adopt rules 18806
necessary for implementing divisions (A), (B), and (D) of this 18807
section. 18808

(2) A student enrolled in a community school established 18809
under Chapter 3314., a science, technology, engineering, and 18810
mathematics school established under Chapter 3326., or a 18811
college-preparatory boarding school established under Chapter 18812
3328. of the Revised Code shall be counted in the formula ADM and, 18813
if applicable, the category one, two, three, four, five, or six 18814
special education ADM of the school district in which the student 18815
is entitled to attend school under section 3313.64 or 3313.65 of 18816
the Revised Code for the same proportion of the school year that 18817

the student is counted in the enrollment of the community school, 18818
the science, technology, engineering, and mathematics school, or 18819
the college-preparatory boarding school for purposes of section 18820
3314.08, 3326.33, or 3328.24 of the Revised Code. Notwithstanding 18821
the enrollment of students certified pursuant to division 18822
(B)(3)(d), (e), (j), or (k) of this section, the department may 18823
adjust the formula ADM of a school district to account for 18824
students entitled to attend school in the district under section 18825
3313.64 or 3313.65 of the Revised Code who are enrolled in a 18826
community school, a science, technology, engineering, and 18827
mathematics school, or a college-preparatory boarding school for 18828
only a portion of the school year. 18829

(3) No child shall be counted as more than a total of one 18830
child in the sum of the enrollment of students of a school 18831
district under division (A), divisions (B)(1) to (22), or division 18832
(D) of this section, except as follows: 18833

(a) A child with a disability described in section 3317.013 18834
of the Revised Code may be counted both in formula ADM and in 18835
category one, two, three, four, five, or six special education ADM 18836
and, if applicable, in category one, two, three, four, or five 18837
career-technical education ADM. As provided in division (G) of 18838
section 3317.02 of the Revised Code, such a child shall be counted 18839
in category one, two, three, four, five, or six special education 18840
ADM in the same proportion that the child is counted in formula 18841
ADM. 18842

(b) A child enrolled in career-technical education programs 18843
or classes described in section 3317.014 of the Revised Code may 18844
be counted both in formula ADM and category one, two, three, four, 18845
or five career-technical education ADM and, if applicable, in 18846
category one, two, three, four, five, or six special education 18847
ADM. Such a child shall be counted in category one, two, three, 18848
four, or five career-technical education ADM in the same 18849

proportion as the percentage of time that the child spends in the 18850
career-technical education programs or classes. 18851

(4) Based on the information reported under this section, the 18852
department of education shall determine the total student count, 18853
as defined in section 3301.011 of the Revised Code, for each 18854
school district. 18855

(D)(1) The superintendent of each joint vocational school 18856
district shall report and certify to the superintendent of public 18857
instruction as of the last day of October, March, and June of each 18858
year the enrollment of students receiving services from schools 18859
under the superintendent's supervision so that the department can 18860
calculate the district's formula ADM, total ADM, category one 18861
through five career-technical education ADM, category one through 18862
three ~~limited~~ English ~~proficient~~ learner ADM, category one through 18863
six special education ADM, and for purposes of provisions of law 18864
outside of Chapter 3317. of the Revised Code, average daily 18865
membership. 18866

The enrollment reported and certified by the superintendent, 18867
except as otherwise provided in this division, shall consist of 18868
the ~~the~~ number of students in grades six through twelve receiving 18869
any educational services from the district, except that the 18870
following categories of students shall not be included in the 18871
determination: 18872

(a) Students enrolled in adult education classes; 18873

(b) Adjacent or other district joint vocational students 18874
enrolled in the district under an open enrollment policy pursuant 18875
to section 3313.98 of the Revised Code; 18876

(c) Students receiving services in the district pursuant to a 18877
compact, cooperative education agreement, or a contract, but who 18878
are entitled to attend school in a city, local, or exempted 18879
village school district whose territory is not part of the 18880

territory of the joint vocational district;	18881
(d) Students for whom tuition is payable pursuant to sections 3317.081 and 3323.141 of the Revised Code.	18882 18883
(2) To enable the department of education to obtain the data needed to complete the calculation of payments pursuant to this chapter, each superintendent shall certify from the report provided under division (D)(1) of this section the enrollment for each of the following categories of students:	18884 18885 18886 18887 18888
(a) Students enrolled in each individual grade included in the joint vocational district schools;	18889 18890
(b) Children with disabilities receiving special education services for the category one disability described in division (A) of section 3317.013 of the Revised Code;	18891 18892 18893
(c) Children with disabilities receiving special education services for the category two disabilities described in division (B) of section 3317.013 of the Revised Code;	18894 18895 18896
(d) Children with disabilities receiving special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code;	18897 18898 18899
(e) Children with disabilities receiving special education services for category four disabilities described in division (D) of section 3317.013 of the Revised Code;	18900 18901 18902
(f) Children with disabilities receiving special education services for the category five disabilities described in division (E) of section 3317.013 of the Revised Code;	18903 18904 18905
(g) Children with disabilities receiving special education services for category six disabilities described in division (F) of section 3317.013 of the Revised Code;	18906 18907 18908
(h) Students receiving category one career-technical education services, described in division (A) of section 3317.014	18909 18910

of the Revised Code;	18911
(i) Students receiving category two career-technical education services, described in division (B) of section 3317.014 of the Revised Code;	18912 18913 18914
(j) Students receiving category three career-technical education services, described in division (C) of section 3317.014 of the Revised Code;	18915 18916 18917
(k) Students receiving category four career-technical education services, described in division (D) of section 3317.014 of the Revised Code;	18918 18919 18920
(l) Students receiving category five career-technical education services, described in division (E) of section 3317.014 of the Revised Code;	18921 18922 18923
(m) Limited English proficient students <u>learners</u> described in division (A) of section 3317.016 of the Revised Code;	18924 18925
(n) Limited English proficient students <u>learners</u> described in division (B) of section 3317.016 of the Revised Code;	18926 18927
(o) Limited English proficient students <u>learners</u> described in division (C) of section 3317.016 of the Revised Code;	18928 18929
(p) Students who are economically disadvantaged, as defined by the department. A student shall not be categorically excluded from the number reported under division (D)(2)(p) of this section based on anything other than family income.	18930 18931 18932 18933
The superintendent of each joint vocational school district shall also indicate the city, local, or exempted village school district in which each joint vocational district pupil is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code.	18934 18935 18936 18937 18938
(E) In each school of each city, local, exempted village, joint vocational, and cooperative education school district there	18939 18940

shall be maintained a record of school enrollment, which record 18941
shall accurately show, for each day the school is in session, the 18942
actual enrollment in regular day classes. For the purpose of 18943
determining the enrollment of students, the enrollment figure of 18944
any school shall not include any pupils except those pupils 18945
described by division (A) of this section. The record of 18946
enrollment for each school shall be maintained in such manner that 18947
no pupil shall be counted as enrolled prior to the actual date of 18948
entry in the school and also in such manner that where for any 18949
cause a pupil permanently withdraws from the school that pupil 18950
shall not be counted as enrolled from and after the date of such 18951
withdrawal. There shall not be included in the enrollment of any 18952
school any of the following: 18953

(1) Any pupil who has graduated from the twelfth grade of a 18954
public or nonpublic high school; 18955

(2) Any pupil who is not a resident of the state; 18956

(3) Any pupil who was enrolled in the schools of the district 18957
during the previous school year when assessments were administered 18958
under section 3301.0711 of the Revised Code but did not take one 18959
or more of the assessments required by that section and was not 18960
excused pursuant to division (C)(1) or (3) of that section; 18961

(4) Any pupil who has attained the age of twenty-two years, 18962
except for veterans of the armed services whose attendance was 18963
interrupted before completing the recognized twelve-year course of 18964
the public schools by reason of induction or enlistment in the 18965
armed forces and who apply for reenrollment in the public school 18966
system of their residence not later than four years after 18967
termination of war or their honorable discharge; 18968

(5) Any pupil who has a certificate of high school 18969
equivalence as defined in section 5107.40 of the Revised Code. 18970

If, however, any veteran described by division (E)(4) of this 18971

section elects to enroll in special courses organized for veterans 18972
for whom tuition is paid under the provisions of federal laws, or 18973
otherwise, that veteran shall not be included in the enrollment of 18974
students determined under this section. 18975

Notwithstanding division (E)(3) of this section, the 18976
enrollment of any school may include a pupil who did not take an 18977
assessment required by section 3301.0711 of the Revised Code if 18978
the superintendent of public instruction grants a waiver from the 18979
requirement to take the assessment to the specific pupil and a 18980
parent is not paying tuition for the pupil pursuant to section 18981
3313.6410 of the Revised Code. The superintendent may grant such a 18982
waiver only for good cause in accordance with rules adopted by the 18983
state board of education. 18984

The formula ADM, total ADM, category one through five 18985
career-technical education ADM, category one through three ~~limited~~ 18986
English ~~proficient learner~~ ADM, category one through six special 18987
education ADM, preschool scholarship ADM, transportation ADM, and, 18988
for purposes of provisions of law outside of Chapter 3317. of the 18989
Revised Code, average daily membership of any school district 18990
shall be determined in accordance with rules adopted by the state 18991
board of education. 18992

(F)(1) If a student attending a community school under 18993
Chapter 3314., a science, technology, engineering, and mathematics 18994
school established under Chapter 3326., or a college-preparatory 18995
boarding school established under Chapter 3328. of the Revised 18996
Code is not included in the formula ADM calculated for the school 18997
district in which the student is entitled to attend school under 18998
section 3313.64 or 3313.65 of the Revised Code, the department of 18999
education shall adjust the formula ADM of that school district to 19000
include the student in accordance with division (C)(2) of this 19001
section, and shall recalculate the school district's payments 19002
under this chapter for the entire fiscal year on the basis of that 19003

adjusted formula ADM. 19004

(2) If a student awarded an educational choice scholarship is 19005
not included in the formula ADM of the school district from which 19006
the department deducts funds for the scholarship under section 19007
3310.08 of the Revised Code, the department shall adjust the 19008
formula ADM of that school district to include the student to the 19009
extent necessary to account for the deduction, and shall 19010
recalculate the school district's payments under this chapter for 19011
the entire fiscal year on the basis of that adjusted formula ADM. 19012

(3) If a student awarded a scholarship under the Jon Peterson 19013
special needs scholarship program is not included in the formula 19014
ADM of the school district from which the department deducts funds 19015
for the scholarship under section 3310.55 of the Revised Code, the 19016
department shall adjust the formula ADM of that school district to 19017
include the student to the extent necessary to account for the 19018
deduction, and shall recalculate the school district's payments 19019
under this chapter for the entire fiscal year on the basis of that 19020
adjusted formula ADM. 19021

(G)(1)(a) The superintendent of an institution operating a 19022
special education program pursuant to section 3323.091 of the 19023
Revised Code shall, for the programs under such superintendent's 19024
supervision, certify to the state board of education, in the 19025
manner prescribed by the superintendent of public instruction, 19026
both of the following: 19027

(i) The unduplicated count of the number of all children with 19028
disabilities other than preschool children with disabilities 19029
receiving services at the institution for each category of 19030
disability described in divisions (A) to (F) of section 3317.013 19031
of the Revised Code adjusted for the portion of the year each 19032
child is so enrolled; 19033

(ii) The unduplicated count of the number of all preschool 19034

children with disabilities in classes or programs for whom the district is eligible to receive funding under section 3317.0213 of the Revised Code adjusted for the portion of the year each child is so enrolled, reported according to the categories prescribed in section 3317.013 of the Revised Code.

(b) The superintendent of an institution with career-technical education units approved under section 3317.05 of the Revised Code shall, for the units under the superintendent's supervision, certify to the state board of education the enrollment in those units, in the manner prescribed by the superintendent of public instruction.

(2) The superintendent of each county board of developmental disabilities that maintains special education classes under section 3317.20 of the Revised Code or provides services to preschool children with disabilities pursuant to an agreement between the county board and the appropriate school district shall do both of the following:

(a) Certify to the state board, in the manner prescribed by the board, the enrollment in classes under section 3317.20 of the Revised Code for each school district that has placed children in the classes;

(b) Certify to the stateboard, in the manner prescribed by the board, the unduplicated count of the number of all preschool children with disabilities enrolled in classes for which the board is eligible to receive funding under section 3317.0213 of the Revised Code adjusted for the portion of the year each child is so enrolled, reported according to the categories prescribed in section 3317.013 of the Revised Code, and the number of those classes.

(H) Except as provided in division (I) of this section, when any city, local, or exempted village school district provides

instruction for a nonresident pupil whose attendance is 19066
unauthorized attendance as defined in section 3327.06 of the 19067
Revised Code, that pupil's enrollment shall not be included in 19068
that district's enrollment figure used in calculating the 19069
district's payments under this chapter. The reporting official 19070
shall report separately the enrollment of all pupils whose 19071
attendance in the district is unauthorized attendance, and the 19072
enrollment of each such pupil shall be credited to the school 19073
district in which the pupil is entitled to attend school under 19074
division (B) of section 3313.64 or section 3313.65 of the Revised 19075
Code as determined by the department of education. 19076

(I)(1) A city, local, exempted village, or joint vocational 19077
school district admitting a scholarship student of a pilot project 19078
district pursuant to division (C) of section 3313.976 of the 19079
Revised Code may count such student in its enrollment. 19080

(2) In any year for which funds are appropriated for pilot 19081
project scholarship programs, a school district implementing a 19082
state-sponsored pilot project scholarship program that year 19083
pursuant to sections 3313.974 to 3313.979 of the Revised Code may 19084
count in its enrollment: 19085

(a) All children residing in the district and utilizing a 19086
scholarship to attend kindergarten in any alternative school, as 19087
defined in section 3313.974 of the Revised Code; 19088

(b) All children who were enrolled in the district in the 19089
preceding year who are utilizing a scholarship to attend an 19090
alternative school. 19091

(J) The superintendent of each cooperative education school 19092
district shall certify to the superintendent of public 19093
instruction, in a manner prescribed by the state board of 19094
education, the applicable enrollments for all students in the 19095
cooperative education district, also indicating the city, local, 19096

or exempted village district where each pupil is entitled to 19097
attend school under section 3313.64 or 3313.65 of the Revised 19098
Code. 19099

(K) If the superintendent of public instruction determines 19100
that a component of the enrollment certified or reported by a 19101
district superintendent, or other reporting entity, is not 19102
correct, the superintendent of public instruction may order that 19103
the formula ADM used for the purposes of payments under any 19104
section of Title XXXVIII of the Revised Code be adjusted in the 19105
amount of the error. 19106

Sec. 3317.06. Moneys paid to school districts under division 19107
(E)(1) of section 3317.024 of the Revised Code shall be used for 19108
the following independent and fully severable purposes: 19109

(A) To purchase such secular textbooks or digital texts as 19110
have been approved by the superintendent of public instruction for 19111
use in public schools in the state and to loan such textbooks or 19112
digital texts to pupils attending nonpublic schools within the 19113
district described in division (E)(1) of section 3317.024 of the 19114
Revised Code or to their parents and to hire clerical personnel to 19115
administer such lending program. Such loans shall be based upon 19116
individual requests submitted by such nonpublic school pupils or 19117
parents. Such requests shall be submitted to the school district 19118
in which the nonpublic school is located. Such individual requests 19119
for the loan of textbooks or digital texts shall, for 19120
administrative convenience, be submitted by the nonpublic school 19121
pupil or the pupil's parent to the nonpublic school, which shall 19122
prepare and submit collective summaries of the individual requests 19123
to the school district. As used in this section: 19124

(1) "Textbook" means any book or book substitute that a pupil 19125
uses as a consumable or nonconsumable text, text substitute, or 19126
text supplement in a particular class or program in the school the 19127

pupil regularly attends. 19128

(2) "Digital text" means a consumable book or book substitute 19129
that a student accesses through the use of a computer or other 19130
electronic medium or that is available through an internet-based 19131
provider of course content, or any other material that contributes 19132
to the learning process through electronic means. 19133

(B) To provide speech and hearing diagnostic services to 19134
pupils attending nonpublic schools within the district described 19135
in division (E)(1) of section 3317.024 of the Revised Code. Such 19136
service shall be provided in the nonpublic school attended by the 19137
pupil receiving the service. 19138

(C) To provide physician, nursing, dental, and optometric 19139
services to pupils attending nonpublic schools within the district 19140
described in division (E)(1) of section 3317.024 of the Revised 19141
Code. Such services shall be provided in the school attended by 19142
the nonpublic school pupil receiving the service. 19143

(D) To provide diagnostic psychological services to pupils 19144
attending nonpublic schools within the district described in 19145
division (E)(1) of section 3317.024 of the Revised Code. Such 19146
services shall be provided in the school attended by the pupil 19147
receiving the service. 19148

(E) To provide therapeutic psychological and speech and 19149
hearing services to pupils attending nonpublic schools within the 19150
district described in division (E)(1) of section 3317.024 of the 19151
Revised Code. Such services shall be provided in the public 19152
school, in nonpublic schools, in public centers, or in mobile 19153
units located on or off of the nonpublic premises. If such 19154
services are provided in the public school or in public centers, 19155
transportation to and from such facilities shall be provided by 19156
the school district in which the nonpublic school is located. 19157

(F) To provide guidance, counseling, and social work services 19158

to pupils attending nonpublic schools within the district 19159
described in division (E)(1) of section 3317.024 of the Revised 19160
Code. Such services shall be provided in the public school, in 19161
nonpublic schools, in public centers, or in mobile units located 19162
on or off of the nonpublic premises. If such services are provided 19163
in the public school or in public centers, transportation to and 19164
from such facilities shall be provided by the school district in 19165
which the nonpublic school is located. 19166

(G) To provide remedial services to pupils attending 19167
nonpublic schools within the district described in division (E)(1) 19168
of section 3317.024 of the Revised Code. Such services shall be 19169
provided in the public school, in nonpublic schools, in public 19170
centers, or in mobile units located on or off of the nonpublic 19171
premises. If such services are provided in the public school or in 19172
public centers, transportation to and from such facilities shall 19173
be provided by the school district in which the nonpublic school 19174
is located. 19175

(H) To supply for use by pupils attending nonpublic schools 19176
within the district described in division (E)(1) of section 19177
3317.024 of the Revised Code such standardized tests and scoring 19178
services as are in use in the public schools of the state; 19179

(I) To provide programs for children who attend nonpublic 19180
schools within the district described in division (E)(1) of 19181
section 3317.024 of the Revised Code and are children with 19182
disabilities as defined in section 3323.01 of the Revised Code or 19183
gifted children. Such programs shall be provided in the public 19184
school, in nonpublic schools, in public centers, or in mobile 19185
units located on or off of the nonpublic premises. If such 19186
programs are provided in the public school or in public centers, 19187
transportation to and from such facilities shall be provided by 19188
the school district in which the nonpublic school is located. 19189

(J) To hire clerical personnel to assist in the 19190

administration of programs pursuant to divisions (B), (C), (D), 19191
(E), (F), (G), and (I) of this section and to hire supervisory 19192
personnel to supervise the providing of services and textbooks 19193
pursuant to this section. 19194

(K) To purchase or lease any secular, neutral, and 19195
nonideological computer application software designed to assist 19196
students in performing a single task or multiple related tasks, 19197
device management software, learning management software, 19198
site-licensing, digital video on demand (DVD), wide area 19199
connectivity and related technology as it relates to internet 19200
access, mathematics or science equipment and materials, 19201
instructional materials, and school library materials that are in 19202
general use in the public schools of the state and loan such items 19203
to pupils attending nonpublic schools within the district 19204
described in division (E)(1) of section 3317.024 of the Revised 19205
Code or to their parents, and to hire clerical personnel to 19206
administer the lending program. Only such items that are incapable 19207
of diversion to religious use and that are susceptible of loan to 19208
individual pupils and are furnished for the use of individual 19209
pupils shall be purchased and loaned under this division. As used 19210
in this section, "instructional materials" means prepared learning 19211
materials that are secular, neutral, and nonideological in 19212
character and are of benefit to the instruction of school 19213
children. "Instructional materials" includes media content that a 19214
student may access through the use of a computer or electronic 19215
device. 19216

Mobile applications that are secular, neutral, and 19217
nonideological in character and that are purchased for less than 19218
twenty dollars for instructional use shall be considered to be 19219
consumable and shall be distributed to students without the 19220
expectation that the applications must be returned. 19221

(L) To purchase or lease instructional equipment, including 19222

computer hardware and related equipment in general use in the 19223
public schools of the state, for use by pupils attending nonpublic 19224
schools within the district described in division (E)(1) of 19225
section 3317.024 of the Revised Code and to loan such items to 19226
pupils attending such nonpublic schools within the district or to 19227
their parents, and to hire clerical personnel to administer the 19228
lending program. "Computer hardware and related equipment" 19229
includes desktop computers and workstations; laptop computers, 19230
computer tablets, and other mobile handheld devices; their 19231
operating systems and accessories; and any equipment designed to 19232
make accessible the environment of a classroom to a student, who 19233
is physically unable to attend classroom activities due to 19234
hospitalization or other circumstances, by allowing real-time 19235
interaction with other students both one-on-one and in group 19236
discussion. 19237

(M) To purchase mobile units to be used for the provision of 19238
services pursuant to divisions (E), (F), (G), and (I) of this 19239
section and to pay for necessary repairs and operating costs 19240
associated with these units. 19241

(N) To reimburse costs the district incurred to store the 19242
records of a chartered nonpublic school that closes. 19243
Reimbursements under this division shall be made one time only for 19244
each chartered nonpublic school described in division (E)(1) of 19245
section 3317.024 of the Revised Code that closes. 19246

(O) To purchase life-saving medical or other emergency 19247
equipment for placement in nonpublic schools within the district 19248
described in division (E)(1) of section 3317.024 of the Revised 19249
Code or to maintain such equipment. 19250

(P) To procure and pay for security services from a county 19251
sheriff or a township or municipal police force or from a person 19252
certified through the Ohio peace officer training commission, in 19253
accordance with section 109.78 of the Revised Code, as a special 19254

police, security guard, or as a privately employed person serving 19255
in a police capacity for nonpublic schools in the district 19256
described in division (E)(1) of section 3317.024 of the Revised 19257
Code. 19258

(Q) To provide language and academic support services and 19259
other accommodations for English ~~language~~ learners attending 19260
nonpublic schools within the district described in division (E)(1) 19261
of section 3317.024 of the Revised Code. 19262

Clerical and supervisory personnel hired pursuant to division 19263
(J) of this section shall perform their services in the public 19264
schools, in nonpublic schools, public centers, or mobile units 19265
where the services are provided to the nonpublic school pupil, 19266
except that such personnel may accompany pupils to and from the 19267
service sites when necessary to ensure the safety of the children 19268
receiving the services. 19269

All services provided pursuant to this section may be 19270
provided under contract with educational service centers, the 19271
department of health, city or general health districts, or private 19272
agencies whose personnel are properly licensed by an appropriate 19273
state board or agency. 19274

Transportation of pupils provided pursuant to divisions (E), 19275
(F), (G), and (I) of this section shall be provided by the school 19276
district from its general funds and not from moneys paid to it 19277
under division (E)(1) of section 3317.024 of the Revised Code 19278
unless a special transportation request is submitted by the parent 19279
of the child receiving service pursuant to such divisions. If such 19280
an application is presented to the school district, it may pay for 19281
the transportation from moneys paid to it under division (E)(1) of 19282
section 3317.024 of the Revised Code. 19283

No school district shall provide health or remedial services 19284
to nonpublic school pupils as authorized by this section unless 19285

such services are available to pupils attending the public schools 19286
within the district. 19287

Materials, equipment, computer hardware or software, 19288
textbooks, digital texts, and health and remedial services 19289
provided for the benefit of nonpublic school pupils pursuant to 19290
this section and the admission of pupils to such nonpublic schools 19291
shall be provided without distinction as to race, creed, color, or 19292
national origin of such pupils or of their teachers. 19293

No school district shall provide services, materials, or 19294
equipment that contain religious content for use in religious 19295
courses, devotional exercises, religious training, or any other 19296
religious activity. 19297

As used in this section, "parent" includes a person standing 19298
in loco parentis to a child. 19299

Notwithstanding section 3317.01 of the Revised Code, payments 19300
shall be made under this section to any city, local, or exempted 19301
village school district within which is located one or more 19302
nonpublic elementary or high schools described in division (E)(1) 19303
of section 3317.024 of the Revised Code and any payments made to 19304
school districts under division (E)(1) of section 3317.024 of the 19305
Revised Code for purposes of this section may be disbursed without 19306
submission to and approval of the controlling board. 19307

The allocation of payments for materials, equipment, 19308
textbooks, digital texts, health services, and remedial services 19309
to city, local, and exempted village school districts shall be on 19310
the basis of the state board of education's estimated annual 19311
average daily membership in nonpublic elementary and high schools 19312
located in the district described in division (E)(1) of section 19313
3317.024 of the Revised Code. 19314

Payments made to city, local, and exempted village school 19315
districts under this section shall be equal to specific 19316

appropriations made for the purpose. All interest earned by a 19317
school district on such payments shall be used by the district for 19318
the same purposes and in the same manner as the payments may be 19319
used. 19320

The department of education shall adopt guidelines and 19321
procedures under which such programs and services shall be 19322
provided, under which districts shall be reimbursed for 19323
administrative costs incurred in providing such programs and 19324
services, and under which any unexpended balance of the amounts 19325
appropriated by the general assembly to implement this section may 19326
be transferred to the auxiliary services personnel unemployment 19327
compensation fund established pursuant to section 4141.47 of the 19328
Revised Code. The department shall also adopt guidelines and 19329
procedures limiting the purchase and loan of the items described 19330
in division (K) of this section to items that are in general use 19331
in the public schools of the state, that are incapable of 19332
diversion to religious use, and that are susceptible to individual 19333
use rather than classroom use. Within thirty days after the end of 19334
each biennium, each board of education shall remit to the 19335
department all moneys paid to it under division (E)(1) of section 19336
3317.024 of the Revised Code and any interest earned on those 19337
moneys that are not required to pay expenses incurred under this 19338
section during the biennium for which the money was appropriated 19339
and during which the interest was earned. If a board of education 19340
subsequently determines that the remittal of moneys leaves the 19341
board with insufficient money to pay all valid expenses incurred 19342
under this section during the biennium for which the remitted 19343
money was appropriated, the board may apply to the department of 19344
education for a refund of money, not to exceed the amount of the 19345
insufficiency. If the department determines the expenses were 19346
lawfully incurred and would have been lawful expenditures of the 19347
refunded money, it shall certify its determination and the amount 19348
of the refund to be made to the director of job and family 19349

services who shall make a refund as provided in section 4141.47 of the Revised Code. 19350
19351

Each school district shall label materials, equipment, computer hardware or software, textbooks, and digital texts purchased or leased for loan to a nonpublic school under this section, acknowledging that they were purchased or leased with state funds under this section. However, a district need not label materials, equipment, computer hardware or software, textbooks, or digital texts that the district determines are consumable in nature or have a value of less than two hundred dollars. 19352
19353
19354
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19357
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19359

Sec. 3317.16. (A) The department of education shall compute and distribute state core foundation funding to each joint vocational school district for the fiscal year as prescribed in the following divisions: 19360
19361
19362
19363

(1) An opportunity grant calculated according to the following formula: 19364
19365

(The formula amount X formula ADM) - (0.0005 X the district's three-year average valuation) 19366
19367

However, no district shall receive an opportunity grant that is less than 0.05 times the formula amount times formula ADM. 19368
19369

(2) Additional state aid for special education and related services provided under Chapter 3323. of the Revised Code calculated as the sum of the following: 19370
19371
19372

(a) The district's category one special education ADM X the amount specified in division (A) of section 3317.013 of the Revised Code X the district's state share percentage; 19373
19374
19375

(b) The district's category two special education ADM X the amount specified in division (B) of section 3317.013 of the Revised Code X the district's state share percentage; 19376
19377
19378

(c) The district's category three special education ADM X the 19379

amount specified in division (C) of section 3317.013 of the Revised Code X the district's state share percentage; 19380
19381

(d) The district's category four special education ADM X the amount specified in division (D) of section 3317.013 of the Revised Code X the district's state share percentage; 19382
19383
19384

(e) The district's category five special education ADM X the amount specified in division (E) of section 3317.013 of the Revised Code X the district's state share percentage; 19385
19386
19387

(f) The district's category six special education ADM X the amount specified in division (F) of section 3317.013 of the Revised Code X the district's state share percentage. 19388
19389
19390

(3) Economically disadvantaged funds calculated according to the following formula: 19391
19392

\$272 X the district's economically disadvantaged index X the number of students who are economically disadvantaged as certified under division (D)(2)(p) of section 3317.03 of the Revised Code 19393
19394
19395

(4) ~~Limited~~ English ~~proficiency~~ learner funds calculated as the sum of the following: 19396
19397

(a) The district's category one ~~limited~~ English ~~proficient~~ learner ADM X the amount specified in division (A) of section 3317.016 of the Revised Code X the district's state share percentage; 19398
19399
19400
19401

(b) The district's category two ~~limited~~ English ~~proficient~~ learner ADM X the amount specified in division (B) of section 3317.016 of the Revised Code X the district's state share percentage; 19402
19403
19404
19405

(c) The district's category three ~~limited~~ English ~~proficient~~ learner ADM X the amount specified in division (C) of section 3317.016 of the Revised Code X the district's state share percentage; 19406
19407
19408
19409

(5) Career-technical education funds calculated as the sum of the following: 19410
19411

(a) The district's category one career-technical education ADM X the amount specified in division (A) of section 3317.014 of the Revised Code X the district's state share percentage; 19412
19413
19414

(b) The district's category two career-technical education ADM X the amount specified in division (B) of section 3317.014 of the Revised Code X the district's state share percentage; 19415
19416
19417

(c) The district's category three career-technical education ADM X the amount specified in division (C) of section 3317.014 of the Revised Code X the district's state share percentage; 19418
19419
19420

(d) The district's category four career-technical education ADM X the amount specified in division (D) of section 3317.014 of the Revised Code X the district's state share percentage; 19421
19422
19423

(e) The district's category five career-technical education ADM X the amount specified in division (E) of section 3317.014 of the Revised Code X the district's state share percentage. 19424
19425
19426

Payment of funds under division (A)(5) of this section is subject to approval under section 3317.161 of the Revised Code. 19427
19428

(6) Career-technical education associated services funds calculated under the following formula: 19429
19430

The district's state share percentage X the amount for career-technical education associated services specified in section 3317.014 of the Revised Code X the sum of categories one through five career-technical education ADM 19431
19432
19433
19434
19435

(7) A graduation bonus calculated according to the following formula: 19436
19437

The district's graduation rate as reported on its most recent report card issued by the department under section 3302.033 of the 19438
19439

Revised Code X 0.075 X the formula amount X the number of the 19440
district's students who received high school or honors high school 19441
diplomas as reported by the district to the department, in 19442
accordance with the guidelines adopted under section 3301.0714 of 19443
the Revised Code, for the same school year for which the most 19444
recent report card was issued X the district's state share 19445
percentage 19446

(B)(1) If a joint vocational school district's costs for a 19447
fiscal year for a student in its categories two through six 19448
special education ADM exceed the threshold catastrophic cost for 19449
serving the student, as specified in division (B) of section 19450
3317.0214 of the Revised Code, the district may submit to the 19451
superintendent of public instruction documentation, as prescribed 19452
by the superintendent, of all of its costs for that student. Upon 19453
submission of documentation for a student of the type and in the 19454
manner prescribed, the department shall pay to the district an 19455
amount equal to the sum of the following: 19456

(a) One-half of the district's costs for the student in 19457
excess of the threshold catastrophic cost; 19458

(b) The product of one-half of the district's costs for the 19459
student in excess of the threshold catastrophic cost multiplied by 19460
the district's state share percentage. 19461

(2) The district shall report under division (B)(1) of this 19462
section, and the department shall pay for, only the costs of 19463
educational expenses and the related services provided to the 19464
student in accordance with the student's individualized education 19465
program. Any legal fees, court costs, or other costs associated 19466
with any cause of action relating to the student may not be 19467
included in the amount. 19468

(C)(1) For each student with a disability receiving special 19469
education and related services under an individualized education 19470
program, as defined in section 3323.01 of the Revised Code, at a 19471

joint vocational school district, the resident district or, if the student is enrolled in a community school, the community school shall be responsible for the amount of any costs of providing those special education and related services to that student that exceed the sum of the amount calculated for those services attributable to that student under division (A) of this section.

Those excess costs shall be calculated using a formula approved by the department.

(2) The board of education of the joint vocational school district may report the excess costs calculated under division (C)(1) of this section to the department of education.

(3) If the board of education of the joint vocational school district reports excess costs under division (C)(2) of this section, the department shall pay the amount of excess cost calculated under division (C)(2) of this section to the joint vocational school district and shall deduct that amount as provided in division (C)(3)(a) or (b) of this section, as applicable:

(a) If the student is not enrolled in a community school, the department shall deduct the amount from the account of the student's resident district pursuant to division (J) of section 3317.023 of the Revised Code.

(b) If the student is enrolled in a community school, the department shall deduct the amount from the account of the community school pursuant to section 3314.083 of the Revised Code.

(D)(1) In any fiscal year, a school district receiving funds under division (A)(5) of this section shall spend those funds only for the purposes that the department designates as approved for career-technical education expenses. Career-technical education expenses approved by the department shall include only expenses connected to the delivery of career-technical programming to

career-technical students. The department shall require the school 19503
district to report data annually so that the department may 19504
monitor the district's compliance with the requirements regarding 19505
the manner in which funding received under division (A)(5) of this 19506
section may be spent. 19507

(2) All funds received under division (A)(5) of this section 19508
shall be spent in the following manner: 19509

(a) At least seventy-five per cent of the funds shall be 19510
spent on curriculum development, purchase, and implementation; 19511
instructional resources and supplies; industry-based program 19512
certification; student assessment, credentialing, and placement; 19513
curriculum specific equipment purchases and leases; 19514
career-technical student organization fees and expenses; home and 19515
agency linkages; work-based learning experiences; professional 19516
development; and other costs directly associated with 19517
career-technical education programs including development of new 19518
programs. 19519

(b) Not more than twenty-five per cent of the funds shall be 19520
used for personnel expenditures. 19521

(E) In any fiscal year, a school district receiving funds 19522
under division (A)(6) of this section, or through a transfer of 19523
funds pursuant to division (I) of section 3317.023 of the Revised 19524
Code, shall spend those funds only for the purposes that the 19525
department designates as approved for career-technical education 19526
associated services expenses, which may include such purposes as 19527
apprenticeship coordinators, coordinators for other 19528
career-technical education services, career-technical evaluation, 19529
and other purposes designated by the department. The department 19530
may deny payment under division (A)(6) of this section to any 19531
district that the department determines is not operating those 19532
services or is using funds paid under division (A)(6) of this 19533
section, or through a transfer of funds pursuant to division (I) 19534

of section 3317.023 of the Revised Code, for other purposes. 19535

(F) A joint vocational school district shall spend the funds 19536
it receives under division (A)(3) of this section in accordance 19537
with section 3317.25 of the Revised Code. 19538

(G) As used in this section: 19539

(1) "Community school" means a community school established 19540
under Chapter 3314. of the Revised Code. 19541

(2) "Resident district" means the city, local, or exempted 19542
village school district in which a student is entitled to attend 19543
school under section 3313.64 or 3313.65 of the Revised Code. 19544

(3) "State share percentage" is equal to the following: 19545
The amount computed under division (A)(1) of this section / 19546
(the formula amount X formula ADM) 19547

Sec. 3317.163. (A) As used in this section: 19548

(1) "Base per pupil amount" has the same meaning as in 19549
section 3317.0219 of the Revised Code. 19550

(2) "Resident district" means the city, local, or exempted 19551
village school district in which a student is entitled to attend 19552
school pursuant to section 3313.64 or 3313.65 of the Revised Code. 19553

(B) Subject to division (C) of this section, for fiscal years 19554
2020 and 2021, the department of education shall calculate and pay 19555
to each joint vocational school district student wellness and 19556
success funds, on a full-time equivalency basis, for each student 19557
enrolled in the district as of the district's payment under 19558
section 3317.16 of the Revised Code in June of the immediately 19559
preceding fiscal year in an amount equal to the following: 19560

(The base per pupil amount of the student's resident district for 19561
that fiscal year + the scaled amount of the student's resident 19562
district, if any, computed under division (B)(4) of section 19563

3317.0219 of the Revised Code) 19564

However, each joint vocational school district shall receive 19565
a minimum payment of \$25,000, for fiscal year 2020, or \$30,000 for 19566
fiscal year 2021. 19567

(C) The department shall pay funds under division (B) of this 19568
section as follows: 19569

(1) One-half of the amount shall be paid not later than the 19570
thirty-first day of October of the fiscal year for which the 19571
payment is calculated. 19572

(2) One-half of the amount shall be paid not later than the 19573
twenty-eighth day of making a payment for a fiscal year under this 19574
section, the department shall not make any reconciliations or 19575
adjustments to that payment. 19576

(D) A joint vocational school district that receives a 19577
payment under this section shall comply with section 3317.26 of 19578
the Revised Code. 19579

Sec. 3317.26. (A) As used in this section, "student wellness 19580
and success funds" means the following: 19581

(1) For a city, local, or exempted village school district, 19582
the funds received under section 3317.0219 of the Revised Code; 19583

(2) For a joint vocational school district, the funds 19584
received under section 3317.163 of the Revised Code. 19585

(3) For a community school established under Chapter 3314. of 19586
the Revised Code, the funds received under section 3314.088 of the 19587
Revised Code. 19588

(4) For a STEM school established under Chapter 3326. of the 19589
Revised Code, the funds received under section 3326.42 of the 19590
Revised Code. 19591

(B) In any fiscal year, a city, local, exempted village, or 19592

<u>joint vocational school district, community school, or STEM school</u>	19593
<u>shall spend the student wellness and success funds it receives for</u>	19594
<u>any of the following initiatives or a combination of any of the</u>	19595
<u>following initiatives:</u>	19596
<u>(1) Mental health services;</u>	19597
<u>(2) Services for homeless youth;</u>	19598
<u>(3) Services for child welfare involved youth;</u>	19599
<u>(4) Community liaisons;</u>	19600
<u>(5) Physical health care services;</u>	19601
<u>(6) Mentoring programs;</u>	19602
<u>(7) Family engagement and support services;</u>	19603
<u>(8) City connects programming;</u>	19604
<u>(9) Professional development regarding the provision of</u>	19605
<u>trauma informed care;</u>	19606
<u>(10) Professional development regarding cultural competence.</u>	19607
<u>(C) Each city, local, exempted village, and joint vocational</u>	19608
<u>school district, community school, and STEM school that is subject</u>	19609
<u>to the requirements of this section shall develop a plan for</u>	19610
<u>utilizing the student wellness and success funds it receives in</u>	19611
<u>coordination with at least one of the following community</u>	19612
<u>partners:</u>	19613
<u>(1) A board of alcohol, drug, and mental health services</u>	19614
<u>established under Chapter 340. of the Revised Code;</u>	19615
<u>(2) An educational service center;</u>	19616
<u>(3) A county board of developmental disabilities;</u>	19617
<u>(4) A community-based mental health treatment provider;</u>	19618
<u>(5) A board of health of a city or general health district;</u>	19619
<u>(6) A county department of job and family services;</u>	19620

(7) A nonprofit organization with experience serving children. 19621
19622

(D) At the end of each fiscal year, each city, local, exempted village, or joint vocational school district, community school, and STEM school shall submit a report to the department of education describing the initiative or initiatives on which the district's or school's student wellness and success funds were spent during that fiscal year. 19623
19624
19625
19626
19627
19628

Sec. 3317.40. (A) As used in this section, "subgroup" means 19629
one of the following subsets of the entire student population of a 19630
school district or a school building: 19631

(1) Students with disabilities; 19632

(2) Economically disadvantaged students; 19633

(3) ~~Limited English proficient students~~ learners; 19634

(4) Students identified as gifted in superior cognitive 19635
ability and specific academic ability fields under Chapter 3324. 19636
of the Revised Code. 19637

(B) It is the intent of the general assembly that funds 19638
provided under this chapter shall be used for the provision of a 19639
system of common schools and the advancement of the knowledge of 19640
all students. As such, school districts and schools shall be held 19641
accountable for those funds to ensure that all students are 19642
provided an opportunity to graduate from high school prepared for 19643
a career or for post-secondary education. 19644

(C) When funds are provided under this chapter specifically 19645
for services for a subgroup of students, the general assembly has 19646
determined that these students experience unique challenges 19647
requiring additional resources and intends that the funds so 19648
provided be used for services that will allow students in those 19649
subgroups to master the knowledge base required for high school 19650

graduation. 19651

(D) If a district or school fails to show satisfactory 19652
achievement and progress, as determined by the state board of 19653
education, for any subgroup of students based on performance 19654
measures reported or graded under section 3302.03 of the Revised 19655
Code, the district or school shall submit an improvement plan to 19656
the department for approval. The plan may be included in any other 19657
improvement plan required of the district or school under state or 19658
federal law. The department may require that a plan required under 19659
division (C) of this section include an agreement to partner with 19660
another organization that has demonstrated the ability to improve 19661
the educational outcome for that subgroup of students to provide 19662
services to those students. The partner organization may be 19663
another school, district, or other education provider. 19664

Not later than December 31, 2014, the state board of 19665
education shall establish measures of satisfactory achievement and 19666
progress, which include, but are not limited to, performance 19667
measures under section 3302.03 of the Revised Code. The department 19668
shall make the initial determination of satisfactory achievement 19669
and progress under this section using those measures not later 19670
than September 1, 2015, and then make determinations under this 19671
section annually thereafter. 19672

The department shall publish a list of schools, school 19673
districts, and other educational providers that have demonstrated 19674
an ability to serve each subgroup of students. 19675

Sec. 3326.11. Each science, technology, engineering, and 19676
mathematics school established under this chapter and its 19677
governing body shall comply with sections 9.90, 9.91, 109.65, 19678
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 19679
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 19680
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 19681

3313.482, 3313.50, 3313.536, 3313.539, 3313.5310, 3313.608, 19682
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6021, 19683
3313.6024, 3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 19684
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 19685
3313.667, 3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 19686
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 19687
3313.721, 3313.80, 3313.801, 3313.814, 3313.816, 3313.817, 19688
3313.86, 3313.89, 3313.96, 3319.073, 3319.21, 3319.32, 3319.321, 19689
3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 3321.01, 19690
3321.041, 3321.05, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 19691
3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and 19692
Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 19693
4112., 4123., 4141., and 4167. of the Revised Code as if it were a 19694
school district. 19695

Sec. 3326.31. As used in sections 3326.31 to 3326.50 of the 19696
Revised Code: 19697

(A)(1) "Category one career-technical education student" 19698
means a student who is receiving the career-technical education 19699
services described in division (A) of section 3317.014 of the 19700
Revised Code. 19701

(2) "Category two career-technical student" means a student 19702
who is receiving the career-technical education services described 19703
in division (B) of section 3317.014 of the Revised Code. 19704

(3) "Category three career-technical student" means a student 19705
who is receiving the career-technical education services described 19706
in division (C) of section 3317.014 of the Revised Code. 19707

(4) "Category four career-technical student" means a student 19708
who is receiving the career-technical education services described 19709
in division (D) of section 3317.014 of the Revised Code. 19710

(5) "Category five career-technical education student" means 19711

a student who is receiving the career-technical education services 19712
described in division (E) of section 3317.014 of the Revised Code. 19713

(B)(1) "Category one ~~limited English proficient student~~ 19714
learner" means a ~~limited~~ an English ~~proficient student~~ learner 19715
described in division (A) of section 3317.016 of the Revised Code. 19716

(2) "Category two ~~limited English proficient student~~ learner" 19717
means a ~~limited~~ an English ~~proficient student~~ learner described in 19718
division (B) of section 3317.016 of the Revised Code. 19719

(3) "Category three ~~limited English proficient student~~ 19720
learner" means a ~~limited~~ an English ~~proficient student~~ learner 19721
described in division (C) of section 3317.016 of the Revised Code. 19722

(C)(1) "Category one special education student" means a 19723
student who is receiving special education services for a 19724
disability specified in division (A) of section 3317.013 of the 19725
Revised Code. 19726

(2) "Category two special education student" means a student 19727
who is receiving special education services for a disability 19728
specified in division (B) of section 3317.013 of the Revised Code. 19729

(3) "Category three special education student" means a 19730
student who is receiving special education services for a 19731
disability specified in division (C) of section 3317.013 of the 19732
Revised Code. 19733

(4) "Category four special education student" means a student 19734
who is receiving special education services for a disability 19735
specified in division (D) of section 3317.013 of the Revised Code. 19736

(5) "Category five special education student" means a student 19737
who is receiving special education services for a disability 19738
specified in division (E) of section 3317.013 of the Revised Code. 19739

(6) "Category six special education student" means a student 19740
who is receiving special education services for a disability 19741

specified in division (F) of section 3317.013 of the Revised Code. 19742

(D) "Formula amount" has the same meaning as in section 19743
3317.02 of the Revised Code. 19744

(E) "IEP" means an individualized education program as 19745
defined in section 3323.01 of the Revised Code. 19746

(F) "Resident district" means the school district in which a 19747
student is entitled to attend school under section 3313.64 or 19748
3313.65 of the Revised Code. 19749

(G) "State education aid" has the same meaning as in section 19750
5751.20 of the Revised Code. 19751

Sec. 3326.32. Each science, technology, engineering, and 19752
mathematics school shall report to the department of education, in 19753
the form and manner required by the department, all of the 19754
following information: 19755

(A) The total number of students enrolled in the school who 19756
are residents of this state; 19757

(B) The number of students reported under division (A) of 19758
this section who are receiving special education and related 19759
services pursuant to an IEP; 19760

(C) For each student reported under division (B) of this 19761
section, which category specified in divisions (A) to (F) of 19762
section 3317.013 of the Revised Code applies to the student; 19763

(D) The full-time equivalent number of students reported 19764
under division (A) of this section who are enrolled in 19765
career-technical education programs or classes described in each 19766
of divisions (A), (B), (C), (D), and (E) of section 3317.014 of 19767
the Revised Code that are provided by the STEM school; 19768

(E) The number of students reported under division (A) of 19769
this section who are ~~limited English proficient students~~ learners 19770

and which category specified in divisions (A) to (C) of section 19771
3317.016 of the Revised Code applies to each student; 19772

(F) The number of students reported under division (A) of 19773
this section who are economically disadvantaged, as defined by the 19774
department. A student shall not be categorically excluded from the 19775
number reported under division (F) of this section based on 19776
anything other than family income. 19777

(G) The resident district of each student reported under 19778
division (A) of this section; 19779

(H) The total number of students enrolled in the school who 19780
are not residents of this state and any additional information 19781
regarding these students that the department requires the school 19782
to report. The school shall not receive any payments under this 19783
chapter for students reported under this division. 19784

(I) Any additional information the department determines 19785
necessary to make payments under this chapter. 19786

Sec. 3326.33. For each student enrolled in a science, 19787
technology, engineering, and mathematics school established under 19788
this chapter, on a full-time equivalency basis, the department of 19789
education annually shall deduct from the state education aid of a 19790
student's resident school district and, if necessary, from the 19791
payment made to the district under sections 321.24 and 323.156 of 19792
the Revised Code and pay to the school the sum of the following: 19793

(A) An opportunity grant in an amount equal to the formula 19794
amount; 19795

(B) The per pupil amount of targeted assistance funds 19796
calculated under division (A) of section 3317.0217 of the Revised 19797
Code for the student's resident district, as determined by the 19798
department, X 0.25; 19799

(C) Additional state aid for special education and related 19800

services provided under Chapter 3323. of the Revised Code as follows:	19801 19802
(1) If the student is a category one special education student, the amount specified in division (A) of section 3317.013 of the Revised Code;	19803 19804 19805
(2) If the student is a category two special education student, the amount specified in division (B) of section 3317.013 of the Revised Code;	19806 19807 19808
(3) If the student is a category three special education student, the amount specified in division (C) of section 3317.013 of the Revised Code;	19809 19810 19811
(4) If the student is a category four special education student, the amount specified in division (D) of section 3317.013 of the Revised Code;	19812 19813 19814
(5) If the student is a category five special education student, the amount specified in division (E) of section 3317.013 of the Revised Code;	19815 19816 19817
(6) If the student is a category six special education student, the amount specified in division (F) of section 3317.013 of the Revised Code.	19818 19819 19820
(D) If the student is in kindergarten through third grade, \$320;	19821 19822
(E) If the student is economically disadvantaged, an amount equal to the following: \$272 X the resident district's economically disadvantaged index	19823 19824 19825
(F) Limited English proficiency <u>learner</u> funds, as follows:	19826
(1) If the student is a category one limited English proficient student <u>learner</u> , the amount specified in division (A) of section 3317.016 of the Revised Code;	19827 19828 19829
(2) If the student is a category two limited English	19830

~~proficient student learner~~, the amount specified in division (B) 19831
of section 3317.016 of the Revised Code; 19832

(3) If the student is a category three ~~limited~~ English 19833
~~proficient student learner~~, the amount specified in division (C) 19834
of section 3317.016 of the Revised Code. 19835

(G) Career-technical education funds as follows: 19836

(1) If the student is a category one career-technical 19837
education student, the amount specified in division (A) of section 19838
3317.014 of the Revised Code; 19839

(2) If the student is a category two career-technical 19840
education student, the amount specified in division (B) of section 19841
3317.014 of the Revised Code; 19842

(3) If the student is a category three career-technical 19843
education student, the amount specified in division (C) of section 19844
3317.014 of the Revised Code; 19845

(4) If the student is a category four career-technical 19846
education student, the amount specified in division (D) of section 19847
3317.014 of the Revised Code; 19848

(5) If the student is a category five career-technical 19849
education student, the amount specified in division (E) of section 19850
3317.014 of the Revised Code. 19851

Deduction and payment of funds under division (G) of this 19852
section is subject to approval under section 3317.161 of the 19853
Revised Code. 19854

Sec. 3326.42. (A) As used in this section: 19855

(1) "Base per pupil amount" has the same meaning as in 19856
section 3317.0219 of the Revised Code. 19857

(2) "Resident district" has the same meaning as in section 19858
3326.31 of the Revised Code. 19859

(B) Subject to division (C) of this section, for fiscal years 2020 and 2021, the department of education shall calculate and pay to each science, technology, engineering, and mathematics school student wellness and success funds, on a full-time equivalency basis, for each student enrolled in the school as of the school's payment under section 3326.33 of the Revised Code in June of the immediately preceding fiscal year in an amount equal to the following:

(The base per pupil amount of the student's resident district for that fiscal year + the scaled amount of the student's resident district, if any, computed under division (B)(4) of section 3317.0219 of the Revised Code)

However, each science, technology, engineering, and mathematics school shall receive a minimum payment of \$25,000, for fiscal year 2020, or \$30,000 for fiscal year 2021.

(C) The department shall pay funds under division (B) of this section as follows:

(1) One-half of the amount shall be paid not later than the thirty-first day of October of the fiscal year for which the payment is calculated.

(2) One-half of the amount shall be paid not later than the twenty-eighth day of February of the fiscal year for which the payment is calculated.

Upon making a payment for a fiscal year under this section, the department shall not make any reconciliations or adjustments to that payment.

(D) A science, technology, engineering, and mathematics school that receives a payment under this section shall comply with section 3317.26 of the Revised Code.

Sec. 3328.24. A college-preparatory boarding school

established under this chapter and its board of trustees shall 19890
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 19891
3301.0714, 3301.0729, 3301.948, 3313.536, 3313.6013, 3313.6021, 19892
3313.6024, 3313.6411, 3313.668, 3313.7112, 3313.721, 3313.89, 19893
3319.39, 3319.391, and 3319.46 and Chapter 3365. of the Revised 19894
Code as if the school were a school district and the school's 19895
board of trustees were a district board of education. 19896

Sec. 3345.48. (A) As used in this section: 19897

(1) "Cohort" means a group of students who will complete 19898
their bachelor's degree requirements and graduate from a state 19899
university at the same time. A cohort may include transfer 19900
students and other selected undergraduate student academic 19901
programs as determined by the board of trustees of a state 19902
university. 19903

(2) "Eligible student" means an undergraduate student who: 19904

(a) Is enrolled full-time in a bachelor's degree program at a 19905
state university; 19906

(b) Is a resident of this state, as defined by the chancellor 19907
of higher education under section 3333.31 of the Revised Code. 19908

(3) "State university" has the same meaning as in section 19909
3345.011 of the Revised Code. 19910

(B) The board of trustees of a each state university ~~may~~ 19911
shall establish an undergraduate tuition guarantee program that 19912
allows eligible students in the same cohort to pay a fixed rate 19913
for general and instructional fees for four years. A board of 19914
trustees may include room and board and any additional fees in the 19915
program. 19916

~~If the board of trustees chooses to establish such a program,~~ 19917
~~the~~ The board shall adopt rules for the program that include, but 19918

are not limited to, all of the following: 19919

(1) The number of credit hours required to earn an 19920
undergraduate degree in each major; 19921

(2) A guarantee that the general and instructional fees for 19922
each student in the cohort shall remain constant for four years so 19923
long as the student complies with the requirements of the program, 19924
except that, notwithstanding any law to the contrary, the board 19925
may increase the guaranteed amount by up to six per cent above 19926
what has been charged in the previous academic year one time for 19927
the first cohort enrolled under the tuition guarantee program. If 19928
the board of trustees determines that economic conditions or other 19929
circumstances require an increase for the first cohort of above 19930
six per cent, the board shall submit a request to increase the 19931
amount by a specified percentage to the chancellor. The 19932
chancellor, based on information the chancellor requires from the 19933
board of trustees, shall approve or disapprove such a request. 19934
Thereafter, the board of trustees may increase the guaranteed 19935
amount by up to the sum of the following above what has been 19936
charged in the previous academic year one time per subsequent 19937
cohort: 19938

(a) The average rate of inflation, as measured by the 19939
consumer price index prepared by the bureau of labor statistics of 19940
the United States department of labor (all urban consumers, all 19941
items), for the previous ~~sixty-month~~ thirty-six-month period; and 19942

(b) The percentage amount the general assembly restrains 19943
increases on in-state undergraduate instructional and general fees 19944
for the applicable fiscal year. If the general assembly does not 19945
enact a limit on the increase of in-state undergraduate 19946
instructional and general fees, then no limit shall apply under 19947
this division for the cohort that first enrolls in any academic 19948
year for which the general assembly does not prescribe a limit. 19949

If, beginning with the academic year that starts four years after September 29, 2013, the board of trustees determines that the general and instructional fees charged under the tuition guarantee have fallen significantly lower than those of other state universities, the board of trustees may submit a request to increase the amount charged to a cohort by a specified percentage to the chancellor, who shall approve or disapprove such a request.

(3) A benchmark by which the board sets annual increases in general and instructional fees. This benchmark and any subsequent change to the benchmark shall be subject to approval of the chancellor.

(4) Eligibility requirements for students to participate in the program;

(5) Student rights and privileges under the program;

(6) Consequences to the university for students unable to complete a degree program within four years, as follows:

(a) For a student who could not complete the program in four years due to a lack of available classes or space in classes provided by the university, the university shall provide the necessary course or courses for completion to the student free of charge.

(b) For a student who could not complete the program in four years due to military service or other circumstances beyond a student's control, as determined by the board of trustees, the university shall provide the necessary course or courses for completion to the student at the student's initial cohort rate.

(c) For a student who did not complete the program in four years for any other reason, as determined by the board of trustees, the university shall provide the necessary course or courses for completion to the student at a rate determined through a method established by the board under division (B)(7) of this

section.	19981
(7) Guidelines for adjusting a student's annual charges if the student, due to circumstances under the student's control, is unable to complete a degree program within four years;	19982 19983 19984
(8) A requirement that the rules adopted under division (B) of this section be published or posted in the university handbook, course catalog, and web site.	19985 19986 19987
(C) If a board of trustees implements a program under this section, the The board shall submit the rules adopted under division (B) of this section to the chancellor for approval before beginning implementation of the program.	19988 19989 19990 19991
The chancellor shall not unreasonably withhold approval of a program if the program conforms in principle with the parameters and guidelines of this section.	19992 19993 19994
(D) A board of trustees of a state university may establish an undergraduate tuition guarantee program for nonresident students.	19995 19996 19997
(E) Within five years after September 29, 2013, the chancellor shall publish on the chancellor's web site a report that includes all of the following:	19998 19999 20000
(1) The state universities that have adopted an undergraduate tuition guarantee program under this section;	20001 20002
(2) The details of each undergraduate tuition guarantee program established under this section;	20003 20004
(3) Comparative data, including general and instructional fees, room and board, graduation rates, and retention rates, from all state universities.	20005 20006 20007
(F) Except as provided in this section, no other limitation on the increase of in-state undergraduate instructional and general fees shall apply to a state university that has	20008 20009 20010

established an undergraduate tuition guarantee program under this 20011
section. 20012

Sec. 3701.044. ~~When the director of health or department of~~ 20013
~~health is~~ required or authorized to conduct or administer an 20014
examination or evaluation of ~~individuals~~ an individual for the 20015
purpose of determining competency or ~~for the purpose of~~ issuing a 20016
license, certificate, registration, or other authority to practice 20017
or perform duties, the director of health or department of health 20018
may ~~provide for the examination or evaluation by contracting~~ 20019
contract with ~~any public or private~~ an entity to conduct or 20020
administer the examination or evaluation. The contract may 20021
authorize the entity to collect and retain, as all or part of the 20022
entity's compensation under the contract, any fee paid by an 20023
individual for the examination or evaluation. ~~An~~ The entity 20024
~~authorized to collect and retain a fee~~ is not required to deposit 20025
the fee into the state treasury. 20026

The director or department shall post to the department's web 20027
site the dollar amounts for fees described in this section. Any 20028
changes in fee amounts shall be posted to the web site not later 20029
than thirty days before such changes are effective. 20030

Except when considered to be necessary by the director or 20031
department, the director or department shall not disclose test 20032
materials, examinations, or evaluation tools used in any 20033
examination or evaluation the director or department conducts, 20034
administers, or provides for by contract. The test materials, 20035
examinations, and evaluation tools are not public records for the 20036
purpose of section 149.43 of the Revised Code and are not subject 20037
to inspection or copying under section 1347.08 of the Revised 20038
Code. 20039

Sec. 3701.049. (A) As used in this section, "board of health" 20040

has the same meaning as in section 3707.70 of the Revised Code. 20041

(B) The director of health shall adopt rules in accordance 20042
with Chapter 119. of the Revised Code that establish a procedure 20043
for fetal-infant mortality review boards to follow in conducting a 20044
review of a fetal or infant death. The rules shall do all of the 20045
following: 20046

(1) Specify the procedures a board of health must use to 20047
establish and operate a fetal-infant mortality review board under 20048
section 3707.71 of the Revised Code; 20049

(2) Specify the data and other relevant information a review 20050
board must use when conducting the reviews described in section 20051
3707.71 of the Revised Code; 20052

(3) Establish guidelines for a review board to follow so that 20053
information presented to the review board does not include 20054
anything that would permit any person's identity to be 20055
ascertained; 20056

(4) Specify the standards and procedures a review board must 20057
use when reporting fetal-infant mortality data to the fetal-infant 20058
mortality database maintained by the department of health or the 20059
national infant death review database. 20060

Sec. 3701.0410. The department of health shall adopt rules in 20061
accordance with Chapter 119. of the Revised Code that establish a 20062
procedure for county or regional drug overdose fatality review 20063
committees to follow in conducting a review of an overdose death. 20064
The rules shall do all of the following: 20065

(A) Establish the format for the annual reports required by 20066
section 307.636 of the Revised Code; 20067

(B) Establish guidelines for a county or regional review 20068
committee to follow in compiling statistics for annual reports so 20069

that the reports do not contain any information that would permit any person's identity to be ascertained from a report; 20070
20071

(C) Establish guidelines for a county or regional review committee to follow in creating and maintaining the comprehensive database of overdose deaths required by section 307.634 of the Revised Code, including provisions establishing uniform record-keeping procedures; 20072
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(D) Establish guidelines for reporting drug overdose fatality review data to the department of health, which must maintain the confidentiality of information that would permit a person's identity to be ascertained; 20077
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(E) Establish guidelines, materials, and training to help educate members of county or regional review committees about the purpose of the review process and the confidentiality of the information described in section 307.639 of the Revised Code. 20081
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Sec. 3701.139. (A) Subject to division (B) of this section, the director of health shall convene meetings with staff of the department of health, department of medicaid, department of administrative services, and commission on minority health to do all of the following: 20085
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(1) Assess the prevalence of all types of diabetes in this state, including disparities in that prevalence among various demographic populations and local jurisdictions; 20090
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(2) Establish and reevaluate goals for each of the agencies to reduce that prevalence; 20093
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(3) Identify how to measure the progress achieved toward attaining the goals established under division (A)(2) of this section; 20095
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(4) Establish and monitor the implementation of plans for each agency to reduce the prevalence of all types of diabetes, 20098
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improve diabetes care, and control complications associated with 20100
diabetes among the populations of concern to each agency; 20101

(5) Consider any other matter associated with reducing the 20102
prevalence of all types of diabetes in this state that the 20103
director considers appropriate; 20104

(6) Collect the information needed to prepare the reports 20105
required by division (C) of this section. 20106

(B) The director shall convene the meetings required by 20107
division (A) of this section at the director's discretion, but not 20108
less than twice each calendar year. 20109

(C) Not later than the thirty-first day of January of ~~each~~ 20110
~~even-numbered~~ every third year beginning in ~~2018~~ 2021, the 20111
director shall submit a report to the general assembly in 20112
accordance with section 101.68 of the Revised Code that addresses 20113
or contains all of the following for the ~~two-year~~ three-year 20114
period preceding the report's submission: 20115

(1) The results of the assessment required by division (A)(1) 20116
of this section; 20117

(2) The progress each agency has made toward achieving the 20118
goals established under division (A)(2) of this section and 20119
implementing the plans required by division (A)(4) of this 20120
section; 20121

(3) An assessment of the health and financial impacts that 20122
all types of diabetes have had on the state and local 20123
jurisdictions, and, subject to division (D) of this section, each 20124
agency specified in division (A) of this section; 20125

(4) A description of the efforts the agencies specified in 20126
division (A) of this section have taken to coordinate programs 20127
intended to prevent, treat, and manage all types of diabetes and 20128
associated complications; 20129

(5) Recommendations for legislative policies to reduce the impact that diabetes, pre-diabetes, and complications from diabetes have on the citizens of this state, including specific action steps that could be taken, the expected outcomes of the action steps, and benchmarks for measuring progress toward achieving the outcomes; 20130
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(6) A budget proposal that identifies the needs and resources required to implement the recommendations described in division (C)(5) of this section, as well as estimates of the costs to implement the recommendations; 20136
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(7) Any other information concerning diabetes prevention, treatment, or management in this state that the director considers appropriate. 20140
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(D) An agency-specific assessment required by division (C) of this section shall include all of the following: 20143
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(1) A list and description of each diabetes prevention or control program the agency administers, the number of individuals with each type of diabetes and their dependents who are impacted by each program, the expenses associated with administering each program, and the funds appropriated for each program, along with each funding source; 20145
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(2) A comparison of the expenses described in division (D)(1) of this section with the expenses the agency incurs in administering programs to reduce the prevalence of other chronic diseases and conditions; 20151
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(3) An evaluation of the benefits that have resulted from each program listed pursuant to division (D)(1) of this section. 20155
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(E) Nothing in this section requires the agencies specified in division (A) of this section to establish programs for diabetes prevention, treatment, and management that had not been initiated or funded prior to ~~the effective date of this section~~ April 6, 20157
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<u>2017.</u>	20161
Sec. 3701.33. (A) There is hereby created the Ohio public health advisory board. The board shall consist of the following members:	20162 20163 20164
(1) The following members appointed by the director of health from among individuals who are not employed by the state and are recommended by statewide trade or professional organizations that represent interests in public health:	20165 20166 20167 20168
(a) One individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;	20169 20170 20171
(b) One individual authorized under Chapter 4723. of the Revised Code to practice nursing as a registered nurse;	20172 20173
(c) Three members of the public, two of whom are representatives of entities licensed by the department of health or boards of health.	20174 20175 20176
(2) One representative of the association of Ohio health commissioners, appointed by the association;	20177 20178
(3) One representative of the Ohio public health association, appointed by the association;	20179 20180
(4) One representative of the Ohio environmental health association, appointed by the association, who is registered as a sanitarian under Chapter 4736. <u>3722.</u> of the Revised Code;	20181 20182 20183
(5) One representative of the Ohio association of boards of health, appointed by the association;	20184 20185
(6) One representative of the Ohio society for public health education, appointed by the society;	20186 20187
(7) One representative of the Ohio hospital association, appointed by the association.	20188 20189

The director of health or the director's designee shall serve 20190
as an ex officio, nonvoting member of the board. 20191

(B) Not later than thirty days after ~~the effective date of~~ 20192
~~this section~~ September 10, 2012, initial appointments shall be 20193
made to the board. Of the initial appointments, the members 20194
specified in divisions (A)(5), (6), and (7) and division (A)(1)(c) 20195
of this section representing entities licensed by the department 20196
of health or boards of health shall serve terms ending June 30, 20197
2014, and the members specified in divisions (A)(1)(a) and (b), 20198
divisions (A)(2), (3), and (4), and division (A)(1)(c) of this 20199
section not representing entities licensed by the department or 20200
boards of health shall serve terms ending June 30, 2015. 20201
Thereafter, terms of office for all members shall be three years, 20202
with each term ending on the same day of the same month as the 20203
term it succeeds. Each member shall hold office from the date of 20204
appointment until the end of the term for which the member was 20205
appointed. Members may be reappointed, except that no member who 20206
has served two consecutive terms may be reappointed until three 20207
years have elapsed since the member's last term ended. 20208

Each member shall hold office from the date of appointment 20209
until the end of the term for which the member was appointed. 20210
Vacancies shall be filled in the same manner as original 20211
appointments. 20212

Any member appointed to fill a vacancy occurring prior to the 20213
expiration of the term for which the member's predecessor was 20214
appointed shall hold office for the remainder of that term. A 20215
member shall continue in office subsequent to the expiration date 20216
of the member's term until the member's successor takes office or 20217
until a period of ninety days has elapsed, whichever occurs first. 20218

(C) The board shall annually select from among its members a 20219
chairperson and vice-chairperson. The director shall designate an 20220
officer or employee of the department to act as the board's 20221

secretary. The secretary shall be a nonvoting board member. 20222

The board may adopt by laws governing its operation. The 20223
chairperson may appoint subcommittees as the chairperson considers 20224
necessary. 20225

(D) The board shall meet at the call of the chairperson, but 20226
not less than four times per year. A majority of the members of 20227
the board constitutes a quorum. Special meetings may be called by 20228
the chairperson and shall be called by the chairperson at the 20229
request of the director. In a request for a special meeting, the 20230
director shall specify the purpose of the meeting and the date and 20231
place the meeting is to be held. No other business shall be 20232
considered at a special meeting except by a unanimous vote of 20233
members present at the meeting. 20234

In conducting any meeting, the board and its subcommittees 20235
may use an interactive video teleconferencing system. If 20236
provisions are made that allow public attendance at a designated 20237
location with respect to a meeting using such a system, the board 20238
members who attend the meeting by video teleconference shall be 20239
counted for purposes of determining whether a quorum is present 20240
and shall be permitted to vote. 20241

Members shall be expected to attend a majority of meetings of 20242
the board. Unexcused absence from three consecutive meetings shall 20243
be considered notice of a member's intent to resign from the 20244
board. 20245

(E)(1) The department shall provide meeting space and staff 20246
and other administrative support for the board to carry out its 20247
duties. 20248

(2) To facilitate the board's review of proposed rules under 20249
division (A)(1) of section 3701.34 of the Revised Code, the 20250
department shall establish and maintain an electronic web-based 20251
database of board meeting agendas, board meeting minutes, proposed 20252

rules, public comments, and other documents relevant to the work of the board. 20253
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(F) Notice of meetings shall be provided to members through the board's mailing list, the department's web site, or any other means available to the board. 20255
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The minutes of previous meetings, the next meeting's agenda, and information on any matters to be presented to the board at any regular or special meeting shall be provided to the board in an electronic format. 20258
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(G) Members shall attend annual ethics training provided by the Ohio ethics commission. 20262
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(H) Members shall serve without compensation, but may be reimbursed for actual and necessary expenses incurred in the performance of their official duties. 20264
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(I) Sections 101.82 to 101.87 of the Revised Code do not apply to the Ohio public health advisory board. 20267
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Sec. 3701.36. (A) As used in this section and in sections 3701.361 and 3701.362 of the Revised Code, "palliative care" has the same meaning as in section 3712.01 of the Revised Code. 20269
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(B) There is hereby created the palliative care and quality of life interdisciplinary council. Subject to division (C) of this section, members of the council shall be appointed by the director of health and include individuals with expertise in palliative care who represent the following professions or constituencies: 20272
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(1) Physicians authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, including those who are board-certified in pediatrics and those who are board-certified in psychiatry, as those designations are issued by a medical specialty certifying board recognized by the American board of medical specialties or American osteopathic 20277
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association;	20283
(2) Physician assistants licensed under Chapter 4730. of the Revised Code;	20284 20285
(3) Advanced practice registered nurses licensed under Chapter 4723. of the Revised Code who are designated as clinical nurse specialists or certified nurse practitioners;	20286 20287 20288
(4) Registered nurses and licensed practical nurses licensed under Chapter 4723. of the Revised Code;	20289 20290
(5) Pharmacists licensed under Chapter 4729. of the Revised Code;	20291 20292
(6) Psychologists licensed under Chapter 4732. of the Revised Code;	20293 20294
(7) Licensed professional clinical counselors or licensed professional counselors licensed under Chapter 4757. of the Revised Code;	20295 20296 20297
(8) Independent social workers or social workers licensed under Chapter 4757. of the Revised Code;	20298 20299
(9) Marriage and family therapists licensed under Chapter 4757. of the Revised Code;	20300 20301
(10) Child life specialists;	20302
(11) Clergy or spiritual advisers;	20303
(12) Exercise physiologists;	20304
(13) Health insurers;	20305
(14) Patients;	20306
(15) Family caregivers.	20307
The council's membership also may include employees of agencies of this state that administer programs pertaining to palliative care or are otherwise concerned with the delivery of	20308 20309 20310

palliative care in this state. 20311

(C) The council's membership shall include individuals who 20312
have worked with various age groups, including children and the 20313
elderly. The council's membership also shall include individuals 20314
who have experience or expertise in various palliative care 20315
delivery models, including acute care, long-term care, hospice 20316
care, home health agency services, home-based care, and spiritual 20317
care. At least two members shall be physicians who are 20318
board-certified in hospice and palliative care by a medical 20319
specialty certifying board recognized by the American board of 20320
medical specialties or American osteopathic association. At least 20321
one member shall be employed as an administrator of a hospital or 20322
system of hospitals in this state or be a professional specified 20323
in divisions (B)(1) to (10) or division (B)(12) of this section 20324
who treats patients as an employee or contractor of such a 20325
hospital or system of hospitals. 20326

Not more than twenty individuals shall serve as members of 20327
the council at any one time. Not more than two members shall be 20328
employed by the same health care facility or provider or practice 20329
at or for the same health care facility or provider. 20330

In making appointments to the council, the director shall 20331
seek to include as members individuals who represent underserved 20332
areas of the state and to have all geographic areas of the state 20333
represented. 20334

(D) The director shall make initial appointments to the 20335
council not later than ninety days after ~~the effective date of~~ 20336
~~this section~~ March 20, 2019. Terms of office shall be three years. 20337
Each member shall hold office from the date of appointment until 20338
the end of the term for which the member was appointed. In the 20339
event of death, removal, resignation, or incapacity of a council 20340
member, the director shall appoint a successor who shall hold 20341
office for the remainder of the term for which the successor's 20342

predecessor was appointed. A member shall continue in office 20343
subsequent to the expiration date of the member's term until the 20344
member's successor takes office or until a period of sixty days 20345
has elapsed, whichever occurs first. 20346

The council shall meet at the call of the director, but not 20347
less than twice annually. The council shall select annually from 20348
among its members a chairperson and vice-chairperson, whose duties 20349
shall be established by the council. 20350

Each member shall serve without compensation, except to the 20351
extent that serving on the council is considered part of the 20352
member's regular employment duties. 20353

(E) The council shall do all of the following: 20354

(1) Consult with and advise the director on matters related 20355
to the establishment, maintenance, operation, and evaluation of 20356
palliative care initiatives in this state; 20357

(2) Consult with the department of health for purposes of its 20358
implementation of section 3701.361 of the Revised Code; 20359

(3) Identify national organizations that have established 20360
standards of practice and best practice models for palliative 20361
care; 20362

(4) Identify initiatives established at the national and 20363
state levels aimed at integrating palliative care into the health 20364
care system and enhancing the use and development of palliative 20365
care; 20366

(5) Establish guidelines for health care facilities and 20367
providers to use under section 3701.362 of the Revised Code in 20368
identifying patients and residents who could benefit from 20369
palliative care; 20370

(6) On or before December 31 of each year, prepare and submit 20371
to the governor, general assembly, director of health, director of 20372

aging, superintendent of insurance, and medicaid director, ~~and~~ 20373
~~executive director of the office of health transformation~~ a report 20374
of recommendations for improving the provision of palliative care 20375
in this state. 20376

The council shall submit the report to the general assembly 20377
in accordance with section 101.68 of the Revised Code. 20378

(F) The department of health shall provide to the council the 20379
administrative support necessary to execute its duties. At the 20380
request of the council, the department shall examine potential 20381
sources of funding to assist with any duties described in this 20382
section or sections 3701.361 and 3701.362 of the Revised Code. 20383

(G) The council is not subject to sections 101.82 to 101.87 20384
of the Revised Code. 20385

Sec. 3701.501. (A)(1) Except as provided in division (A)(2) 20386
of this section, all newborn children shall be screened for the 20387
presence of the genetic, endocrine, and metabolic disorders 20388
specified in rules, adopted pursuant to this section. 20389

(2) Division (A)(1) of this section does not apply in either 20390
of the following circumstances: 20391

(a) If the parents of the child object to the screening on 20392
the grounds that it conflicts with their religious tenets and 20393
practices; 20394

(b) With respect to the screening for Krabbe disease 20395
described in division (C)(1)(b) of this section, if the parents of 20396
the child communicate their decision to forgo the screening. 20397

(B) There is hereby created the newborn screening advisory 20398
council to advise the director of health regarding the screening 20399
of newborn children for genetic, endocrine, and metabolic 20400
disorders. The council shall engage in an ongoing review of the 20401
newborn screening requirements established under this section and 20402

shall provide recommendations and reports to the director as the 20403
director requests and as the council considers necessary. The 20404
director may assign other duties to the council, as the director 20405
considers appropriate. 20406

The council shall consist of fourteen members appointed by 20407
the director. In making appointments, the director shall select 20408
individuals and representatives of entities with interest and 20409
expertise in newborn screening, including such individuals and 20410
entities as health care professionals, hospitals, children's 20411
hospitals, regional genetic centers, regional sickle cell centers, 20412
newborn screening coordinators, and members of the public. 20413

The department of health shall provide meeting space, staff 20414
services, and other technical assistance required by the council 20415
in carrying out its duties. Members of the council shall serve 20416
without compensation, but shall be reimbursed for their actual and 20417
necessary expenses incurred in attending meetings of the council 20418
or performing assignments for the council. 20419

The council is not subject to sections 101.82 to 101.87 of 20420
the Revised Code. 20421

(C)(1)(a) Subject to division (C)(1)(b) of this section, the 20422
director of health shall adopt rules in accordance with Chapter 20423
119. of the Revised Code specifying the disorders for which each 20424
newborn child must be screened. 20425

(b) In adopting the rules, the director shall specify Krabbe 20426
disease as a disorder for which a newborn child who is born on or 20427
after July 1, 2016, must be screened. ~~The rules shall limit the 20428
screening requirement for Krabbe disease to the process known as 20429
"first tier testing," which is a screening for Krabbe disease that 20430
is accomplished by measuring galactocerebrosidase activity using 20431
mass spectrometry.~~ 20432

(2) The newborn screening advisory council shall evaluate 20433

genetic, metabolic, and endocrine disorders to assist the director 20434
in determining which disorders should be included in the 20435
screenings required under this section. In determining whether a 20436
disorder should be included, the council shall consider all of the 20437
following: 20438

(a) The disorder's incidence, mortality, and morbidity; 20439

(b) Whether the disorder causes disability if diagnosis, 20440
treatment, and early intervention are delayed; 20441

(c) The potential for successful treatment of the disorder; 20442

(d) The expected benefits to children and society in relation 20443
to the risks and costs associated with screening for the disorder; 20444

(e) Whether a screening for the disorder can be conducted 20445
without taking an additional blood sample or specimen. 20446

(3) Based on the considerations specified in division (C)(2) 20447
of this section, the council shall make recommendations to the 20448
director of health for the adoption of rules under division (C)(1) 20449
of this section. The director shall promptly and thoroughly review 20450
each recommendation the council submits. 20451

(D) The director shall adopt rules in accordance with Chapter 20452
119. of the Revised Code establishing standards and procedures for 20453
the screenings required by this section. The rules shall include 20454
standards and procedures for all of the following: 20455

(1) Causing rescreenings to be performed when initial 20456
screenings have abnormal results; 20457

(2) Designating the person or persons who will be responsible 20458
for causing screenings and rescreenings to be performed; 20459

(3) Giving to the parents of a child notice of the required 20460
initial screening and the possibility that rescreenings may be 20461
necessary; 20462

(4) Communicating to the parents of a child the results of 20463

the child's screening and any rescreenings that are performed; 20464

(5) Giving notice of the results of an initial screening and 20465
any rescreenings to the person who caused the child to be screened 20466
or rescreened, or to another person or government entity when the 20467
person who caused the child to be screened or rescreened cannot be 20468
contacted; 20469

(6) Referring children who receive abnormal screening or 20470
rescreening results to providers of follow-up services, including 20471
the services made available through funds disbursed under division 20472
(F) of this section. 20473

(E)(1) Except as provided in divisions (E)(2) and (3) of this 20474
section, all newborn screenings required by this section shall be 20475
performed by the public health laboratory authorized under section 20476
3701.22 of the Revised Code. 20477

(2) If the director determines that the public health 20478
laboratory is unable to perform screenings for all of the 20479
disorders specified in the rules adopted under division (C) of 20480
this section, the director shall select another laboratory to 20481
perform the screenings. The director shall select the laboratory 20482
by issuing a request for proposals. The director may accept 20483
proposals submitted by laboratories located outside this state. At 20484
the conclusion of the selection process, the director shall enter 20485
into a written contract with the selected laboratory. If the 20486
director determines that the laboratory is not complying with the 20487
terms of the contract, the director shall immediately terminate 20488
the contract and another laboratory shall be selected and 20489
contracted with in the same manner. 20490

(3) Any rescreening caused to be performed pursuant to this 20491
section may be performed by the public health laboratory or one or 20492
more other laboratories designated by the director. Any laboratory 20493
the director considers qualified to perform rescreenings may be 20494

designated, including a laboratory located outside this state. If 20495
more than one laboratory is designated, the person responsible for 20496
causing a rescreening to be performed is also responsible for 20497
selecting the laboratory to be used. 20498

(F)(1) The director shall adopt rules in accordance with 20499
Chapter 119. of the Revised Code establishing a fee that shall be 20500
charged and collected in addition to or in conjunction with any 20501
laboratory fee that is charged and collected for performing the 20502
screenings required by this section. The fee, which shall be not 20503
less than fourteen dollars, shall be disbursed as follows: 20504

(a) Not less than ten dollars and twenty-five cents shall be 20505
deposited in the state treasury to the credit of the genetics 20506
services fund, which is hereby created. Not less than seven 20507
dollars and twenty-five cents of each fee credited to the genetics 20508
services fund shall be used to defray the costs of the programs 20509
authorized by section 3701.502 of the Revised Code. Not less than 20510
three dollars from each fee credited to the genetics services fund 20511
shall be used to defray costs of phenylketonuria programs. 20512

(b) Not less than three dollars and seventy-five cents shall 20513
be deposited into the state treasury to the credit of the sickle 20514
cell fund, which is hereby created. Money credited to the sickle 20515
cell fund shall be used to defray costs of programs authorized by 20516
section 3701.131 of the Revised Code. 20517

(2) In adopting rules under division (F)(1) of this section, 20518
the director shall not establish a fee that differs according to 20519
whether a screening is performed by the public health laboratory 20520
or by another laboratory selected by the director pursuant to 20521
division (E)(2) of this section. 20522

Sec. 3701.571. (A) The director of health shall adopt rules 20523
pursuant to Chapter 119. of the Revised Code that establish a 20524
graduated system of fines based on the scope and severity of 20525

violations and the history of compliance, not to exceed seven 20526
hundred fifty dollars per incident, and in an adjudication under 20527
Chapter 119. of the Revised Code, may impose a fine against any 20528
person who violates division (C) of section 3701.23, division (C) 20529
of section 3701.232, division (C) of section 3701.24, ~~division (B)~~ 20530
~~of section 3701.25,~~ or division (B) of section 3707.06 of the 20531
Revised Code or against any poison prevention and treatment center 20532
or other health-related entity that fails to comply with division 20533
(C) of section 3701.201 of the Revised Code. 20534

(B) On request of the director, the attorney general shall 20535
bring and prosecute to judgment a civil action to collect any fine 20536
imposed under division (A) of this section that remains unpaid. 20537

(C) All fines collected under this section shall be deposited 20538
into the state treasury to the credit of the general operations 20539
fund created under section 3701.83 of the Revised Code. 20540

Sec. 3701.601. There is hereby created in the state treasury 20541
the breast and cervical cancer project income tax contribution 20542
fund, which shall consist of money contributed to it under section 20543
5747.113 of the Revised Code and of contributions made directly to 20544
it. Any person may contribute directly to the fund in addition to 20545
or independently of the income tax refund contribution system 20546
established in section 5747.113 of the Revised Code. 20547

The director of health shall distribute the contributed funds 20548
to the Ohio breast and cervical cancer project administered under 20549
section 3701.144 of the Revised Code. The contributed funds shall 20550
be used specifically for the provision of breast and cervical 20551
cancer screening, diagnostic, and outreach services to uninsured 20552
and under-insured women who meet the eligibility requirements 20553
specified in that section. The breast and cervical cancer project, 20554
through its regional agencies, shall use the contributed funds to 20555
pay for services provided directly by personnel of ~~local~~ 20556

~~departments~~ health facilities operated by boards of health, free 20557
clinics as defined in section 3701.071 of the Revised Code, 20558
mammography services providers, radiology services providers, 20559
federally qualified health centers as defined by section 3701.047 20560
of the Revised Code, rural health centers, or other community 20561
health centers. 20562

Sec. 3701.611. (A) ~~Not later than six months after April 6,~~ 20563
~~2017, the~~ The department of health and ~~the department of~~ 20564
~~developmental disabilities~~ shall create a central intake and 20565
referral system for ~~the state's part C early intervention services~~ 20566
~~program~~ and all home visiting programs operating in this state. 20567
The system shall comply with all regulations governing the part C 20568
early intervention program for infants and toddlers with 20569
~~disabilities that are promulgated under the "Individuals with~~ 20570
~~Disabilities Education Act of 1997," 20 U.S.C. 1400, as amended.~~ 20571
Through a competitive bidding process, the department of health 20572
and ~~department of developmental disabilities~~ may select one or 20573
more persons or government entities to operate the system. 20574

(B) If the department of health and ~~department of~~ 20575
~~developmental disabilities choose~~ chooses to select one or more 20576
system operators as described in division (A) of this section, a 20577
contract with any system operator shall require that the system do 20578
both of the following: 20579

(1) Serve as a single point of entry for access, assessment, 20580
and referral of families to appropriate home visiting services ~~and~~ 20581
~~part C early intervention services~~ based on each family's location 20582
of residence; 20583

(2) Use a standardized form or other mechanism to assess for 20584
each family member's risk factors and social determinants of 20585
health, as well as ensure that the family is referred to the 20586
appropriate home visiting ~~or part C early intervention program or~~ 20587

service. 20588

(C) The standardized form or other mechanism described in 20589
division (B)(2) of this section shall be agreed to by the home 20590
visiting consortium created under section 3701.612 of the Revised 20591
Code ~~and the early intervention services advisory council created~~ 20592
~~under section 5123.0422 of the Revised Code.~~ 20593

(D) A contract entered into under division (B) of this 20594
section shall require a system operator to issue an annual report 20595
to the department of health ~~and department of developmental~~ 20596
~~disabilities~~ that includes data regarding referrals made by the 20597
central intake and referral system, costs associated with the 20598
referrals, and the quality of services received by families who 20599
were referred to services through the system. The report shall be 20600
distributed to the home visiting consortium created under section 20601
3701.612 of the Revised Code ~~and the early intervention services~~ 20602
~~advisory council created under section 5123.0422 of the Revised~~ 20603
Code. 20604

(E) ~~The department of health and department of developmental~~ 20605
~~disabilities shall share any funding made available to each~~ 20606
~~department for local outreach and child find efforts after~~ 20607
~~creating the central intake and referral system described in~~ 20608
~~division (A) of this section.~~ 20609

~~(F)~~ Nothing in this section is intended to do any of the 20610
following: 20611

(1) Prohibit the department of health ~~or department of~~ 20612
~~developmental disabilities~~ from using alternative promotional 20613
materials or names for the central intake and referral system; 20614

(2) Require the use of help me grow program promotional 20615
materials or names; 20616

(3) Prohibit providers, central coordinators, the department 20617
of health, ~~the department of developmental disabilities,~~ or 20618

stakeholders from using the help me grow name for promotional 20619
materials for ~~both the home visiting and part C early intervention~~ 20620
~~services components.~~ 20621

Sec. 3701.612. (A) The Ohio home visiting consortium is 20622
hereby created. The purpose of the consortium is to ensure that 20623
home visiting services provided by home visiting programs 20624
operating in this state, as well as home visiting services 20625
provided or arranged for by medicaid managed care organizations, 20626
are high-quality and delivered through evidence-based or 20627
innovative, promising home visiting models. It is the intent of 20628
the general assembly that all home visiting services provided in 20629
this state do both of the following: 20630

(1) Improve health, educational, and social outcomes for 20631
expectant and new parents and young children; 20632

(2) Promote safe, connected families and communities in which 20633
children are able to grow up healthy and ready to learn. 20634

(B)(1) In furtherance of the consortium's purpose, the 20635
consortium shall do both of the following: 20636

(a) Make recommendations to the department of health, 20637
department of medicaid, department of mental health and addiction 20638
services, and department of developmental disabilities regarding 20639
how to leverage all funding sources available for home visiting 20640
services, including medicaid, to accomplish both of the following 20641
in this state: 20642

(i) Expand the use of evidence-based home visiting program 20643
models; 20644

(ii) Initiate, as pilot projects, innovative, promising home 20645
visiting models. 20646

(b) Make recommendations to the department of medicaid on the 20647
terms to be included in contracts the department enters into with 20648

medicaid managed care organizations under section 5167.10 of the Revised Code to ensure that the organizations are providing or arranging for the medicaid recipients enrolled in their ~~organizations~~ medicaid MCO plans, as defined in section 5167.01 of the Revised Code, to receive home visiting services that are delivered as part of the home visiting program models described in divisions (B)(1)(a)(i) and (ii) of this section.

(2) The consortium may recommend a standardized form or other mechanism to assess family risk factors and social determinants of health for purposes of the central intake and referral system described in section 3701.611 of the Revised Code.

(C) The consortium shall consist of the following members:

(1) The director of health or the director's designee;

(2) The medicaid director or the director's designee;

(3) The director of mental health and addiction services or the director's designee;

(4) The director of developmental disabilities or the director's designee;

(5) The executive director of the commission on minority health or the executive director's designee;

(6) A member of the commission on infant mortality who is not a legislator or an individual specified under this division;

(7) One individual who represents medicaid managed care organizations, recommended by the board of trustees of the Ohio association of health plans;

(8) One individual who represents county boards of developmental disabilities, recommended by the Ohio association of county boards of developmental disabilities;

(9) A home visiting contractor who provides services within the help me grow program through a contract, grant, or other

agreement with the department of health; 20679

(10) An individual who receives home visiting services from 20680
the help me grow program; 20681

(11) Two members of the senate, one from the majority party 20682
and one from the minority party, each appointed by the senate 20683
president; 20684

(12) Two members of the house of representatives, one from 20685
the majority party and one from the minority party, each appointed 20686
by the speaker of the house of representatives. 20687

(D) The consortium members described in divisions (C)(6) to 20688
(11) of this section shall be appointed not later than thirty days 20689
after ~~the effective date of this section~~ April 6, 2017. An 20690
appointed member shall hold office until a successor is appointed. 20691
A vacancy shall be filled in the same manner as the original 20692
appointment. 20693

The director of health shall serve as the chairperson of the 20694
consortium. 20695

A member shall serve without compensation except to the 20696
extent that serving on the consortium is considered part of the 20697
member's regular duties of employment. 20698

(E) The consortium shall meet at the call of the director of 20699
health but not less than once each calendar quarter. The 20700
consortium's first meeting shall occur not later than sixty days 20701
after ~~the effective date of this section~~ April 6, 2017. 20702

(F) The department of health shall provide meeting space and 20703
staff and other administrative support for the consortium. 20704

(G) The consortium is not subject to sections 101.82 to 20705
101.87 of the Revised Code. 20706

Sec. 3701.68. (A) As used in this section: 20707

(1) "Academic medical center" means a medical school and its affiliated teaching hospitals. 20708
20709

(2) "State registrar" has the same meaning as in section 3705.01 of the Revised Code. 20710
20711

(B) There is hereby created the commission on infant mortality. The commission shall do all of the following: 20712
20713

(1) Conduct a complete inventory of services provided or administered by the state that are available to address the infant mortality rate in this state; 20714
20715
20716

(2) For each service identified under division (B)(1) of this section, determine both of the following: 20717
20718

(a) The sources of the funds that are used to pay for the service; 20719
20720

(b) Whether the service and its funding sources have a connection with programs provided or administered by local or community-based public or private entities and, to the extent they do not, whether they should. 20721
20722
20723
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(3) With assistance from academic medical centers, track and analyze infant mortality rates by county for the purpose of determining the impact of state and local initiatives to reduce those rates. 20725
20726
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(C) The commission shall consist of the following members: 20729

(1) Two members of the senate, one from the majority party and one from the minority party, each appointed by the senate president; 20730
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20732

(2) Two members of the house of representatives, one from the majority party and one from the minority party, each appointed by the speaker of the house of representatives; 20733
20734
20735

(3) ~~The executive director of the office of health transformation or the executive director's designee;~~ 20736
20737

(4) The medicaid director or the director's designee;	20738
(5) <u>(4)</u> The director of health or the director's designee;	20739
(6) <u>(5)</u> The director of developmental disabilities or the director's designee;	20740 20741
(7) <u>(6)</u> The executive director of the commission on minority health or the executive director's designee;	20742 20743
(8) <u>(7)</u> The attorney general or the attorney general's designee;	20744 20745
(9) <u>(8)</u> A health commissioner of a city or general health district, appointed by the governor;	20746 20747
(10) <u>(9)</u> A coroner, deputy coroner, or other person who conducts death scene investigations, appointed by the governor;	20748 20749
(11) <u>(10)</u> An individual who represents the Ohio hospital association, appointed by the association's president;	20750 20751
(12) <u>(11)</u> An individual who represents the Ohio children's hospital association, appointed by the association's president;	20752 20753
(13) <u>(12)</u> Two individuals who represent community-based programs that serve pregnant women or new mothers whose infants tend to be at a higher risk for infant mortality, appointed by the governor.	20754 20755 20756 20757
(D) The commission members described in divisions (C)(1), (2), (9), (10), (11), (12), and (13) of this section shall be appointed not later than thirty days after March 19, 2015. An appointed <u>commission</u> member shall hold office until a successor is appointed. A vacancy shall be filled in the same manner as the original appointment.	20758 20759 20760 20761 20762 20763
From among the members, the president of the senate and speaker of the house of representatives shall appoint two to serve as co-chairpersons of the commission.	20764 20765 20766

A member shall serve without compensation except to the extent that serving on the commission is considered part of the member's regular duties of employment.

(E) The commission may request assistance from the staff of the legislative service commission.

(F) For purposes of division (B)(3) of this section, the state registrar shall ensure that the commission and academic medical centers located in this state have access to any electronic system of vital records the state registrar or department of health maintains, including the Ohio public health information warehouse. Not later than six months after March 19, 2015, the commission on infant mortality shall prepare a written report of its findings and recommendations concerning the matters described in division (B) of this section. On completion, the commission shall submit the report to the governor and, in accordance with section 101.68 of the Revised Code, the general assembly.

(G) The president of the senate and speaker of the house of representatives shall determine the responsibilities of the commission following submission of the report under division (F) of this section.

(H) The commission is not subject to sections 101.82 to 101.87 of the Revised Code.

(I) The commission shall provide information to the Ohio housing finance agency for the purposes of division (A) of section 175.14 of the Revised Code.

Sec. 3701.83. There is hereby created in the state treasury the general operations fund. Moneys in the fund shall be used for the purposes specified in sections 3701.04, 3701.344, 3702.20, 3711.16, 3717.45, 3718.06, 3721.02, 3721.022, 3722.03, 3729.07,

3730.02, 3730.021, 3730.05, 3733.43, 3748.04, 3748.05, 3748.07, 20797
3748.12, 3748.13, 3749.04, 3749.07, ~~4736.06,~~ and 4769.09 of the 20798
Revised Code. 20799

Sec. 3701.95. (A) ~~As used in this section, "government~~ 20800
~~program providing public benefits" has the same meaning as in~~ 20801
~~section 191.01 of the Revised Code.~~ 20802

~~(B)~~ The director of health shall identify each government 20803
program providing benefits, other than the help me grow program 20804
established by the department of health pursuant to section 20805
3701.61 of the Revised Code, that has the goal of reducing infant 20806
mortality and negative birth outcomes or the goal of reducing 20807
disparities among women who are pregnant or capable of becoming 20808
pregnant and who belong to a racial or ethnic minority. A program 20809
shall be identified only if it provides education, training, and 20810
support services related to those goals to program participants in 20811
their homes. The director may consult with the Ohio partnership to 20812
build stronger families for assistance with identifying the 20813
programs. 20814

~~(C)~~(B) An administrator of a program identified under 20815
division ~~(B)~~(A) of this section shall report to the director data 20816
on program performance indicators that are used to assess progress 20817
toward achieving program goals. The administrator shall report the 20818
data in the format and within the time frames specified in rules 20819
adopted under division ~~(D)~~(C) of this section. Using the data 20820
reported under this division, the director shall prepare an annual 20821
report assessing the performance of each government program 20822
identified pursuant to division ~~(B)~~(A) of this section during the 20823
immediately preceding twelve-month period. In addition, the report 20824
shall summarize and provide an analysis of the information 20825
contained in the "information for medical and health use only" 20826
section of the birth records for individuals born during the prior 20827

twelve-month period. 20828

The director shall provide a copy of the report to the 20829
general assembly and the joint medicaid oversight committee. The 20830
copy to the general assembly shall be provided in accordance with 20831
section 101.68 of the Revised Code. 20832

~~(D)~~(C) The director shall adopt rules specifying program 20833
performance indicators on which data must be reported by the 20834
administrators described in division ~~(C)~~(B) of this section as 20835
well as the format and time frames in which the data must be 20836
reported. To the extent possible, the program performance 20837
indicators specified in the rules shall be consistent with federal 20838
reporting requirements for federally funded home visiting 20839
services. The rules shall be adopted in accordance with Chapter 20840
119. of the Revised Code. 20841

Sec. 3701.953. (A) As used in this section, "covered entity" 20842
and "protected health information" have the same meanings as in 45 20843
C.F.R. 160.103. 20844

(B)(1) Not later than January 1, 2020, the director of the 20845
governor's children's initiative created pursuant to executive 20846
order 2019-02D shall convene a workgroup to do both of the 20847
following: 20848

(a) Develop a standard, electronic pregnancy risk assessment 20849
form for use under this section for the following purposes: to 20850
identify pregnancy risks, to ensure care coordination, and to 20851
facilitate referrals of pregnant women to additional services 20852
intended to achieve healthy pregnancies and optimal birth 20853
outcomes; 20854

(b) Identify the processes and technology systems that are 20855
necessary for obstetric care providers to comply with division (E) 20856
of this section and persons and government entities to comply with 20857

<u>division (F) of this section.</u>	20858
<u>(2) The workgroup shall consist of at least one</u>	20859
<u>representative from each of the following:</u>	20860
<u>(a) The department of medicaid;</u>	20861
<u>(b) The department of health;</u>	20862
<u>(c) The department of insurance;</u>	20863
<u>(d) The department of job and family services;</u>	20864
<u>(e) The department of administrative services;</u>	20865
<u>(f) The department of mental health and addiction services;</u>	20866
<u>(g) Innovate Ohio;</u>	20867
<u>(h) The Ohio association of health plans;</u>	20868
<u>(i) The Ohio children's hospital association;</u>	20869
<u>(j) The Ohio hospital association;</u>	20870
<u>(k) The Ohio association of community health centers;</u>	20871
<u>(l) The Ohio chapter of the American college of obstetrics</u>	20872
<u>and gynecology;</u>	20873
<u>(m) The Ohio state medical association.</u>	20874
<u>(C) In developing the pregnancy risk assessment form, the</u>	20875
<u>workgroup shall ensure that both of the following requirements are</u>	20876
<u>met:</u>	20877
<u>(1) The form shall have components that address all of the</u>	20878
<u>purposes specified in division (B)(1)(a) of this section.</u>	20879
<u>(2) The form shall be designed in a manner that facilitates</u>	20880
<u>both of the following:</u>	20881
<u>(a) An administrative agency's ability to fulfill</u>	20882
<u>responsibilities to inform medicaid-eligible women about the</u>	20883
<u>benefits and importance of pregnancy related services, to make</u>	20884

requested or needed referrals to support services, and to provide 20885
nonmedical services promoting healthy birth outcomes; 20886

(b) A covered entity's compliance with regulations governing 20887
the use and disclosure of protected health information in 45 20888
C.F.R. 164.508 and, where applicable, 42 C.F.R. part 2. 20889

(D) The pregnancy risk assessment form developed under this 20890
section shall be used solely for the purposes specified in 20891
division (B)(1)(a) of this section. Under no circumstances shall 20892
the form be used to penalize women for increased use of services 20893
or other discriminatory purposes. 20894

(E) Beginning January 1, 2021, an obstetric care provider 20895
shall complete the pregnancy risk assessment form developed under 20896
this section for each obstetric patient at the patient's first 20897
visit designated for prenatal care. Not later than seven calendar 20898
days after completing the form, the provider shall submit the form 20899
through the state electronic interface designated by the workgroup 20900
for such submissions as part of its identification of processes 20901
and technology systems under division (B)(1)(b) of this section. 20902

(F) Beginning January 1, 2021, a health insuring corporation, 20903
any other person, and any government entity that has or has had a 20904
relationship with a patient, or a designee of the foregoing, shall 20905
accept a completed pregnancy risk assessment form as valid 20906
authorization for the disclosure of that patient's protected 20907
health information to each person or government entity specified 20908
on the form. As soon as practicable after receiving a completed 20909
form, the person or government entity shall disclose the relevant 20910
protected health information in accordance with the form. 20911

(G) A person or government entity to whom protected health 20912
information has been disclosed pursuant to division (F) of this 20913
section shall use the information solely for the purposes 20914
specified in division (B)(1)(a) of this section and shall not 20915

disclose the information to any other person or government entity. 20916

Sec. 3701.99. (A) Whoever violates division (C) of section 20917
3701.23, division (C) of section 3701.232, division (C) of section 20918
3701.24, ~~division (B) of section 3701.25,~~ division (D)(2) of 20919
section 3701.262, or sections 3701.46 to 3701.55 of the Revised 20920
Code is guilty of a minor misdemeanor on a first offense; on each 20921
subsequent offense, the person is guilty of a misdemeanor of the 20922
fourth degree. 20923

(B) Whoever violates section 3701.82 of the Revised Code is 20924
guilty of a misdemeanor of the first degree. 20925

(C) Whoever violates section 3701.352 or 3701.81 of the 20926
Revised Code is guilty of a misdemeanor of the second degree. 20927

Sec. 3702.12. Initial rules for each activity specified in 20928
section 3702.11 of the Revised Code and for each health care 20929
facility ~~listed as defined in division (A)(4) of~~ section 3702.30 20930
of the Revised Code shall be adopted using the procedure 20931
prescribed by this section. 20932

The director of health shall file proposed rules in 20933
accordance with section 119.03 of the Revised Code. If, prior to 20934
expiration of the time for legislative review and invalidation 20935
under division (I) of that section, the joint committee on agency 20936
rule review recommends the adoption of a concurrent resolution 20937
invalidating a proposed rule, the director shall withdraw the 20938
proposed rule, revise it, and refile it as if it were a newly 20939
proposed rule; the director shall not file the proposed rule in 20940
final form. A proposed rule that the director refiles following a 20941
recommendation for a concurrent resolution of invalidation shall 20942
be treated, for purposes of determining the time for legislative 20943
review and invalidation under section 119.03 of the Revised Code, 20944
as if it were a newly proposed rule. If, after filing the revised 20945

proposed rule, the joint committee again recommends the adoption 20946
of a concurrent resolution of invalidation, the director shall 20947
file the revised proposed rule in final form in accordance with 20948
section 111.15 of the Revised Code, and the rule shall take effect 20949
in accordance with that section. 20950

If, prior to expiration of the time for legislative review 20951
and invalidation, the joint committee does not recommend the 20952
adoption of a concurrent resolution invalidating a proposed rule 20953
or revised proposed rule filed in accordance with section 119.03 20954
of the Revised Code, the director shall file the rule in final 20955
form in accordance with section 119.04 of the Revised Code, and 20956
the rule shall take effect in accordance with that section. 20957

Initial rules adopted for each activity specified in section 20958
3702.11 of the Revised Code shall include rules pertaining to all 20959
of the matters required by section 3702.16 of the Revised Code. 20960

Initial rules shall not be adopted as emergency rules. 20961

Sec. 3702.13. After the adoption, in accordance with section 20962
3702.12 of the Revised Code, of initial rules applicable to an 20963
activity specified in section 3702.11 of the Revised Code or a 20964
health care facility listed as defined in ~~division (A)(4) of~~ 20965
section 3702.30 of the Revised Code, any amendments to the rules 20966
applicable to that activity or facility, including enactment of 20967
new rules or amendments or rescissions of existing rules, shall be 20968
adopted in accordance with Chapter 119. of the Revised Code. 20969

Sec. 3702.30. (A) As used in this section: 20970

(1) "Ambulatory surgical facility" means a facility, ~~whether~~ 20971
~~or not part of the same organization as a hospital, that is~~ 20972
~~located in a building distinct from another in which inpatient~~ 20973
~~care is provided~~ surgical services are provided to patients who do 20974
not require hospitalization for inpatient care, the duration of 20975

services for any patient does not extend beyond twenty-four hours 20976
after the patient's admission, and to which any of the following 20977
apply: 20978

(a) ~~Outpatient surgery is routinely performed in the~~ 20979
~~facility, and the facility functions separately from a hospital's~~ 20980
~~inpatient surgical service and from the offices of private~~ 20981
~~physicians, podiatrists, and dentists~~ The surgical services are 20982
provided in a building that is separate from another building in 20983
which inpatient care is provided, regardless of whether the 20984
separate building is part of the same organization as the building 20985
in which inpatient care is provided. 20986

(b) ~~Anesthesia is administered in the facility by an~~ 20987
~~anesthesiologist or certified registered nurse anesthetist, and~~ 20988
~~the facility functions separately from a hospital's inpatient~~ 20989
~~surgical service and from the offices of private physicians,~~ 20990
~~podiatrists, and dentists.~~ 20991

(c) ~~The facility applies to be certified by the United States~~ 20992
~~centers for medicare and medicaid services as an ambulatory~~ 20993
~~surgical center for purposes of reimbursement under Part B of the~~ 20994
~~medicare program, Part B of Title XVIII of the "Social Security~~ 20995
~~Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1395, as amended.~~ 20996

(d) ~~The facility applies to be certified by a national~~ 20997
~~accrediting body approved by the centers for medicare and medicaid~~ 20998
~~services for purposes of deemed compliance with the conditions for~~ 20999
~~participating in the medicare program as an ambulatory surgical~~ 21000
~~center.~~ 21001

(e) ~~The facility bills or receives from any third party~~ 21002
~~payer, governmental health care program, or other person or~~ 21003
~~government entity any ambulatory surgical facility fee that is~~ 21004
~~billed or paid in addition to any fee for professional services~~ 21005
The surgical services are provided within a building in which 21006

inpatient care is provided and the entity that operates the 21007
portion of the building where the surgical services are provided 21008
is not the entity that operates the remainder of the building. 21009

~~(f)(c)~~ The facility is held out to any person or government 21010
entity as an ambulatory surgical facility or similar facility by 21011
means of signage, advertising, or other promotional efforts. 21012

"Ambulatory surgical facility" does not include a hospital 21013
emergency department or an office of a physician, podiatrist, or 21014
dentist. 21015

~~(2) "Ambulatory surgical facility fee" means a fee for~~ 21016
~~certain overhead costs associated with providing surgical services~~ 21017
~~in an outpatient setting. A fee is an ambulatory surgical facility~~ 21018
~~fee only if it directly or indirectly pays for costs associated~~ 21019
~~with any of the following:~~ 21020

~~(a) Use of operating and recovery rooms, preparation areas,~~ 21021
~~and waiting rooms and lounges for patients and relatives;~~ 21022

~~(b) Administrative functions, record keeping, housekeeping,~~ 21023
~~utilities, and rent;~~ 21024

~~(c) Services provided by nurses, pharmacists, orderlies,~~ 21025
~~technical personnel, and others involved in patient care related~~ 21026
~~to providing surgery.~~ 21027

~~"Ambulatory surgical facility fee" does not include any~~ 21028
~~additional payment in excess of a professional fee that is~~ 21029
~~provided to encourage physicians, podiatrists, and dentists to~~ 21030
~~perform certain surgical procedures in their office or their group~~ 21031
~~practice's office rather than a health care facility, if the~~ 21032
~~purpose of the additional fee is to compensate for additional cost~~ 21033
~~incurred in performing office based surgery.~~ 21034

~~(3) "Governmental health care program" has the same meaning~~ 21035
~~as in section 4731.65 of the Revised Code.~~ 21036

(4) "Health care facility" means any of the following:	21037
(a) An ambulatory surgical facility;	21038
(b) A freestanding dialysis center;	21039
(c) A freestanding inpatient rehabilitation facility;	21040
(d) A freestanding birthing center;	21041
(e) A freestanding radiation therapy center;	21042
(f) A freestanding or mobile diagnostic imaging center.	21043
(5) "Third party payer" has the same meaning as in section	21044
3901.38 of the Revised Code.	21045
(B) By rule adopted in accordance with sections 3702.12 and	21046
3702.13 of the Revised Code, the director of health shall	21047
establish quality standards for health care facilities. The	21048
standards may incorporate accreditation standards or other quality	21049
standards established by any entity recognized by the director.	21050
In the case of an ambulatory surgical facility, the standards	21051
shall require the ambulatory surgical facility to maintain an	21052
infection control program. The purposes of the program are to	21053
minimize infections and communicable diseases and facilitate a	21054
functional and sanitary environment consistent with standards of	21055
professional practice. To achieve these purposes, ambulatory	21056
surgical facility staff managing the program shall create and	21057
administer a plan designed to prevent, identify, and manage	21058
infections and communicable diseases; ensure that the program is	21059
directed by a qualified professional trained in infection control;	21060
ensure that the program is an integral part of the ambulatory	21061
surgical facility's quality assessment and performance improvement	21062
program; and implement in an expeditious manner corrective and	21063
preventive measures that result in improvement.	21064
(C) Every ambulatory surgical facility shall require that	21065
each physician who practices at the facility comply with all	21066

relevant provisions in the Revised Code that relate to the 21067
obtaining of informed consent from a patient. 21068

(D) The director shall issue a license to each health care 21069
facility that makes application for a license and demonstrates to 21070
the director that it meets the quality standards established by 21071
the rules adopted under division (B) of this section and satisfies 21072
the informed consent compliance requirements specified in division 21073
(C) of this section. 21074

(E)(1) Except as provided in division (H) of this section and 21075
in section 3702.301 of the Revised Code, no health care facility 21076
shall operate without a license issued under this section. 21077

The general assembly does not intend for the provisions of 21078
this section or section 3702.301 of the Revised Code that 21079
establish health care facility licensing requirements or 21080
exemptions to have an effect on any third-party payments that may 21081
be available for the services provided by either a licensed health 21082
care facility or an entity exempt from licensure. 21083

(2) If the department of health finds that a physician who 21084
practices at a health care facility is not complying with any 21085
provision of the Revised Code related to the obtaining of informed 21086
consent from a patient, the department shall report its finding to 21087
the state medical board, the physician, and the health care 21088
facility. 21089

(3) ~~This division~~ Division (E)(2) of this section does not 21090
create, and shall not be construed as creating, a new cause of 21091
action or substantive legal right against a health care facility 21092
and in favor of a patient who allegedly sustains harm as a result 21093
of the failure of the patient's physician to obtain informed 21094
consent from the patient prior to performing a procedure on or 21095
otherwise caring for the patient in the health care facility. 21096

(F) The rules adopted under division (B) of this section 21097

shall include all of the following:	21098
(1) Provisions governing application for, renewal, suspension, and revocation of a license under this section;	21099 21100
(2) Provisions governing orders issued pursuant to section 3702.32 of the Revised Code for a health care facility to cease its operations or to prohibit certain types of services provided by a health care facility;	21101 21102 21103 21104
(3) Provisions governing the imposition under section 3702.32 of the Revised Code of civil penalties for violations of this section or the rules adopted under this section, including a scale for determining the amount of the penalties;	21105 21106 21107 21108
(4) Provisions specifying the form inspectors must use when conducting inspections of ambulatory surgical facilities.	21109 21110
(G) An ambulatory surgical facility that performs or induces abortions shall comply with section 3701.791 of the Revised Code.	21111 21112
(H) The following entities are not required to obtain a license as a freestanding diagnostic imaging center issued under this section:	21113 21114 21115
(1) A hospital registered under section 3701.07 of the Revised Code that provides diagnostic imaging;	21116 21117
(2) An entity that is reviewed as part of a hospital accreditation or certification program and that provides diagnostic imaging;	21118 21119 21120
(3) An ambulatory surgical facility that provides diagnostic imaging in conjunction with or during any portion of a surgical procedure.	21121 21122 21123
Sec. 3702.967. The director of health may accept gifts of money from any source for the implementation and administration of sections 3702.96 to 3702.965 of the Revised Code.	21124 21125 21126

The director shall pay all gifts accepted under this section 21127
~~into the state treasury, to the credit of the dental hygiene~~ 21128
~~resource shortage area fund, which is hereby created,~~ and all 21129
damages collected under division (C)(3) of section 3702.965 of the 21130
Revised Code, ~~into the state treasury,~~ to the credit of the dental 21131
hygienist loan repayment fund, which is hereby created. 21132

The director shall use the ~~dental hygiene resource shortage~~ 21133
~~area~~ and dental hygienist loan repayment ~~funds~~ fund for the 21134
implementation and administration of sections 3702.96 to 3702.967 21135
of the Revised Code. 21136

Sec. 3704.01. As used in this chapter: 21137

(A) "Administrator" means the administrator of the United 21138
States environmental protection agency or the chief executive of 21139
any successor federal agency responsible for implementation of the 21140
federal Clean Air Act. 21141

(B) "Air contaminant" means particulate matter, dust, fumes, 21142
gas, mist, radionuclides, smoke, vapor, or odorous substances, or 21143
any combination thereof, but does not mean emissions from 21144
agricultural production activities, as defined in section 929.01 21145
of the Revised Code, that are consistent with generally accepted 21146
agricultural practices, were established prior to adjacent 21147
nonagricultural activities, have no substantial, adverse effect on 21148
the public health, safety, or welfare, do not result from the 21149
negligent or other improper operations of any such agricultural 21150
activities, and would not be required to obtain a Title V permit. 21151
For the purposes of this chapter, agricultural production 21152
activities do not include the installation and operation of 21153
off-farm facilities for the storage or processing of agricultural 21154
products, including, but not limited to, alfalfa dehydrating 21155
facilities, rendering plants, and feed and grain mills, elevators, 21156
and terminals. 21157

(C) "Air contaminant source" means each separate operation or activity that results or may result in the emission of any air contaminant.

(D) "Air pollution" means the presence in the ambient air of one or more air contaminants or any combination thereof in sufficient quantity and of such characteristics and duration as is or threatens to be injurious to human health or welfare, plant or animal life, or property, or as unreasonably interferes with the comfortable enjoyment of life or property.

(E) "Ambient air" means that portion of the atmosphere outside of buildings and other enclosures, stacks, or ducts that surrounds human, plant, or animal life or property.

(F) "Best available technology" means any combination of work practices, raw material specifications, throughput limitations, source design characteristics, an evaluation of the annualized cost per ton of pollutant removed, and air pollution control devices that have been previously demonstrated to the director of environmental protection to operate satisfactorily in this state or other states with similar air quality on substantially similar air pollution sources.

(G) "Change within a permitted facility" means, within the context of the Title V permit program established under section 3704.036 of the Revised Code, a change that is limited by a federally enforceable provision of an applicable Title V permit and that does not include physical, production, or other changes that are neither addressed nor limited by the federally enforceable portion of a Title V permit unless the change would result in a violation of a federally enforceable requirement or a modification under Title I of the federal Clean Air Act or would be subject to any requirements under Title IV of that act.

(H) "Emit" or "emission" means the release into the ambient

air of an air contaminant. 21189

(I) "Emission limitation" and "emission standard" mean a 21190
requirement that limits the quantity, rate, or concentration of 21191
emissions of air contaminants, including any requirement relating 21192
to the operation or maintenance of an air contaminant source. 21193

(J) "Facility," for the purposes of the Title V permit 21194
program established under section 3704.036 of the Revised Code, 21195
means all of the emitting activities that are located on 21196
contiguous or adjacent properties that are under the control of 21197
the same person or persons or are under common control and that 21198
are in the same major group as described in the standard 21199
Industrial Classification Manual, 1987. 21200

(K) "Federal Clean Air Act" means "Air Quality Act of 1967," 21201
81 Stat. 485, 42 U.S.C. 1857, as amended by "Clean Air Act 21202
Amendments of 1970," 84 Stat. 1676, 42 U.S.C. 1857, "Act of 21203
November 18, 1971," 85 Stat. 464, 42 U.S.C. 1857, "Act of April 9, 21204
1973," 87 Stat. 11, 42 U.S.C. 1857, "Act of June 24, 1974," 88 21205
Stat. 248, 42 U.S.C. 1857, "Clean Air Act Amendments of 1977," 91 21206
Stat. 685, 42 U.S.C. 7401, "Safe Drinking Water Act Amendments of 21207
1977," 91 Stat. 1393, 42 U.S.C. 7401, "Clean Air Act Amendments of 21208
1990," 104 Stat. 2399, 42 U.S.C.A. 7401, and any other amendments 21209
that have been or may hereafter be adopted, or any supplements to 21210
those acts and laws of the United States that have been or may 21211
hereafter be enacted in substitution therefor, together with any 21212
regulations that have been or may hereafter be adopted by the 21213
administrator by virtue of and in accordance with those acts and 21214
laws. Reference to a particular title or section of the federal 21215
Clean Air Act includes any amendments that have been or may 21216
hereafter be enacted in substitution therefor and any regulations 21217
pertaining to the title or section that have been or may hereafter 21218
be adopted by the administrator by virtue of and in accordance 21219
with the federal Clean Air Act. 21220

(L) "Hazardous air pollutant" means any pollutant listed	21221
under section 112(b) of the federal Clean Air Act.	21222
(M) "Implementation plan" means a program for the prevention	21223
and abatement of air pollution in the state that has been	21224
promulgated or approved by the administrator pursuant to the	21225
federal Clean Air Act.	21226
(N) "Local air pollution control authority" includes all of	21227
the following unless terminated by the political subdivisions	21228
represented thereby:	21229
(1) All of the following agencies representing the following	21230
political subdivisions, as those agencies existed on July 1, 1993:	21231
(a) The Akron regional air quality management district	21232
representing Medina, Summit, and Portage counties;	21233
(b) The Canton city health department representing Stark	21234
county;	21235
(c) The Hamilton county department of environmental services,	21236
southwest Ohio air quality agency representing Butler, Warren,	21237
Hamilton, and Clermont counties;	21238
(d) The city of Cleveland division of the environment	21239
representing Cuyahoga county;	21240
(e) The regional air pollution control agency representing	21241
Darke, Preble, Miami, Montgomery, Clark, and Greene counties;	21242
(f) The Lake county general health district representing Lake	21243
and Geauga counties;	21244
(g) The Portsmouth city health department representing Brown,	21245
Adams, Scioto, and Lawrence counties;	21246
(h) The city of Toledo division of pollution control	21247
representing Lucas county and the city of Rossford in Wood county;	21248
(i) The Mahoning-Trumbull air pollution control agency, city	21249

~~of Youngstown, representing Trumbull and Mahoning counties.~~ 21250

(2) Any successor to an existing local air pollution control 21251
authority listed in divisions (N)(1)(a) to (i) of this section 21252
that results from a change in the political subdivisions 21253
comprising the local air pollution control authority through the 21254
withdrawal of a political subdivision from membership in the local 21255
air pollution control authority or the inclusion of an additional 21256
political subdivision in the membership of the local air pollution 21257
control authority; 21258

(3) Any new local air pollution control authority established 21259
on or after July 1, 1993, by one or more political subdivisions of 21260
this state for the purposes of exercising the powers reserved to 21261
political subdivisions of this state under division (A) of section 21262
3704.11 of the Revised Code. 21263

(O) "Person" means the federal government or any agency 21264
thereof, the state or any agency thereof, any political 21265
subdivision or any agency thereof, or any public or private 21266
corporation, individual, partnership, or other entity. 21267

(P) "Research and development sources" means sources whose 21268
activities are conducted for nonprofit scientific or educational 21269
purposes; sources whose activities are conducted to test more 21270
efficient production processes or methods for preventing or 21271
reducing adverse environmental impacts, provided that the 21272
activities do not include the production of an intermediate or 21273
final product for sale or exchange for commercial profit, except 21274
in a de minimis manner; a research or laboratory source the 21275
primary purpose of which is to conduct research and development 21276
into new processes and products, that is operated under the close 21277
supervision of technically trained personnel, and that is not 21278
engaged in the manufacture of products for sale or exchange for 21279
commercial profit, except in a de minimis manner; the temporary 21280
use of normal production sources in a research and development 21281

mode to test the technical or commercial viability of alternative 21282
raw materials or production processes, provided that the use does 21283
not include the production of an intermediate or final product for 21284
sale or exchange for commercial profit, except in a de minimis 21285
manner; the experimental firing of any fuel or combination of 21286
fuels in a boiler, heater, furnace, or dryer for the purpose of 21287
conducting research and development of more efficient combustion 21288
or more effective prevention or control of air pollutant 21289
emissions, provided that, during those periods of research and 21290
development, the heat generated is not used for normal production 21291
purposes or for producing a product for sale or exchange for 21292
commercial profit, except in a de minimis manner; and such other 21293
similar sources as the director may prescribe by rule. 21294

(Q) "Responsible official" means one of the following, as 21295
applicable: 21296

(1) For a corporation: a president, secretary, treasurer, or 21297
vice-president of the corporation in charge of a principal 21298
business function, any other person who performs similar policy or 21299
decision-making functions for the corporation, or a duly 21300
authorized representative of any such person if the representative 21301
is responsible for the overall operation of one or more 21302
manufacturing, production, or operating facilities applying for or 21303
subject to a Title V permit and if one of the following applies: 21304

(a) The facilities employ more than two hundred fifty 21305
individuals or have gross annual sales or expenditures exceeding 21306
twenty-five million dollars, in second quarter 1980 dollars; 21307

(b) The delegation of authority to the representative is 21308
approved in advance by the director. 21309

(2) For a partnership or sole proprietorship: a general 21310
partner or the proprietor, respectively. 21311

(3) For the federal government or any agency thereof, the 21312

state or any agency thereof, a political subdivision or any agency 21313
thereof, or any other public agency, either a principal executive 21314
officer or authorized elected official. For the purposes of this 21315
division, a principal executive officer of a federal agency 21316
includes the chief executive officer having responsibility for the 21317
overall operation of a principal geographic unit of the agency. 21318

(4) For affected sources, both of the following: 21319

(a) The designated representative insofar as actions, 21320
standards, requirements, or prohibitions under Title IV of the 21321
federal Clean Air Act or regulations adopted under it are 21322
concerned; 21323

(b) The designated representative for any other purposes 21324
under 40 C.F.R. part 70. 21325

(R) "Small business stationary source" means any building, 21326
structure, facility, or installation that emits any federally 21327
regulated air pollutant and is owned or operated by a person who 21328
employs one hundred or fewer individuals; is a small business 21329
concern as defined in the "Small Business Act," 72 Stat. 384 21330
(1958), 15 U.S.C.A. 632, as amended; is not a major stationary 21331
source as defined in section 302(j) of the federal Clean Air Act; 21332
does not emit fifty tons or more per year of any federally 21333
regulated air pollutant or any hazardous air pollutant; and emits 21334
less than seventy-five tons per year of all federally regulated 21335
air pollutants. 21336

(S) "Title V permit" means an operating permit required to be 21337
issued by the state under section 502 of the federal Clean Air Act 21338
and issued under section 3704.036 of the Revised Code and rules 21339
adopted under it. 21340

(T) For the purposes of the Title V permit program 21341
established under this chapter and rules adopted under it, all 21342
terms defined in 40 C.F.R. part 70 have the same meaning as in 21343

that part. 21344

Sec. 3704.03. The director of environmental protection may do 21345
any of the following: 21346

(A) Develop programs for the prevention, control, and 21347
abatement of air pollution; 21348

(B) Advise, consult, contract, and cooperate with any 21349
governmental or private agency in the furtherance of the purposes 21350
of this chapter; 21351

(C) Encourage, participate in, or conduct studies, 21352
investigations, and research relating to air pollution, collect 21353
and disseminate information, and conduct education and training 21354
programs relating to the causes, prevention, control, and 21355
abatement of air pollution; 21356

(D) Adopt, modify, and rescind rules prescribing ambient air 21357
quality standards for the state as a whole or for various areas of 21358
the state that are consistent with and no more stringent than the 21359
national ambient air quality standards in effect under the federal 21360
Clean Air Act; 21361

(E) Adopt, modify, suspend, and rescind rules for the 21362
prevention, control, and abatement of air pollution, including 21363
rules prescribing for the state as a whole or for various areas of 21364
the state emission standards for air contaminants, and other 21365
necessary rules for the purpose of achieving and maintaining 21366
compliance with ambient air quality standards in all areas within 21367
the state as expeditiously as practicable, but not later than any 21368
deadlines applicable under the federal Clean Air Act; rules for 21369
the prevention or control of the emission of hazardous or toxic 21370
air contaminants; rules prescribing fugitive dust limitations and 21371
standards that are related, on an areawide basis, to attainment 21372
and maintenance of ambient air quality standards; rules 21373

prescribing shade, density, or opacity limitations and standards 21374
for emissions, provided that with regard to air contaminant 21375
sources for which there are particulate matter emission standards 21376
in addition to a shade, density, or opacity rule, upon 21377
demonstration by such a source of compliance with those other 21378
standards, the shade, density, or opacity rule shall provide for 21379
establishment of a shade, density, or opacity limitation for that 21380
source that does not require the source to reduce emissions below 21381
the level specified by those other standards; rules for the 21382
prevention or control of odors and air pollution nuisances; rules 21383
that prevent significant deterioration of air quality to the 21384
extent required by the federal Clean Air Act; rules for the 21385
protection of visibility as required by the federal Clean Air Act; 21386
and rules prescribing open burning limitations and standards. In 21387
adopting, modifying, suspending, or rescinding any such rules, the 21388
director, to the extent consistent with the federal Clean Air Act, 21389
shall hear and give consideration to evidence relating to all of 21390
the following: 21391

(1) Conditions calculated to result from compliance with the 21392
rules, the overall cost within this state of compliance with the 21393
rules, and their relation to benefits to the people of the state 21394
to be derived from that compliance; 21395

(2) The quantity and characteristics of air contaminants, the 21396
frequency and duration of their presence in the ambient air, and 21397
the dispersion and dilution of those contaminants; 21398

(3) Topography, prevailing wind directions and velocities, 21399
physical conditions, and other factors that may or may combine to 21400
affect air pollution. 21401

Consistent with division (K) of section 3704.036 of the 21402
Revised Code, the director shall consider alternative emission 21403
limits proposed by the owner or operator of an air contaminant 21404
source that is subject to an emission limit established in rules 21405

adopted under this division and shall accept those alternative 21406
emission limits that the director determines to be equivalent to 21407
emission limits established in rules adopted under this division. 21408

(F)(1) Adopt, modify, suspend, and rescind rules consistent 21409
with the purposes of this chapter prohibiting the location, 21410
installation, construction, or modification of any air contaminant 21411
source or any machine, equipment, device, apparatus, or physical 21412
facility intended primarily to prevent or control the emission of 21413
air contaminants unless an installation permit therefor has been 21414
obtained from the director or the director's authorized 21415
representative. 21416

(2)(a) Applications for installation permits shall be 21417
accompanied by plans, specifications, construction schedules, and 21418
such other pertinent information and data, including data on 21419
ambient air quality impact and a demonstration of best available 21420
technology, as the director may require. Installation permits 21421
shall be issued for a period specified by the director and are 21422
transferable. The director shall specify in each permit the 21423
applicable emission standards and that the permit is conditioned 21424
upon payment of the applicable fees as required by section 3745.11 21425
of the Revised Code and upon the right of the director's 21426
authorized representatives to enter upon the premises of the 21427
person to whom the permit has been issued, at any reasonable time 21428
and subject to safety requirements of the person in control of the 21429
premises, for the purpose of determining compliance with such 21430
standards, this chapter, the rules adopted thereunder, and the 21431
conditions of any permit, variance, or order issued thereunder. 21432
Each proposed new or modified air contaminant source shall provide 21433
such notice of its proposed installation or modification to other 21434
states as is required under the federal Clean Air Act. 21435
Installation permits shall include the authorization to operate 21436
sources installed and operated in accordance with terms and 21437

conditions of the installation permits for a period not to exceed 21438
one year from commencement of operation, which authorization shall 21439
constitute an operating permit under division (G) of this section 21440
and rules adopted under it. 21441

No installation permit shall be required for activities that 21442
are subject to and in compliance with a plant-wide applicability 21443
limit issued by the director in accordance with rules adopted 21444
under this section. 21445

No installation permit shall be issued except in accordance 21446
with all requirements of this chapter and rules adopted 21447
thereunder. No application shall be denied or permit revoked or 21448
modified without a written order stating the findings upon which 21449
denial, revocation, or modification is based. A copy of the order 21450
shall be sent to the applicant or permit holder by certified mail. 21451

(b) An air contaminant source that is the subject of an 21452
installation permit shall be installed or modified in accordance 21453
with the permit not later than eighteen months after the permit's 21454
effective date at which point the permit shall terminate unless 21455
one of the following applies: 21456

(i) The owner or operator has undertaken a continuing program 21457
of installation or modification during the eighteen-month period. 21458

(ii) The owner or operator has entered into a binding 21459
contractual obligation to undertake and complete within a 21460
reasonable period of time a continuing program of installation or 21461
modification of the air contaminant source during the 21462
eighteen-month period. 21463

(iii) The director has extended the date by which the air 21464
contaminant source that is the subject of the installation permit 21465
must be installed or modified. 21466

(iv) The installation permit is the subject of an appeal by a 21467
party other than the owner or operator of the air contaminant 21468

source that is the subject of the installation permit, in which 21469
case the date of termination of the permit is not later than 21470
eighteen months after the effective date of the permit plus the 21471
number of days between the date in which the permit was appealed 21472
and the date on which all appeals concerning the permit have been 21473
resolved. 21474

(v) The installation permit has been superseded by a 21475
subsequent installation permit, in which case the original 21476
installation permit terminates on the effective date of the 21477
superseding installation permit. 21478

Division (F)(2)(b) of this section applies to an installation 21479
permit that has not terminated as of ~~the effective date of this~~ 21480
~~amendment~~ October 16, 2009. 21481

The director may adopt rules in accordance with Chapter 119. 21482
of the Revised Code for the purpose of establishing additional 21483
requirements that are necessary for the implementation of division 21484
(F)(2)(b) of this section. 21485

(3) Not later than two years after August 3, 2006, the 21486
director shall adopt a rule in accordance with Chapter 119. of the 21487
Revised Code specifying that a permit to install is required only 21488
for new or modified air contaminant sources that emit any of the 21489
following air contaminants: 21490

(a) An air contaminant or precursor of an air contaminant for 21491
which a national ambient air quality standard has been adopted 21492
under the federal Clean Air Act; 21493

(b) An air contaminant for which the air contaminant source 21494
is regulated under the federal Clean Air Act; 21495

(c) An air contaminant that presents, or may present, through 21496
inhalation or other routes of exposure, a threat of adverse human 21497
health effects, including, but not limited to, substances that are 21498
known to be, or may reasonably be anticipated to be, carcinogenic, 21499

mutagenic, teratogenic, or neurotoxic, that cause reproductive 21500
dysfunction, or that are acutely or chronically toxic, or a threat 21501
of adverse environmental effects whether through ambient 21502
concentrations, bioaccumulation, deposition, or otherwise, and 21503
that is identified in the rule by chemical name and chemical 21504
abstract service number. 21505

The director may modify the rule adopted under division 21506
(F)(3)(c) of this section for the purpose of adding or deleting 21507
air contaminants. For each air contaminant that is contained in or 21508
deleted from the rule adopted under division (F)(3)(c) of this 21509
section, the director shall include in a notice accompanying any 21510
proposed or final rule an explanation of the director's 21511
determination that the air contaminant meets the criteria 21512
established in that division and should be added to, or no longer 21513
meets the criteria and should be deleted from, the list of air 21514
contaminants. The explanation shall include an identification of 21515
the scientific evidence on which the director relied in making the 21516
determination. Until adoption of the rule under division (F)(3)(c) 21517
of this section, nothing shall affect the director's authority to 21518
issue, deny, modify, or revoke permits to install under this 21519
chapter and rules adopted under it. 21520

(4)(a) Applications for permits to install new or modified 21521
air contaminant sources shall contain sufficient information 21522
regarding air contaminants for which the director may require a 21523
permit to install to determine conformity with the environmental 21524
protection agency's document entitled "Review of New Sources of 21525
Air Toxics Emissions, Option A," dated May 1986, which the 21526
director shall use to evaluate toxic emissions from new or 21527
modified air contaminant sources. The director shall make copies 21528
of the document available to the public upon request at no cost 21529
and post the document on the environmental protection agency's web 21530
site. Any inconsistency between the document and division (F)(4) 21531

of this section shall be resolved in favor of division (F)(4) of 21532
this section. 21533

(b) The maximum acceptable ground level concentration of an 21534
air contaminant shall be calculated in accordance with the 21535
document entitled "Review of New Sources of Air Toxics Emissions, 21536
Option A." Modeling shall be conducted to determine the increase 21537
in the ground level concentration of an air contaminant beyond the 21538
facility's boundary caused by the emissions from a new or modified 21539
source that is the subject of an application for a permit to 21540
install. Modeling shall be based on the maximum hourly rate of 21541
emissions from the source using information including, but not 21542
limited to, any emission control devices or methods, operational 21543
restrictions, stack parameters, and emission dispersion devices or 21544
methods that may affect ground level concentrations, either 21545
individually or in combination. The director shall determine 21546
whether the activities for which a permit to install is sought 21547
will cause an increase in the ground level concentration of one or 21548
more relevant air contaminants beyond the facility's boundary by 21549
an amount in excess of the maximum acceptable ground level 21550
concentration. In making the determination as to whether the 21551
maximum acceptable ground level concentration will be exceeded, 21552
the director shall give consideration to the modeling conducted 21553
under division (F)(4)(b) of this section and other relevant 21554
information submitted by the applicant. 21555

(c) If the modeling conducted under division (F)(4)(b) of 21556
this section with respect to an application for a permit to 21557
install demonstrates that the maximum ground level concentration 21558
from a new or modified source will be greater than or equal to 21559
eighty per cent, but less than one hundred per cent of the maximum 21560
acceptable ground level concentration for an air contaminant, the 21561
director may establish terms and conditions in the permit to 21562
install for the air contaminant source that will require the owner 21563

or operator of the air contaminant source to maintain emissions of 21564
that air contaminant commensurate with the modeled level, which 21565
shall be expressed as allowable emissions per day. In order to 21566
calculate the allowable emissions per day, the director shall 21567
multiply the hourly emission rate modeled under division (F)(4)(b) 21568
of this section to determine the ground level concentration by the 21569
operating schedule that has been identified in the permit to 21570
install application. Terms and conditions imposed under division 21571
(F)(4)(c) of this section are not federally enforceable 21572
requirements and, if included in a Title V permit, shall be placed 21573
in the portion of the permit that is only enforceable by the 21574
state. 21575

(d) If the modeling conducted under division (F)(4)(b) of 21576
this section with respect to an application for a permit to 21577
install demonstrates that the maximum ground level concentration 21578
from a new or modified source will be less than eighty per cent of 21579
the maximum acceptable ground level concentration, the owner or 21580
operator of the source annually shall report to the director, on a 21581
form prescribed by the director, whether operations of the source 21582
are consistent with the information regarding the operations that 21583
was used to conduct the modeling with regard to the permit to 21584
install application. The annual report to the director shall be in 21585
lieu of an emission limit or other permit terms and conditions 21586
imposed pursuant to division (F)(4) of this section. The director 21587
may consider any significant departure from the operations of the 21588
source described in the permit to install application that results 21589
in greater emissions than the emissions rate modeled to determine 21590
the ground level concentration as a modification and require the 21591
owner or operator to submit a permit to install application for 21592
the increased emissions. The requirements established in division 21593
(F)(4)(d) of this section are not federally enforceable 21594
requirements and, if included in a Title V permit, shall be placed 21595
in the portion of the permit that is only enforceable by the 21596

state. 21597

(e) Division (F)(4) of this section and the document entitled 21598
"Review of New Sources of Air Toxics Emissions, Option A" shall 21599
not be included in the state implementation plan under section 110 21600
of the federal Clean Air Act and do not apply to an air 21601
contaminant source that is subject to a maximum achievable control 21602
technology standard or residual risk standard under section 112 of 21603
the federal Clean Air Act, to a particular air contaminant 21604
identified under 40 C.F.R. 51.166, division (b)(23), for which the 21605
director has determined that the owner or operator of the source 21606
is required to install best available control technology for that 21607
particular air contaminant, or to a particular air contaminant for 21608
which the director has determined that the source is required to 21609
meet the lowest achievable emission rate, as defined in 40 C.F.R. 21610
part 51, Appendix S, for that particular air contaminant. 21611

(f)(i) Division (F)(4) of this section and the document 21612
entitled "Review of New Sources of Air Toxics Emissions, Option A" 21613
do not apply to parking lots, storage piles, storage tanks, 21614
transfer operations, grain silos, grain dryers, emergency 21615
generators, gasoline dispensing operations, air contaminant 21616
sources that emit air contaminants solely from the combustion of 21617
fossil fuels, or the emission of wood dust, sand, glass dust, coal 21618
dust, silica, and grain dust. 21619

(ii) Notwithstanding division (F)(4)(f)(i) of this section, 21620
the director may require an individual air contaminant source that 21621
is within one of the source categories identified in division 21622
(F)(4)(f)(i) of this section to submit information in an 21623
application for a permit to install a new or modified source in 21624
order to determine the source's conformity to the document if the 21625
director has information to conclude that the particular new or 21626
modified source will potentially cause an increase in ground level 21627
concentration beyond the facility's boundary that exceeds the 21628

maximum acceptable ground level concentration as set forth in the 21629
document. 21630

(iii) The director may adopt rules in accordance with Chapter 21631
119. of the Revised Code that are consistent with the purposes of 21632
this chapter and that add to or delete from the source category 21633
exemptions established in division (F)(4)(f)(i) of this section. 21634

(5) Not later than one year after August 3, 2006, the 21635
director shall adopt rules in accordance with Chapter 119. of the 21636
Revised Code specifying activities that do not, by themselves, 21637
constitute beginning actual construction activities related to the 21638
installation or modification of an air contaminant source for 21639
which a permit to install is required such as the grading and 21640
clearing of land, on-site storage of portable parts and equipment, 21641
and the construction of foundations or buildings that do not 21642
themselves emit air contaminants. The rules also shall allow 21643
specified initial activities that are part of the installation or 21644
modification of an air contaminant source, such as the 21645
installation of electrical and other utilities for the source, 21646
prior to issuance of a permit to install, provided that the owner 21647
or operator of the source has filed a complete application for a 21648
permit to install, the director or the director's designee has 21649
determined that the application is complete, and the owner or 21650
operator of the source has notified the director that this 21651
activity will be undertaken prior to the issuance of a permit to 21652
install. Any activity that is undertaken by the source under those 21653
rules shall be at the risk of the owner or operator. The rules 21654
shall not apply to activities that are precluded prior to permit 21655
issuance under section 111, section 112, Part C of Title I, and 21656
Part D of Title I of the federal Clean Air Act. 21657

(G) Adopt, modify, suspend, and rescind rules prohibiting the 21658
operation or other use of any new, modified, or existing air 21659
contaminant source unless an operating permit has been obtained 21660

from the director or the director's authorized representative, or 21661
the air contaminant source is being operated in compliance with 21662
the conditions of a variance issued pursuant to division (H) of 21663
this section. Applications for operating permits shall be 21664
accompanied by such plans, specifications, and other pertinent 21665
information as the director may require. Operating permits may be 21666
issued for a period determined by the director not to exceed ten 21667
years, are renewable, and are transferable. The director shall 21668
specify in each operating permit that the permit is conditioned 21669
upon payment of the applicable fees as required by section 3745.11 21670
of the Revised Code and upon the right of the director's 21671
authorized representatives to enter upon the premises of the 21672
person to whom the permit has been issued, at any reasonable time 21673
and subject to safety requirements of the person in control of the 21674
premises, for the purpose of determining compliance with this 21675
chapter, the rules adopted thereunder, and the conditions of any 21676
permit, variance, or order issued thereunder. Operating permits 21677
may be denied or revoked for failure to comply with this chapter 21678
or the rules adopted thereunder. An operating permit shall be 21679
issued only upon a showing satisfactory to the director or the 21680
director's representative that the air contaminant source is being 21681
operated in compliance with applicable emission standards and 21682
other rules or upon submission of a schedule of compliance 21683
satisfactory to the director for a source that is not in 21684
compliance with all applicable requirements at the time of permit 21685
issuance, provided that the compliance schedule shall be 21686
consistent with and at least as stringent as that contained in any 21687
judicial consent decree or administrative order to which the air 21688
contaminant source is subject. The rules shall provide for the 21689
issuance of conditional operating permits for such reasonable 21690
periods as the director may determine to allow the holder of an 21691
installation permit, who has constructed, installed, located, or 21692
modified a new air contaminant source in accordance with the 21693

provisions of an installation permit, to make adjustments or 21694
modifications necessary to enable the new air contaminant source 21695
to comply with applicable emission standards and other rules. 21696
Terms and conditions of operating permits issued pursuant to this 21697
division shall be federally enforceable for the purpose of 21698
establishing the potential to emit of a stationary source and 21699
shall be expressly designated as federally enforceable. Any such 21700
federally enforceable restrictions on a source's potential to emit 21701
shall include both an annual limit and a short-term limit of not 21702
more than thirty days for each pollutant to be restricted together 21703
with adequate methods for establishing compliance with the 21704
restrictions. In other respects, operating permits issued pursuant 21705
to this division are enforceable as state law only. No application 21706
shall be denied or permit revoked or modified without a written 21707
order stating the findings upon which denial, revocation, or 21708
modification is based. A copy of the order shall be sent to the 21709
applicant or permit holder by certified mail. 21710

(H) Adopt, modify, and rescind rules governing the issuance, 21711
revocation, modification, or denial of variances that authorize 21712
emissions in excess of the applicable emission standards. 21713

No variance shall be issued except pursuant to those rules. 21714
The rules shall prescribe conditions and criteria in furtherance 21715
of the purposes of this chapter and consistent with the federal 21716
Clean Air Act governing eligibility for issuance of variances, 21717
which shall include all of the following: 21718

(1) Provisions requiring consistency of emissions authorized 21719
by a variance with timely attainment and maintenance of ambient 21720
air quality standards; 21721

(2) Provisions prescribing the classes and categories of air 21722
contaminants and air contaminant sources for which variances may 21723
be issued; 21724

(3) Provisions defining the circumstances under which an applicant shall demonstrate that compliance with applicable emission standards is technically infeasible, economically unreasonable, or impossible because of conditions beyond the control of the applicant;

(4) Other provisions prescribed in furtherance of the goals of this chapter.

The rules shall prohibit the issuance of variances from any emission limitation that was applicable to a source pursuant to an installation permit and shall prohibit issuance of variances that conflict with the federal Clean Air Act.

Applications for variances shall be accompanied by such information as the director may require. In issuing variances, the director may order the person to whom a variance is issued to furnish plans and specifications and such other information and data, including interim reports, as the director may require and to proceed to take such action within such time as the director may determine to be appropriate and reasonable to prevent, control, or abate the person's existing emissions of air contaminants. The director shall specify in each variance that the variance is conditioned upon payment of the applicable fees as required by section 3745.11 of the Revised Code and upon the right of the director's authorized representatives to enter upon the premises of the person to whom the variance has been issued, at any reasonable time and subject to safety requirements of the person in control of the premises, for the purpose of determining compliance with this chapter, the rules adopted thereunder, and the conditions of any permit, variance, or order issued thereunder.

The director may hold a public hearing on an application for a variance or renewal thereof at a location in the county where the variance is sought. The director shall give not less than

twenty days' notice of the hearing to the applicant by certified 21757
mail and cause at least one publication of notice in a newspaper 21758
with general circulation in the county where the variance is 21759
sought. The director shall keep available for public inspection at 21760
the principal office of the environmental protection agency a 21761
current schedule of pending applications for variances and a 21762
current schedule of pending variance hearings. The director shall 21763
make a complete stenographic record of testimony and other 21764
evidence submitted at the hearing. The director shall make a 21765
written determination to issue, renew, or deny the variance and 21766
shall enter the determination and the basis therefor into the 21767
record of the hearing. The director shall issue, renew, or deny an 21768
application for a variance or renewal thereof, or issue a proposed 21769
action upon the application pursuant to section 3745.07 of the 21770
Revised Code, within six months of the date upon which the 21771
director receives a complete application with all pertinent 21772
information and data required by the director. 21773

Any variance granted pursuant to rules adopted under this 21774
division shall be for a period specified by the director, not to 21775
exceed three years, and may be renewed from time to time on such 21776
terms and for such periods, not to exceed three years each, as the 21777
director determines to be appropriate. A variance may be revoked, 21778
or renewal denied, for failure to comply with conditions specified 21779
in the variance. No variance shall be issued, denied, revoked, or 21780
modified without a written order stating the findings upon which 21781
the issuance, denial, revocation, or modification is based. A copy 21782
of the order shall be sent to the applicant or variance holder by 21783
certified mail. 21784

(I) Require the owner or operator of an air contaminant 21785
source to install, employ, maintain, and operate such emissions, 21786
ambient air quality, meteorological, or other monitoring devices 21787
or methods as the director shall prescribe; to sample those 21788

emissions at such locations, at such intervals, and in such manner 21789
as the director prescribes; to maintain records and file periodic 21790
reports with the director containing information as to location, 21791
size, and height of emission outlets, rate, duration, and 21792
composition of emissions, and any other pertinent information the 21793
director prescribes; and to provide such written notice to other 21794
states as the director shall prescribe. In requiring monitoring 21795
devices, records, and reports, the director, to the extent 21796
consistent with the federal Clean Air Act, shall give 21797
consideration to technical feasibility and economic reasonableness 21798
and allow reasonable time for compliance. For sources where a 21799
specific monitoring, record-keeping, or reporting requirement is 21800
specified for a particular air contaminant from a particular air 21801
contaminant source in an applicable regulation adopted by the 21802
United States environmental protection agency under the federal 21803
Clean Air Act or in an applicable rule adopted by the director, 21804
the director shall not impose an additional requirement in a 21805
permit that is a different monitoring, record-keeping, or 21806
reporting requirement other than the requirement specified in the 21807
applicable regulation or rule for that air contaminant except as 21808
otherwise agreed to by the owner or operator of the air 21809
contaminant source and the director. If two or more regulations or 21810
rules impose different monitoring, record-keeping, or reporting 21811
requirements for the same air contaminant from the same air 21812
contaminant source, the director may impose permit terms and 21813
conditions that consolidate or streamline the monitoring, 21814
record-keeping, or reporting requirements in a manner that 21815
conforms with each applicable requirement. To the extent 21816
consistent with the federal Clean Air Act and except as otherwise 21817
agreed to by the owner or operator of an air contaminant source 21818
and the director, the director shall not require an operating 21819
restriction that has the practical effect of increasing the 21820
stringency of an existing applicable emission limitation or 21821

standard. 21822

(J) Establish, operate, and maintain monitoring stations and 21823
other devices designed to measure air pollution and enter into 21824
contracts with any public or private agency for the establishment, 21825
operation, or maintenance of such stations and devices; 21826

(K) By rule adopt procedures for giving reasonable public 21827
notice and conducting public hearings on any plans for the 21828
prevention, control, and abatement of air pollution that the 21829
director is required to submit to the federal government; 21830

(L) Through any employee, agent, or authorized representative 21831
of the director or the environmental protection agency, enter upon 21832
private or public property, including improvements thereon, at any 21833
reasonable time, to make inspections, take samples, conduct tests, 21834
and examine records or reports pertaining to any emission of air 21835
contaminants and any monitoring equipment or methods and to 21836
determine if there are any actual or potential emissions from such 21837
premises and, if so, to determine the sources, amounts, contents, 21838
and extent of those emissions, or to ascertain whether there is 21839
compliance with this chapter, any orders issued or rules adopted 21840
thereunder, or any other determination of the director. The 21841
director, at reasonable times, may have access to and copy any 21842
such records. If entry or inspection authorized by this division 21843
is refused, hindered, or thwarted, the director or the director's 21844
authorized representative may by affidavit apply for, and any 21845
judge of a court of record may issue, an appropriate inspection 21846
warrant necessary to achieve the purposes of this chapter within 21847
the court's territorial jurisdiction. 21848

(M) Accept and administer gifts or grants from the federal 21849
government and from any other source, public or private, for 21850
carrying out any of the functions under this chapter; 21851

(N) Obtain necessary scientific, technical, and laboratory 21852

services; 21853

(O) Establish advisory boards in accordance with section 21854
121.13 of the Revised Code; 21855

(P) Delegate to any city or general health district or 21856
political subdivision of the state any of the director's 21857
enforcement and monitoring powers and duties, other than 21858
rule-making powers, as the director elects to delegate, and in 21859
addition employ, compensate, and prescribe the powers and duties 21860
of such officers, employees, and consultants as are necessary to 21861
enable the director to exercise the authority and perform duties 21862
imposed upon the director by law. Technical and other services 21863
shall be performed, insofar as practical, by personnel of the 21864
environmental protection agency. 21865

(Q) Certify to the government of the United States or any 21866
agency thereof that an industrial air pollution facility is in 21867
conformity with the state program or requirements for control of 21868
air pollution whenever such certificate is required for a taxpayer 21869
pursuant to any federal law or requirements; 21870

(R) Issue, modify, or revoke orders requiring abatement of or 21871
prohibiting emissions that violate applicable emission standards 21872
or other requirements of this chapter and rules adopted 21873
thereunder, or requiring emission control devices or measures in 21874
order to comply with applicable emission standards or other 21875
requirements of this chapter and rules adopted thereunder. Any 21876
such order shall require compliance with applicable emission 21877
standards by a specified date and shall not conflict with any 21878
requirement of the federal Clean Air Act. In the making of such 21879
orders, the director, to the extent consistent with the federal 21880
Clean Air Act, shall give consideration to, and base the 21881
determination on, evidence relating to the technical feasibility 21882
and economic reasonableness of compliance with such orders and 21883
their relation to benefits to the people of the state to be 21884

derived from such compliance. If, under the federal Clean Air Act, 21885
any such order shall provide for the posting of a bond or surety 21886
to secure compliance with the order as a condition of issuance of 21887
the order, the order shall so provide, but only to the extent 21888
required by the federal Clean Air Act. 21889

(S) To the extent provided by the federal Clean Air Act, 21890
adopt, modify, and rescind rules providing for the administrative 21891
assessment and collection of monetary penalties, not in excess of 21892
those required pursuant to the federal Clean Air Act, for failure 21893
to comply with any emission limitation or standard, compliance 21894
schedule, or other requirement of any rule, order, permit, or 21895
variance issued or adopted under this chapter or required under 21896
the applicable implementation plan whether or not the source is 21897
subject to a federal or state consent decree. The director may 21898
require the submission of compliance schedules, calculations of 21899
penalties for noncompliance, and related information. Any orders, 21900
payments, sanctions, or other requirements imposed pursuant to 21901
rules adopted under this division shall be in addition to any 21902
other permits, orders, payments, sanctions, or other requirements 21903
established under this chapter and shall not affect any civil or 21904
criminal enforcement proceedings brought under any provision of 21905
this chapter or any other provision of state or local law. This 21906
division does not apply to any requirement of this chapter 21907
regarding the prevention or abatement of odors. 21908

(T) Require new or modified air contaminant sources to 21909
install best available technology, but only in accordance with 21910
this division. With respect to permits issued pursuant to division 21911
(F) of this section beginning three years after August 3, 2006, 21912
best available technology for air contaminant sources and air 21913
contaminants emitted by those sources that are subject to 21914
standards adopted under section 112, Part C of Title I, and Part D 21915
of Title I of the federal Clean Air Act shall be equivalent to and 21916

no more stringent than those standards. ~~For an air contaminant or~~ 21917
~~precursor of an air contaminant for which a national ambient air~~ 21918
~~quality standard has been adopted under the federal Clean Air Act,~~ 21919
~~best available technology only shall be required to the extent~~ 21920
~~required by rules adopted under Chapter 119. of the Revised Code~~ 21921
~~for permit to install applications filed three or more years after~~ 21922
~~August 3, 2006.~~ 21923

Best available technology requirements for an air contaminant 21924
or precursor of an air contaminant for which a national ambient 21925
air quality standard has been adopted under the federal Clean Air 21926
Act that are established in rules adopted permits issued 21927
under ~~this division~~ section shall be expressed only in one of the 21928
following ways that is most appropriate for the applicable source 21929
or source categories: 21930

(1) Work practices; 21931

(2) Source design characteristics or design efficiency of 21932
applicable air contaminant control devices; 21933

(3) Raw material specifications or throughput limitations 21934
averaged over a twelve-month rolling period; 21935

(4) ~~Monthly allowable emissions averaged over a~~ Rolling 21936
~~twelve-month rolling period~~ summation of the allowable emissions. 21937

Best available technology requirements shall not apply to an 21938
air contaminant source that has the potential to emit, taking into 21939
account air pollution controls installed on the source, less than 21940
ten tons per year of emissions of an air contaminant or precursor 21941
of an air contaminant for which a national ambient air quality 21942
standard has been adopted under the federal Clean Air Act. In 21943
addition, best available technology requirements established ~~in~~ 21944
~~rules adopted~~ under this division shall not apply to any existing, 21945
new, or modified air contaminant source that is subject to a 21946
plant-wide applicability limit that has been approved by the 21947

director. ~~Further, best available technology requirements~~ 21948
~~established in rules adopted under this division shall not apply~~ 21949
~~to general permits issued prior to January 1, 2006, under rules~~ 21950
~~adopted under this chapter.~~ 21951

For permits to install issued three or more years after 21952
August 3, 2006, any new or modified air contaminant source that 21953
has the potential to emit, taking into account air pollution 21954
controls installed on the source, ten or more tons per year of 21955
volatile organic compounds or nitrogen oxides shall meet, 21956
regardless of the location of the source, at a minimum,~~the:~~ 21957

-- For volatile organic compounds, the requirements of any 21958
applicable reasonably available control technology rule in effect 21959
as of January 1, 2006,~~regardless of the location of the source;~~ 21960

-- For nitrogen oxide, the requirements of any applicable 21961
reasonably available control technology rule in effect as of 21962
December 22, 2007. 21963

(U) Consistent with section 507 of the federal Clean Air Act, 21964
adopt, modify, suspend, and rescind rules for the establishment of 21965
a small business stationary source technical and environmental 21966
compliance assistance program as provided in section 3704.18 of 21967
the Revised Code; 21968

(V) Provide for emissions trading, marketable permits, 21969
auctions of emission rights, and economic incentives that would 21970
reduce the cost or increase the efficiency of achieving a 21971
specified level of environmental protection; 21972

(W) Provide for the construction of an air contaminant source 21973
prior to obtaining a permit to install pursuant to division (F) of 21974
this section if the applicant demonstrates that the source will be 21975
installed to comply with all applicable emission limits and will 21976
not adversely affect public health or safety or the environment 21977
and if the director determines that such an action will avoid an 21978

unreasonable hardship on the owner or operator of the source. Any 21979
such determination shall be consistent with the federal Clean Air 21980
Act. 21981

(X) Exercise all incidental powers, including adoption of 21982
rules, required to carry out this chapter. 21983

The environmental protection agency shall develop a plan to 21984
control air pollution resulting from state-operated facilities and 21985
property. 21986

Sec. 3704.111. (A) Not later than October 1, 1993, the 21987
director of environmental protection shall enter into a delegation 21988
agreement with each local air pollution control authority listed 21989
in divisions (N)(1)(a) to ~~(i)~~(h) of section 3704.01 of the Revised 21990
Code under which the local air pollution control authority agrees 21991
to perform on behalf of the environmental protection agency air 21992
pollution control regulatory services within the political 21993
subdivision represented by the local air pollution control 21994
authority. The director may enter into such a delegation agreement 21995
with a local air pollution control authority established on or 21996
after the effective date of this section, subject to the condition 21997
established in division (B) of this section. Each delegation 21998
agreement shall be self-renewing on an annual basis on the first 21999
day of October of each year. The terms of each such delegation 22000
agreement shall remain unchanged from year to year unless they are 22001
amended by mutual agreement of the director and the local air 22002
pollution control authority. 22003

(B) The director may conduct a periodic performance 22004
evaluation of the air pollution control program operated by each 22005
local air pollution control authority. Based upon the findings of 22006
such a performance evaluation, the director may terminate or 22007
refuse to renew the delegation agreement with a local air 22008
pollution control authority if the director determines that the 22009

local air pollution control authority is not adequately performing 22010
its obligations under the agreement. 22011

(C) The director may enter into contracts for payments to 22012
local air pollution control authorities from moneys credited to 22013
the clean air fund created in section 3704.035 of the Revised 22014
Code, subject to the limitation specified in that section, and any 22015
other moneys appropriated by the general assembly for that 22016
purpose. The director shall distribute the moneys available for 22017
making payments to the local air pollution control authorities 22018
pursuant to such contracts equitably among the local air pollution 22019
control authorities based upon the amount of local funding and the 22020
workload of each local air pollution control authority, including, 22021
without limitation, population served, number of air permits 22022
issued for both new and existing sources, land area, and number of 22023
air contaminant sources. The director biennially shall review the 22024
workload of each local air pollution control authority and shall 22025
determine the percentage of the moneys available for the purpose 22026
of making payments under the contracts. In determining the 22027
percentage of those moneys that is to be so distributed, the 22028
director shall consider the recommendations of the local air 22029
pollution control authorities. 22030

(D) The director may modify a contract between the director 22031
and a local air pollution control authority to authorize the local 22032
air pollution control authority to perform air pollution control 22033
activities outside the geographic boundaries of that local air 22034
pollution control authority. 22035

Sec. 3704.14. (A)(1) If the director of environmental 22036
protection determines that implementation of a motor vehicle 22037
inspection and maintenance program is necessary for the state to 22038
effectively comply with the federal Clean Air Act after June 30, 22039
~~2015~~ 2019, the director may provide for the implementation of the 22040

program in those counties in this state in which such a program is 22041
federally mandated. Upon making such a determination, the director 22042
of environmental protection may request the director of 22043
administrative services to extend the terms of the contract that 22044
was entered into under the authority of Am. Sub. H.B. ~~153~~ 64 of 22045
the ~~129th~~ 131st general assembly. Upon receiving the request, the 22046
director of administrative services shall extend the contract, 22047
beginning on July 1, ~~2015~~ 2019, in accordance with this section. 22048
The contract shall be extended for a period of up to twenty-four 22049
months with the contractor who conducted the motor vehicle 22050
inspection and maintenance program under that contract. 22051

(2) Prior to the expiration of the contract extension that is 22052
authorized by division (A)(1) of this section, the director of 22053
environmental protection shall request the director of 22054
administrative services to enter into a contract with a vendor to 22055
operate a decentralized motor vehicle inspection and maintenance 22056
program in each county in this state in which such a program is 22057
federally mandated through June 30, ~~2019~~ 2023, with an option for 22058
the state to renew the contract for a period of up to twenty-four 22059
months through June 30, ~~2021~~ 2025. The contract shall ensure that 22060
the decentralized motor vehicle inspection and maintenance program 22061
achieves at least the same emission reductions as achieved by the 22062
program operated under the authority of the contract that was 22063
extended under division (A)(1) of this section. The director of 22064
administrative services shall select a vendor through a 22065
competitive selection process in compliance with Chapter 125. of 22066
the Revised Code. 22067

(3) Notwithstanding any law to the contrary, the director of 22068
administrative services shall ensure that a competitive selection 22069
process regarding a contract to operate a decentralized motor 22070
vehicle inspection and maintenance program in this state 22071
incorporates the following, which shall be included in the 22072

contract: 22073

(a) For purposes of expanding the number of testing locations 22074
for consumer convenience, a requirement that the vendor utilize 22075
established local businesses, auto repair facilities, or leased 22076
properties to operate state-approved inspection and maintenance 22077
testing facilities; 22078

(b) A requirement that the vendor selected to operate the 22079
program provide notification of the program's requirements to each 22080
owner of a motor vehicle that is required to be inspected under 22081
the program. The contract shall require the notification to be 22082
provided not later than sixty days prior to the date by which the 22083
owner of the motor vehicle is required to have the motor vehicle 22084
inspected. The director of environmental protection and the vendor 22085
shall jointly agree on the content of the notice. However, the 22086
notice shall include at a minimum the locations of all inspection 22087
facilities within a specified distance of the address that is 22088
listed on the owner's motor vehicle registration; 22089

(c) A requirement that the vendor comply with testing 22090
methodology and supply the required equipment approved by the 22091
director of environmental protection as specified in the 22092
competitive selection process in compliance with Chapter 125. of 22093
the Revised Code. 22094

(4) A decentralized motor vehicle inspection and maintenance 22095
program operated under this section shall comply with division (B) 22096
of this section. The director of environmental protection shall 22097
administer the decentralized motor vehicle inspection and 22098
maintenance program operated under this section. 22099

(B) The decentralized motor vehicle inspection and 22100
maintenance program authorized by this section, at a minimum, 22101
shall do all of the following: 22102

(1) Comply with the federal Clean Air Act; 22103

(2) Provide for the issuance of inspection certificates; 22104

(3) Provide for a new car exemption for motor vehicles four 22105
years old or newer and provide that a new motor vehicle is exempt 22106
for four years regardless of whether legal title to the motor 22107
vehicle is transferred during that period. 22108

(C) The director of environmental protection shall adopt 22109
rules in accordance with Chapter 119. of the Revised Code that the 22110
director determines are necessary to implement this section. The 22111
director may continue to implement and enforce rules pertaining to 22112
the motor vehicle inspection and maintenance program previously 22113
implemented under former section 3704.14 of the Revised Code as 22114
that section existed prior to its repeal and reenactment by Am. 22115
Sub. H.B. 66 of the 126th general assembly, provided that the 22116
rules do not conflict with this section. 22117

(D) There is hereby created in the state treasury the auto 22118
emissions test fund, which shall consist of money received by the 22119
director from any cash transfers, state and local grants, and 22120
other contributions that are received for the purpose of funding 22121
the program established under this section. The director of 22122
environmental protection shall use money in the fund solely for 22123
the implementation, supervision, administration, operation, and 22124
enforcement of the motor vehicle inspection and maintenance 22125
program established under this section. Money in the fund shall 22126
not be used for either of the following: 22127

(1) To pay for the inspection costs incurred by a motor 22128
vehicle dealer so that the dealer may provide inspection 22129
certificates to an individual purchasing a motor vehicle from the 22130
dealer when that individual resides in a county that is subject to 22131
the motor vehicle inspection and maintenance program; 22132

(2) To provide payment for more than one free passing 22133
emissions inspection or a total of three emissions inspections for 22134

a motor vehicle in any three-hundred-sixty-five-day period. The 22135
owner or lessee of a motor vehicle is responsible for inspection 22136
fees that are related to emissions inspections beyond one free 22137
passing emissions inspection or three total emissions inspections 22138
in any three-hundred-sixty-five-day period. Inspection fees that 22139
are charged by a contractor conducting emissions inspections under 22140
a motor vehicle inspection and maintenance program shall be 22141
approved by the director of environmental protection. 22142

(E) The motor vehicle inspection and maintenance program 22143
established under this section expires upon the termination of all 22144
contracts entered into under this section and shall not be 22145
implemented beyond the final date on which termination occurs. 22146

Sec. 3705.07. (A) The local registrar of vital statistics 22147
shall number consecutively each fetal death and death certificate 22148
printed on paper that the local registrar receives from the 22149
electronic death registration system (EDRS) maintained by the 22150
department of health. The number assigned to each certificate 22151
shall be the one provided by EDRS. Such local registrar shall sign 22152
the local registrar's name in attest to the date of filing in the 22153
local office. The local registrar shall make a complete and 22154
accurate copy of each fetal death and death certificate printed on 22155
paper that is filed. Each paper copy shall be filed and preserved 22156
as the local record until the electronic information regarding the 22157
event has been completed and made available in EDRS and EDRS is 22158
capable of issuing a complete and accurate electronic copy of the 22159
certificate. The local record may be a photographic, electronic, 22160
or other reproduction. The local registrar shall transmit to the 22161
state office of vital statistics all original fetal death and 22162
death certificates received using the state transmittal schedule 22163
specified by the department of health. The local registrar shall 22164
immediately notify the health commissioner with jurisdiction in 22165
the registration district of the receipt of a death certificate 22166

attesting that death resulted from a communicable disease. 22167

The office of vital statistics shall carefully examine the 22168
records and certificates received from local registrars of vital 22169
statistics and shall secure any further information that may be 22170
necessary to make each record and certificate complete and 22171
satisfactory. It shall arrange and preserve the records and 22172
certificates, or reproductions of them produced pursuant to 22173
section 3705.03 of the Revised Code, in a systematic manner and 22174
shall maintain a permanent index of all births, fetal deaths, and 22175
deaths registered, which shall show the name of the child or 22176
deceased person, place and date of birth or death, and number of 22177
the certificate. 22178

(B)(1) The office of vital statistics shall make available ~~to~~ 22179
~~the division of child support in the department of job and family~~ 22180
~~services~~ all social security numbers that accompany a birth 22181
certificate submitted for filing under division (H) of section 22182
3705.09 or section 3705.10 of the Revised Code or that accompany a 22183
death certificate registered under section 3705.16 of the Revised 22184
Code to both of the following: 22185

(a) For the purpose of child support enforcement, the 22186
division of child support in the department of job and family 22187
services; 22188

(b) For the purpose of eligibility determinations for medical 22189
assistance programs as defined in section 5160.01 of the Revised 22190
Code, the department of medicaid. 22191

(2) The office of vital statistics also shall make available 22192
to the division of child support in the department of job and 22193
family services any other information recorded in the birth record 22194
that may enable the division to use the social security numbers 22195
provided under division (B)(1) of this section to obtain the 22196
location of the father of the child whose birth certificate was 22197

accompanied by the social security number or to otherwise enforce 22198
a child support order pertaining to that child or any other child. 22199

Sec. 3705.09. (A) A birth certificate for each live birth in 22200
this state shall be filed in the registration district in which it 22201
occurs within ten calendar days after such birth and shall be 22202
registered if it has been completed and filed in accordance with 22203
this section. 22204

(B) When a birth occurs in or en route to an institution, the 22205
person in charge of the institution or a designated representative 22206
shall obtain the personal data, prepare the certificate, and 22207
complete and certify the facts of birth on the certificate within 22208
ten calendar days. The physician or certified nurse-midwife in 22209
attendance shall be listed on the birth record. 22210

(C) When a birth occurs outside an institution, the birth 22211
certificate shall be prepared and filed by one of the following in 22212
the indicated order of priority: 22213

(1) The physician or certified nurse-midwife in attendance at 22214
or immediately after the birth; 22215

(2) Any other person in attendance at or immediately after 22216
the birth; 22217

(3) The father; 22218

(4) The mother; 22219

(5) The person in charge of the premises where the birth 22220
occurred. 22221

(D) Either of the parents of the child or other informant 22222
shall attest to the accuracy of the personal data entered on the 22223
birth certificate in time to permit the filing of the certificate 22224
within the ten days prescribed in this section. 22225

(E) When a birth occurs in a moving conveyance within the 22226

United States and the child is first removed from the conveyance 22227
in this state, the birth shall be registered in this state and the 22228
place where it is first removed shall be considered the place of 22229
birth. When a birth occurs on a moving conveyance while in 22230
international waters or air space or in a foreign country or its 22231
air space and the child is first removed from the conveyance in 22232
this state, the birth shall be registered in this state but the 22233
record shall show the actual place of birth insofar as can be 22234
determined. 22235

(F)(1) If the mother of a child was married at the time of 22236
either conception or birth or between conception and birth, the 22237
child shall be registered in the surname designated by the mother, 22238
and the name of the husband shall be entered on the certificate as 22239
the father of the child. The presumption of paternity shall be in 22240
accordance with section 3111.03 of the Revised Code. 22241

(2) If the mother was not married at the time of conception 22242
or birth or between conception and birth, the child shall be 22243
registered by the surname designated by the mother. The name of 22244
the father of such child shall also be inserted on the birth 22245
certificate if both the mother and the father sign an 22246
acknowledgement of paternity affidavit before the birth record has 22247
been sent to the local registrar. If the father is not named on 22248
the birth certificate pursuant to division (F)(1) or (2) of this 22249
section, no other information about the father shall be entered on 22250
the record. 22251

(G) When a man is presumed, found, or declared to be the 22252
father of a child, according to section 2105.26, sections 3111.01 22253
to 3111.18, former section 3111.21, or sections 3111.38 to 3111.54 22254
of the Revised Code, or the father has acknowledged the child as 22255
his child in an acknowledgment of paternity, and the 22256
acknowledgment has become final pursuant to section 2151.232, 22257
3111.25, or 3111.821 of the Revised Code, and documentary evidence 22258

of such fact is submitted to the department of health in such form 22259
as the director may require, a new birth record shall be issued by 22260
the department which shall have the same overall appearance as the 22261
record which would have been issued under this section if a 22262
marriage had occurred before the birth of such child. Where 22263
handwriting is required to effect such appearance, the department 22264
shall supply it. Upon the issuance of such new birth record, the 22265
original birth record shall cease to be a public record. Except as 22266
provided in division (C) of section 3705.091 of the Revised Code, 22267
the original record and any documentary evidence supporting the 22268
new registration of birth shall be placed in an envelope which 22269
shall be sealed by the department and shall not be open to 22270
inspection or copy unless so ordered by a court of competent 22271
jurisdiction. 22272

(H) Every birth certificate filed under this section on or 22273
after July 1, 1990, shall be accompanied by all social security 22274
numbers that have been issued to the parents of the child, unless 22275
the division of child support in the department of job and family 22276
services, acting in accordance with regulations prescribed under 22277
the "Family Support Act of 1988," 102 Stat. 2353, 42 U.S.C.A. 405, 22278
as amended, finds good cause for not requiring that the numbers be 22279
furnished with the certificate. The parents' social security 22280
numbers shall not be recorded on the certificate. No social 22281
security number obtained under this division shall be used for any 22282
purpose other than ~~child support enforcement~~ the purposes 22283
specified in division (B)(1) of section 3705.07 of the Revised 22284
Code. 22285

Sec. 3705.10. Any birth certificate submitted for filing 22286
eleven or more days after the birth occurred constitutes a delayed 22287
birth registration. A delayed birth certificate may be filed in 22288
accordance with rules which shall be adopted by the director of 22289
health. The rules shall include, but not be limited to, all of the 22290

following requirements for each delayed birth certificate filed on 22291
or after July 1, 1990: 22292

(A) The certificate shall be accompanied by all social 22293
security numbers that have been issued to the parents of the 22294
child, unless the division of child support in the department of 22295
job and family services, acting in accordance with regulations 22296
prescribed under the "Family Support Act of 1988," 102 Stat. 2353, 22297
42 U.S.C.A. 405, as amended, finds good cause for not requiring 22298
that the numbers be furnished with the certificate. 22299

(B) The parents' social security numbers shall not be 22300
recorded on the certificate. 22301

(C) No social security number obtained under this section 22302
shall be used for any purpose other than ~~child support enforcement~~ 22303
the purposes specified in division (B)(1) of section 3705.07 of 22304
the Revised Code. 22305

Sec. 3706.25. As used in sections 3706.25 to ~~3706.30~~ 3706.29 22306
of the Revised Code: 22307

(A) "Advanced energy project" means any technologies, 22308
products, activities, or management practices or strategies that 22309
facilitate the generation or use of electricity or energy and that 22310
reduce or support the reduction of energy consumption or support 22311
the production of clean, renewable energy for industrial, 22312
distribution, commercial, institutional, governmental, research, 22313
not-for-profit, or residential energy users including, but not 22314
limited to, advanced energy resources and renewable energy 22315
resources. "Advanced energy project" includes any project 22316
described in division (A), (B), or (C) of section 4928.621 of the 22317
Revised Code. 22318

(B) "Advanced energy resource" means any of the following: 22319

(1) Any method or any modification or replacement of any 22320

property, process, device, structure, or equipment that increases 22321
the generation output of an electric generating facility to the 22322
extent such efficiency is achieved without additional carbon 22323
dioxide emissions by that facility; 22324

(2) Any distributed generation system consisting of customer 22325
cogeneration technology, primarily to meet the energy needs of the 22326
customer's facilities; 22327

(3) Advanced nuclear energy technology consisting of 22328
generation III technology as defined by the nuclear regulatory 22329
commission; other, later technology; or significant improvements 22330
to existing facilities; 22331

(4) Any fuel cell used in the generation of electricity, 22332
including, but not limited to, a proton exchange membrane fuel 22333
cell, phosphoric acid fuel cell, molten carbonate fuel cell, or 22334
solid oxide fuel cell; 22335

(5) Advanced solid waste or construction and demolition 22336
debris conversion technology, including, but not limited to, 22337
advanced stoker technology, and advanced fluidized bed 22338
gasification technology, that results in measurable greenhouse gas 22339
emissions reductions as calculated pursuant to the United States 22340
environmental protection agency's waste reduction model (WARM). 22341

(C) "Air contaminant source" has the same meaning as in 22342
section 3704.01 of the Revised Code. 22343

(D) "Cogeneration technology" means technology that produces 22344
electricity and useful thermal output simultaneously. 22345

(E) "Renewable energy resource" means solar photovoltaic or 22346
solar thermal energy, wind energy, power produced by a 22347
hydroelectric facility, power produced by a run-of-the-river 22348
hydroelectric facility placed in service on or after January 1, 22349
1980, that is located within this state, relies upon the Ohio 22350
river, and operates, or is rated to operate, at an aggregate 22351

capacity of forty or more megawatts, geothermal energy, fuel 22352
derived from solid wastes, as defined in section 3734.01 of the 22353
Revised Code, through fractionation, biological decomposition, or 22354
other process that does not principally involve combustion, 22355
biomass energy, energy produced by cogeneration technology that is 22356
placed into service on or before December 31, 2015, and for which 22357
more than ninety per cent of the total annual energy input is from 22358
combustion of a waste or byproduct gas from an air contaminant 22359
source in this state, which source has been in operation since on 22360
or before January 1, 1985, provided that the cogeneration 22361
technology is a part of a facility located in a county having a 22362
population of more than three hundred sixty-five thousand but less 22363
than three hundred seventy thousand according to the most recent 22364
federal decennial census, biologically derived methane gas, heat 22365
captured from a generator of electricity, boiler, or heat 22366
exchanger fueled by biologically derived methane gas, or energy 22367
derived from nontreated by-products of the pulping process or wood 22368
manufacturing process, including bark, wood chips, sawdust, and 22369
lignin in spent pulping liquors. "Renewable energy resource" 22370
includes, but is not limited to, any fuel cell used in the 22371
generation of electricity, including, but not limited to, a proton 22372
exchange membrane fuel cell, phosphoric acid fuel cell, molten 22373
carbonate fuel cell, or solidoxide fuel cell; wind turbine 22374
located in the state's territorial waters of Lake Erie; methane 22375
gas emitted from an abandoned coal mine; storage facility that 22376
will promote the better utilization of a renewable energy resource 22377
that primarily generates off peak; or distributed generation 22378
system used by a customer to generate electricity from any such 22379
energy. As used in this division, "hydroelectric facility" means a 22380
hydroelectric generating facility that is located at a dam on a 22381
river, or on any water discharged to a river, that is within or 22382
bordering this state or within or bordering an adjoining state and 22383
meets all of the following standards: 22384

(1) The facility provides for river flows that are not 22385
detrimental for fish, wildlife, and water quality, including 22386
seasonal flow fluctuations as defined by the applicable licensing 22387
agency for the facility. 22388

(2) The facility demonstrates that it complies with the water 22389
quality standards of this state, which compliance may consist of 22390
certification under Section 401 of the "Clean Water Act of 1977," 22391
91 Stat. 1598, 1599, 33 U.S.C. 1341, and demonstrates that it has 22392
not contributed to a finding by this state that the river has 22393
impaired water quality under Section 303(d) of the "Clean Water 22394
Act of 1977," 114 Stat. 870, 33 U.S.C. 1313. 22395

(3) The facility complies with mandatory prescriptions 22396
regarding fish passage as required by the federal energy 22397
regulatory commission license issued for the project, regarding 22398
fish protection for riverine, anadromous, and catadromous fish. 22399

(4) The facility complies with the recommendations of the 22400
Ohio environmental protection agency and with the terms of its 22401
federal energy regulatory commission license regarding watershed 22402
protection, mitigation, or enhancement, to the extent of each 22403
agency's respective jurisdiction over the facility. 22404

(5) The facility complies with provisions of the "Endangered 22405
Species Act of 1973," 87 Stat. 884, 16 U.S.C. 1531 to 1544, as 22406
amended. 22407

(6) The facility does not harm cultural resources of the 22408
area. This can be shown through compliance with the terms of its 22409
federal energy regulatory commission license or, if the facility 22410
is not regulated by that commission, through development of a plan 22411
approved by the Ohio historic preservation office, to the extent 22412
it has jurisdiction over the facility. 22413

(7) The facility complies with the terms of its federal 22414
energy regulatory commission license or exemption that are related 22415

to recreational access, accommodation, and facilities or, if the 22416
facility is not regulated by that commission, the facility 22417
complies with similar requirements as are recommended by resource 22418
agencies, to the extent they have jurisdiction over the facility; 22419
and the facility provides access to water to the public without 22420
fee or charge. 22421

(8) The facility is not recommended for removal by any 22422
federal agency or agency of any state, to the extent the 22423
particular agency has jurisdiction over the facility. 22424

Sec. 3706.29. The Ohio air quality development authority 22425
shall, in accordance with Chapter 119. of the Revised Code, adopt 22426
any rules necessary to implement ~~section 166.30~~ and sections 22427
3706.25 to 3706.28 of the Revised Code. 22428

Sec. 3707.70. As used in this section and sections 3707.71 to 22429
3707.77 of the Revised Code: 22430

(A) "Board of health" means a board of health of a city or 22431
general health district or the authority having the duties of a 22432
board of health under section 3709.05 of the Revised Code. 22433

(B) "Fetal death" means death prior to the complete expulsion 22434
or extraction from its mother of a product of human conception, 22435
irrespective of the duration of pregnancy, which after such 22436
expulsion or extraction does not breathe or show any other 22437
evidence of life such as beating of the heart, pulsation of the 22438
umbilical cord, or definite movement of voluntary muscles. 22439

(C) "Infant" means a child who is less than one year of age. 22440

Sec. 3707.71. (A) A board of health may, in accordance with 22441
rules adopted under section 3701.049 of the Revised Code, 22442
establish and operate a fetal-infant mortality review board to 22443
review both of the following: 22444

(1) Each fetal death experienced by a woman who was, at the time of the fetal death, a resident of the health district in which the board exercises authority; 22445
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(2) Each death of an infant who was, at the time of death, a resident of the health district in which the board exercises authority. 22448
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(B) A fetal-infant mortality review board may not conduct a review of a death while an investigation of the death or prosecution of a person for causing the death is pending unless the prosecuting attorney agrees to allow the review. The law enforcement agency conducting the criminal investigation, on the conclusion of the investigation, and the prosecuting attorney prosecuting the case, on the conclusion of the prosecution, shall notify the chairperson of the review board of the conclusion. 22451
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Sec. 3707.72. (A)(1) If a board of health establishes a fetal-infant mortality review board under section 3707.71 of the Revised Code, the board, by a majority vote of a quorum of its members, shall select the board's members. Members may include the following professionals or individuals representing the following constituencies: 22459
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(a) Fetal-infant mortality review coordinators; 22465

(b) Physicians who are board-certified in obstetrics and gynecology by a certifying board recognized by the American board of medical specialties; 22466
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(c) Key community leaders from the board of health's jurisdiction; 22469
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(d) Health care providers; 22471

(e) Human services providers; 22472

(f) Consumer and advocacy groups; 22473

(g) Community action teams. 22474

(2) A majority of the board members specified in division (A)(1) of this section may invite additional individuals to serve on the board. The additional members shall serve for a period of time determined by a majority of the board members specified in division (A)(1) of this section and shall have the same authority, duties, and responsibilities as members specified in that division. 22475
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(3) A board, by a majority vote of a quorum of its members, shall select an individual to serve as its chairperson. 22482
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(B) A vacancy on a board shall be filled in the same manner as the original appointment. 22484
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(C) A board member shall not receive any compensation for, and shall not be paid for any expenses incurred pursuant to, fulfilling the member's duties on the board. 22486
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(D) A board may work in conjunction with, or be a component of, a child fatality review board or regional child fatality review board created under section 307.621 of the Revised Code. 22489
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(E) A board shall convene at least once a year at the call of the board's chairperson. 22492
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Sec. 3707.73. The purpose of a fetal-infant mortality review board is to decrease the incidence of preventable infant and fetal deaths by doing all of the following: 22494
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(A) Assessing, planning, improving, and monitoring the service systems and broad community resources that support and promote the health and well-being of women, infants, and families; 22497
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(B) Recommending and developing plans for implementing local service and program changes, as well as changes to the groups, professions, agencies, and entities that serve families, children, and pregnant women; 22500
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(C) Providing the department of health with aggregate data, trends, and patterns regarding fetal and infant deaths. 22504
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Sec. 3707.74. (A) Notwithstanding section 3701.243 and any other section of the Revised Code pertaining to confidentiality, an individual, public children services agency, private child placing agency, agency that provides services specifically to individuals or families, a law enforcement agency, or another public or private entity that provided services to a pregnant woman whose fetus died or an infant who died if the death is being reviewed by a fetal-infant mortality review board shall submit to the board copies of any record it possesses that the board requests. These records may include maternal health records. In addition, such an individual or entity may make available to the board additional information, documents, or reports that could be useful to the board's investigation. 22506
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(B) No person, entity, law enforcement agency, or prosecuting attorney shall provide any information regarding a fetal death or death of an infant to a fetal-infant mortality review board while an investigation of the death or prosecution of a person for causing the death is pending, unless the prosecuting attorney has agreed pursuant to division (B) of section 3707.71 of the Revised Code to allow review of the death. 22519
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(C) A family member of the deceased may decline to participate in an interview as part of the review process. In that case, the review shall continue without the family member's participation. 22526
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Sec. 3707.75. (A) Except as provided in sections 5153.171 to 5153.173 of the Revised Code, any record, document, report, or other information presented to a fetal-infant mortality review board or a person abstracting such materials on the board's 22530
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behalf, statements made by board members during board meetings, 22534
all work products of the board, and data submitted by the board to 22535
the department of health or a national infant death review 22536
database, other than the report prepared pursuant to section 22537
3707.77 of the Revised Code, are confidential. Such materials 22538
shall be used by the board and department of health only in the 22539
exercise of the proper functions of the review board and the 22540
department. 22541

If the materials are presented to the board or a person 22542
abstracting the materials on the board's behalf in paper form, the 22543
materials shall be stored in a locked file cabinet. If a database 22544
is used to store the materials electronically, the database shall 22545
be stored in a secure manner. All information accessible to each 22546
board member and used during a review, including information 22547
provided by the deceased's mother, shall be de-identified. 22548

(B) No person shall permit or encourage the authorized 22549
dissemination of confidential information described in division 22550
(A) of this section. 22551

(C) Whoever violates division (B) of this section is guilty 22552
of a misdemeanor of the second degree. 22553

Sec. 3707.76. (A) An individual or public or private entity 22554
providing records, documents, reports, or other information to a 22555
fetal-infant mortality review board is immune from any civil 22556
liability for injury, death, or loss to person or property that 22557
otherwise might be incurred or imposed as a result of providing 22558
the records, documents, reports, or information to the board. 22559

(B) Each board member is immune from any civil liability for 22560
injury, death, or loss to person or property that might otherwise 22561
be incurred or imposed as a result of the member's participation 22562
on the board. 22563

Sec. 3707.77. Not later than the first day of April of each year, a fetal-infant mortality review board shall do both of the following:

(A) Submit to the fetal-infant mortality database maintained by the department of health or the national infant death review database individual data pertaining to each fetal or infant death reviewed in that board's jurisdiction within the twelve months immediately before the submission. The specific data to be submitted, as well as other information the board considers relevant to a review, shall be specified by the director of health in rules adopted under section 3701.049 of the Revised Code.

(B) Submit to the department of health a report that summarizes any trends or patterns identified by the board. The report may include recommendations on how to decrease the incidence of preventable fetal and infant deaths in the board's jurisdiction and the state, as well as any other information the board determines should be included.

(C) Reports prepared under division (B) of this section are public records under section 149.43 of the Revised Code.

Sec. 3709.09. (A) The board of health of a city or general health district may, by rule, establish a uniform system of fees to pay the costs of any services provided by the board.

The fee for issuance of a certified copy of a vital record or a certification of birth shall not be less than the fee prescribed for the same service under division (A)(1) of section 3705.24 of the Revised Code and shall include the fees required by division (B) of section 3705.24 and section 3109.14 of the Revised Code.

Fees for services provided by the board for purposes specified in sections 3701.344, 3711.10, 3718.06, 3729.07, ~~3730.03~~ 3730.02, 3730.021, 3730.05, and 3749.04 of the Revised Code shall

be established in accordance with rules adopted under division (B) 22594
of this section. The district advisory council, in the case of a 22595
general health district, and the legislative authority of the 22596
city, in the case of a city health district, may disapprove any 22597
fee established by the board of health under this division, and 22598
any such fee, as disapproved, shall not be charged by the board of 22599
health. 22600

(B) The director of health shall adopt rules under section 22601
111.15 of the Revised Code that establish fee categories and a 22602
uniform methodology for use in calculating the costs of services 22603
provided for purposes specified in sections 3701.344, 3711.10, 22604
3718.06, 3729.07, ~~3730.03~~ 3730.02, 3730.021, 3730.05, and 3749.04 22605
of the Revised Code. In adopting the rules, the director shall 22606
consider recommendations it receives from advisory boards 22607
established either by statute or the director for entities subject 22608
to the fees. 22609

(C) Except when a board of health establishes a fee by 22610
adopting a rule as an emergency measure, the board of health shall 22611
hold a public hearing regarding each proposed fee for a service 22612
provided by the board for a purpose specified in section 3701.344, 22613
3711.10, 3718.06, 3729.07, ~~3730.03~~ 3730.02, 3730.021, 3730.05, or 22614
3749.04 of the Revised Code. If a public hearing is held, at least 22615
twenty days prior to the public hearing the board shall give 22616
written notice of the hearing to each entity affected by the 22617
proposed fee. The notice shall be mailed to the last known address 22618
of each entity and shall specify the date, time, and place of the 22619
hearing and the amount of the proposed fee. 22620

(D) If payment of a fee established under this section is not 22621
received by the day on which payment is due, the board of health 22622
shall assess a penalty. The amount of the penalty shall be equal 22623
to twenty-five per cent of the applicable fee. 22624

(E) All rules adopted by a board of health under this section 22625

shall be adopted, recorded, and certified as are ordinances of 22626
municipal corporations and the record thereof shall be given in 22627
all courts the same effect as is given such ordinances, but the 22628
advertisements of such rules shall be by publication in one 22629
newspaper of general circulation within the health district. 22630
Publication shall be made once a week for two consecutive weeks or 22631
as provided in section 7.16 of the Revised Code, and such rules 22632
shall take effect and be in force ten days from the date of the 22633
first publication. 22634

Sec. 3709.092. (A) A board of health of a city or general 22635
health district shall transmit to the director of health all fees 22636
or additional amounts that the director requires to be collected 22637
under sections 3701.344, 3718.06, 3729.07, 3730.02, 3730.05, and 22638
3749.04 of the Revised Code. The fees and amounts shall be 22639
transmitted according to the following schedule: 22640

(1) For fees and amounts received by the board on or after 22641
the first day of January but not later than the thirty-first day 22642
of March, transmit the fees and amounts not later than the 22643
fifteenth day of May; 22644

(2) For fees and amounts received by the board on or after 22645
the first day of April but not later than the thirtieth day of 22646
June, transmit the fees and amounts not later than the fifteenth 22647
day of August; 22648

(3) For fees and amounts received by the board on or after 22649
the first day of July but not later than the thirtieth day of 22650
September, transmit the fees and amounts not later than the 22651
fifteenth day of November; 22652

(4) For fees and amounts received by the board on or after 22653
the first day of October but not later than the thirty-first day 22654
of December, transmit the fees and amounts not later than the 22655
fifteenth day of February of the following year. 22656

(B) The director shall deposit the fees and amounts received 22657
under this section into the state treasury to the credit of the 22658
general operations fund created in section 3701.83 of the Revised 22659
Code. Each amount shall be used solely for the purpose for which 22660
it was collected. 22661

Sec. 3710.01. As used in this chapter: 22662

(A) "Asbestos" means the asbestiform varieties of serpentine 22663
(chrysotile), riebeckite (crocidolite), cummingtonite-grunerite, 22664
anthophyllite, and actinolite-tremolite as determined using the 22665
method specified in 40 C.F.R. Part 763, Subpart E, Appendix E, 22666
Section 1, Polarized Light Microscopy (PLM). 22667

(B) "Asbestos hazard abatement activity" means any activity 22668
involving the removal, renovation, enclosure, repair, ~~or~~ 22669
encapsulation, or operation and maintenance of reasonably related 22670
friable asbestos-containing materials in an amount greater than 22671
fifty three linear feet or fifty three square feet. "Asbestos 22672
~~hazard abatement activity~~" ~~also includes any such activity~~ 22673
~~involving such asbestos containing materials in an amount of fifty~~ 22674
~~linear or fifty square feet or less if, when combined with any~~ 22675
~~other reasonably related activity in terms of time and location of~~ 22676
~~the activity, the total amount is in an amount greater than fifty~~ 22677
~~linear or fifty square feet.~~ 22678

(C) "Asbestos hazard abatement contractor" means a business 22679
entity or public entity that engages in or intends to engage in 22680
asbestos hazard abatement ~~activities~~ projects and that employs or 22681
supervises one or more asbestos hazard abatement specialists for 22682
asbestos hazard abatement activities. "Asbestos hazard abatement 22683
contractor" does not mean an employee of an asbestos hazard 22684
abatement contractor, a general contractor who subcontracts to an 22685
asbestos hazard abatement contractor an asbestos hazard abatement 22686
~~activity~~ project, or any individual who engages in an asbestos 22687

hazard abatement ~~activity~~ project in the individual's own home. 22688

(D) "Asbestos hazard abatement project" means one or more 22689
asbestos hazard abatement activities ~~that are~~ the sum total of 22690
which is greater than fifty linear feet or fifty square feet of 22691
friable asbestos-containing materials and is conducted by one 22692
asbestos hazard abatement contractor ~~and that are reasonably~~ 22693
~~related to each other.~~ "Asbestos hazard abatement project" 22694
includes any such activity involving such friable 22695
asbestos-containing materials in an amount of fifty linear feet or 22696
fifty square feet or less if, when combined with any other 22697
reasonably related activity in terms of time or location of the 22698
activity, the total amount is in an amount greater than fifty 22699
linear feet or fifty square feet. 22700

(E) "Asbestos hazard abatement specialist" means a person 22701
with responsibility for the oversight or supervision of asbestos 22702
hazard abatement activities, including asbestos hazard abatement 22703
project managers, hazard abatement project supervisors and 22704
foremen, and employees of school districts or other governmental 22705
or public entities who coordinate or directly supervise or oversee 22706
asbestos hazard abatement activities performed by school district, 22707
governmental, or other public employees in school district, 22708
governmental, or other public buildings. 22709

(F) "Asbestos hazard evaluation specialist" means a person 22710
responsible for the inspection, identification, detection, and 22711
assessment of asbestos-containing materials or suspect 22712
asbestos-containing materials, the determination of appropriate 22713
response actions, or the preparation of asbestos management plans 22714
for the purpose of protecting the public health from the hazards 22715
associated with exposure to asbestos, including the performance of 22716
air and bulk sampling. This category of specialists includes 22717
inspectors, management planners, health professionals, industrial 22718
hygienists, private consultants, or other individuals involved in 22719

asbestos risk identification or assessment or regulatory activities.	22720 22721
(G) "Business entity" means a partnership, firm, association, corporation, sole proprietorship, or other business concern.	22722 22723
(H) "Public entity" means the state or any of its political subdivisions or any agency or instrumentality of either.	22724 22725
(I) "License" means a document issued by the director of environmental protection to a business entity or public entity affirming that the entity has met the requirements set forth in this chapter to engage in asbestos hazard abatement activities <u>projects</u> as an asbestos hazard abatement contractor.	22726 22727 22728 22729 22730
(J) "Certificate" means:	22731
(1) A document issued by the director to an individual affirming that the individual has successfully completed the training and other requirements set forth in this chapter to qualify as an asbestos hazard abatement specialist, an asbestos hazard evaluation specialist, an asbestos hazard abatement worker, an asbestos hazard abatement project designer, an asbestos hazard abatement air-monitoring technician, an approved asbestos hazard training provider, or other category of asbestos hazard specialist that the director establishes by rule; or	22732 22733 22734 22735 22736 22737 22738 22739 22740
(2) A document issued by a training institution in accordance with rules adopted by the director affirming that an individual has successfully completed the instruction required in all categories as provided in sections 3710.07 and 3710.10 of the Revised Code.	22741 22742 22743 22744 22745
(K) "Person" means any individual, business entity, governmental body, or other public or private entity.	22746 22747
(L) "Encapsulate" means to coat, bind, or resurface walls, ceilings, pipes, or other structures for asbestos-containing	22748 22749

materials with suitable products to prevent friable asbestos from 22750
becoming airborne. 22751

(M) "Friable asbestos-containing material" means friable 22752
asbestos material as defined in rules adopted under Chapter 3704. 22753
of the Revised Code. 22754

(N) "Enclosure" means the permanent confinement of friable 22755
asbestos-containing materials with an airtight barrier in an area 22756
not used as an air plenum. 22757

(O) "Renovation" means altering a facility or one or more 22758
facility components in any way, including the stripping or removal 22759
of friable asbestos-containing material from a facility component. 22760

(P) "Asbestos hazard abatement worker" means the person 22761
responsible in a nonsupervisory capacity for the performance of an 22762
asbestos hazard abatement activity. 22763

(Q) "Asbestos hazard abatement project designer" means the 22764
person responsible for the oversight of an asbestos hazard 22765
abatement activity or the determination of the workscope, work 22766
sequence, or performance standards for an asbestos hazard 22767
abatement activity, including preparation of specifications, 22768
plans, and contract documents. 22769

(R) "Clearance air sampling" means an air sampling performed 22770
after the completion of any asbestos hazard abatement ~~activity~~ 22771
project and prior to the reoccupation of the contained work area 22772
by the public and conducted for the purpose of protecting the 22773
public from the health hazards associated with exposure to friable 22774
asbestos-containing material. 22775

(S) "Asbestos hazard abatement air-monitoring technician" 22776
means the person who is responsible for environmental monitoring 22777
or work area clearance air sampling, including air monitoring 22778
performed to determine completion of response actions under the 22779
rules set forth in 40 C.F.R. 763 Subpart E, adopted by the United 22780

States environmental protection agency pursuant to the "Asbestos 22781
Hazard Emergency Response Act of 1986," Pub. L. 99-519, 100 Stat. 22782
2970. "Asbestos hazard abatement air-monitoring technician" does 22783
not mean an industrial hygienist ~~or industrial hygienist in~~ 22784
~~training~~, certified by the American board of industrial hygiene. 22785

Sec. 3710.04. (A) To qualify for an asbestos hazard abatement 22786
contractor's license, a business entity or public entity shall 22787
meet the requirements of this section. 22788

(B) Each employee or agent of the business entity or public 22789
entity applying for a license who will come in contact with 22790
asbestos or will be responsible for an asbestos hazard abatement 22791
~~project activity~~ shall: 22792

(1) Be familiar with all applicable state and federal 22793
standards for asbestos hazard abatement projects; 22794

(2) Have successfully completed the course of instruction on 22795
asbestos hazard abatement activities, for their particular 22796
certification, approved by the Ohio environmental protection 22797
agency pursuant to section 3710.10 of the Revised Code, have 22798
passed an examination approved by the agency, and demonstrate to 22799
the agency that the employee or agent is capable of complying with 22800
all applicable standards of this state, the United States 22801
environmental protection agency, and the United States 22802
occupational safety and health administration. 22803

(C) A business entity or public entity applying for an 22804
asbestos hazard abatement contractor's license shall, in addition 22805
to the other requirements of this section, provide at least one 22806
asbestos hazard abatement specialist, certified pursuant to this 22807
chapter and the rules adopted under it, for each asbestos hazard 22808
abatement project, and demonstrate to the satisfaction of the Ohio 22809
environmental protection agency that the applicant: 22810

(1) Has access to at least one asbestos disposal site 22811
approved by the agency that is sufficient for the deposit of all 22812
asbestos waste that the applicant will generate during the term of 22813
the license; 22814

(2) Is sufficiently qualified to safely remove asbestos, 22815
demonstrated by reliability as an asbestos hazard abatement 22816
contractor, possesses a work program that prevents the 22817
contamination or recontamination of the environment and protects 22818
the public health from the hazards of exposure to asbestos, 22819
possesses evidence of certification of each individual employee or 22820
agent who will be responsible for others who may come in contact 22821
with friable asbestos-containing materials, possesses evidence of 22822
training of workers required by section 3710.07 of the Revised 22823
Code, and has prior successful experience in asbestos hazard 22824
abatement projects or equivalent qualifications as determined in 22825
accordance with rules adopted by the director of environmental 22826
protection; 22827

(3) Possesses a worker protection program consistent with 22828
requirements established by the director if the contractor is a 22829
public entity, and a worker protection program consistent with the 22830
requirements of the United States occupational safety and health 22831
administration if the contractor is a business entity; 22832

(4) Is registered as a business entity with the secretary of 22833
state. 22834

(D) No applicant for licensure as an asbestos hazard 22835
abatement contractor, in order to meet the requirements of this 22836
chapter, shall list an employee of another contractor. 22837

(E) The business entity or public entity shall meet any other 22838
standards that the director, by rule, sets. 22839

(F) Nothing in this chapter or the rules adopted pursuant 22840
thereto relating to asbestos hazard abatement project designers 22841

shall be interpreted as authorizing or permitting an individual 22842
who is certified as an asbestos hazard abatement project designer 22843
to perform the services of a registered architect or professional 22844
engineer unless that person is registered under Chapter 4703. or 22845
4733. of the Revised Code to perform such services. 22846

Sec. 3710.05. (A) Except as otherwise provided in this 22847
chapter, no person shall engage in any asbestos hazard abatement 22848
activities in this state unless licensed or certified pursuant to 22849
this chapter. 22850

(B) To apply for licensure as an asbestos hazard abatement 22851
contractor or certification as an asbestos hazard abatement 22852
specialist, an asbestos hazard evaluation specialist, an asbestos 22853
hazard abatement project designer, or an asbestos hazard abatement 22854
air-monitoring technician, a person shall do all of the following: 22855

(1) Submit a completed application to the director of 22856
environmental protection, on a form provided by the agency; 22857

(2) Pay the requisite fee as provided in division (D) of this 22858
section; 22859

(3) Submit any other information the director by rule 22860
requires. 22861

(C) The application form for a business entity or public 22862
entity applying for an asbestos hazard abatement contractor's 22863
license shall include all of the following: 22864

(1) A description of the protective clothing and respirators 22865
that the public entity will use to comply with rules adopted by 22866
the director and that the business entity will use to comply with 22867
requirements of the United States occupational safety and health 22868
administration; 22869

(2) A description of procedures the business entity or public 22870
entity will use for the selection, utilization, handling, removal, 22871

and disposal of clothing to prevent contamination or	22872
recontamination of the environment and to protect the public	22873
health from the hazards associated with exposure to asbestos;	22874
(3) The name and address of each asbestos disposal site that	22875
the business entity or public entity might use during the year;	22876
(4) A description of the site decontamination procedures that	22877
the business entity or public entity will use;	22878
(5) A description of the asbestos hazard abatement procedures	22879
that the business entity or public entity will use;	22880
(6) A description of the procedures that the business entity	22881
or public entity will use for handling waste containing asbestos;	22882
(7) A description of the air-monitoring procedures that the	22883
business entity or public entity will use to prevent contamination	22884
or recontamination of the environment and to protect the public	22885
health from the hazards of exposure to asbestos;	22886
(8) A description of the final clean-up procedures that the	22887
business entity or public entity will use;	22888
(9) A list of all partners, owners, and officers of the	22889
business entity along with their social security numbers;	22890
(10) The federal tax identification number of the business	22891
entity or the public entity.	22892
(D) The fees to be charged to each public entity, except for	22893
the agency, and each business entity and their employees and	22894
agents for licensure, certification, approval, and renewal of	22895
licenses, certifications, and approvals granted under this	22896
chapter, subject to division (A)(4) of section 3710.02 of the	22897
Revised Code, are:	22898
(1) Seven hundred fifty dollars for asbestos hazard abatement	22899
contractors;	22900
(2) Two hundred dollars for asbestos hazard abatement project	22901

designers;	22902
(3) Fifty dollars for asbestos hazard abatement workers;	22903
(4) Two hundred dollars for asbestos hazard abatement specialists;	22904 22905
(5) Two hundred dollars for asbestos hazard evaluation specialists; and	22906 22907
(6) Nine hundred dollars for approval or renewal of asbestos hazard training providers.	22908 22909
(E) Notwithstanding division (A) of this section, no business entity which that engages in asbestos hazard abatement activities <u>projects</u> solely at its own place of business is required to be licensed as an asbestos hazard abatement contractor provided that the business entity is required to and does comply with all applicable standards of the United States environmental protection agency and the United States occupational safety and health administration and provided further that all persons employed by the business entity on the activity <u>project</u> meet the requirements of this chapter.	22910 22911 22912 22913 22914 22915 22916 22917 22918 22919
Sec. 3710.051. No person <u>asbestos hazard abatement contractor</u> shall enter into an agreement to perform any aspect of an asbestos hazard abatement project unless the agreement is written and contains at least all of the following:	22920 22921 22922 22923
(A) A requirement that all persons working on the project are licensed or certified by the director of environmental protection as required by this chapter;	22924 22925 22926
(B) A requirement that all project clearance levels and sampling be in accordance with rules adopted by the director;	22927 22928
(C) A requirement that all clearance air-monitoring be conducted by asbestos hazard abatement air-monitoring technicians or asbestos hazard evaluation specialists certified by the	22929 22930 22931

director. 22932

Sec. 3710.06. (A) Within fifteen business days after 22933
receiving an application, the director of environmental protection 22934
shall acknowledge receipt of the application and notify the 22935
applicant of any deficiency in the application. Within sixty 22936
calendar days after receiving a completed application, including 22937
all additional information requested by the director, the director 22938
shall issue a license or certificate or deny the application. The 22939
director shall issue only one license or certificate that is in 22940
effect at one time to a business entity and its principal officers 22941
and a public entity and its principal officers. 22942

(B)(1) The director shall deny an application if it 22943
determines that the applicant has not demonstrated the ability to 22944
comply fully with all applicable federal and state requirements 22945
and all requirements, procedures, and standards established by the 22946
director in this chapter, Chapter 3704. of the Revised Code, or 22947
rules adopted under those chapters, as those chapters and rules 22948
pertain to asbestos. 22949

(2) The director shall deny any application for an asbestos 22950
hazard abatement contractor's license if the applicant or an 22951
officer or employee of the applicant has been convicted of a 22952
felony or found liable in a civil proceeding under any state or 22953
federal law designed to protect the environment. 22954

(3) The director shall send all denials of an application by 22955
certified mail to the applicant. If the director receives a timely 22956
request for a hearing from the applicant on the proposed denial of 22957
an application, the director shall hold a hearing in accordance 22958
with Chapter 119. of the Revised Code, as provided in division (A) 22959
of section 3710.13 of the Revised Code. 22960

(C) In an emergency that results from a sudden, unexpected 22961
event that is not a planned asbestos hazard abatement project, the 22962

director may waive the requirements for a license ~~or certificate~~. 22963
For the purposes of this division, "emergency" includes operations 22964
necessitated by nonroutine failures of equipment or by actions of 22965
fire and emergency medical personnel pursuant to duties within 22966
their official capacities. Any person who performs an asbestos 22967
hazard abatement ~~activity~~ project under emergency conditions shall 22968
notify the director within three days after performance thereof. 22969

(D) Each license or certificate issued under this chapter 22970
expires one year after the date of issue, but each licensee or 22971
certificate holder may apply to the environmental protection 22972
agency for the extension of the holder's license or certificate 22973
under the standard renewal procedures of Chapter 4745. of the 22974
Revised Code. 22975

To qualify for renewal of a license or certificate issued 22976
under this chapter, each licensee or certificate holder shall send 22977
the appropriate renewal fee set forth in division (D) of section 22978
3710.05 of the Revised Code or as adopted by rule by the director 22979
pursuant to division (A)(4) of section 3710.02 of the Revised 22980
Code. 22981

Certificate holders also shall successfully complete an 22982
annual renewal course approved by the agency pursuant to section 22983
3710.10 of the Revised Code. 22984

(E) The director may charge a fee in addition to those 22985
specified in division (D) of section 3710.05 of the Revised Code 22986
or in rules adopted by the director pursuant to division (A)(4) of 22987
section 3710.02 of the Revised Code if the licensee or certificate 22988
holder applies for renewal after the expiration thereof or 22989
requests a reissuance of any license or certificate, provided that 22990
no such fee shall exceed the original fees by more than fifty per 22991
cent. 22992

Sec. 3710.07. (A) Prior to engaging in any asbestos hazard 22993

abatement project, an asbestos hazard abatement contractor shall 22994
do all of the following: 22995

(1) Prepare a written respiratory protection program as 22996
defined by the director of environmental protection pursuant to 22997
rule, and make the program available to the environmental 22998
protection agency, and workers at the job site if the contractor 22999
is a public entity or prepare a written respiratory protection 23000
program, consistent with 29 C.F.R. 1910.134 and make the program 23001
available to the agency, and workers at the job site if the 23002
contractor is a business entity; 23003

(2) Ensure that each worker who will be involved in any 23004
asbestos hazard abatement project has been examined within the 23005
preceding year and has been declared by a physician to be 23006
physically capable of working while wearing a respirator; 23007

(3) Ensure that each of the contractor's employees or agents 23008
who will come in contact with asbestos-containing materials or 23009
will be responsible for an asbestos hazard abatement project 23010
receives the appropriate certification or licensure required by 23011
this chapter and the following training: 23012

(a) An initial course approved by the agency pursuant to 23013
section 3710.10 of the Revised Code, completed before engaging in 23014
any asbestos hazard abatement ~~project~~ activity; and 23015

(b) An annual review course approved by the agency pursuant 23016
to section 3710.10 of the Revised Code. 23017

(B) After obtaining or renewing a license, an asbestos hazard 23018
abatement contractor shall notify the agency, on a form approved 23019
by the director, at least ten working days before beginning each 23020
asbestos hazard abatement project conducted during the term of the 23021
contractor's license. 23022

(C) In addition to any other fee imposed under this chapter, 23023
an asbestos hazard abatement contractor shall pay, at the time of 23024

providing notice under division (B) of this section, the agency a 23025
fee of sixty-five dollars for each asbestos hazard abatement 23026
project conducted. 23027

Sec. 3710.08. (A) An asbestos hazard abatement contractor 23028
engaging in any asbestos hazard abatement project shall, during 23029
the course of the project: 23030

(1) Conduct each project in a manner that is in compliance 23031
with the requirements the director of environmental protection 23032
adopts pursuant to section 3704.03 of the Revised Code and the 23033
asbestos requirements of the United States occupational safety and 23034
health administration set forth in 29 C.F.R. 1926.1101; 23035

(2) Comply with all applicable rules adopted by the director 23036
of environmental protection pursuant to sections 3704.03 and 23037
3710.02 of the Revised Code. 23038

(B) An asbestos hazard abatement contractor that is a public 23039
entity shall: 23040

(1) Provide workers with protective clothing and equipment 23041
and ensure that the workers involved in any asbestos hazard 23042
abatement project use the items properly. Protective clothing and 23043
equipment shall include: 23044

(a) Respirators approved by the national institute of 23045
occupational safety and health. These respirators shall be fit 23046
tested in accordance with requirements of the United States 23047
occupational safety and health administration set forth in 29 23048
C.F.R. 1926.1101. At the request of an employee, the asbestos 23049
hazard abatement contractor shall provide the employee with a 23050
powered air purifying respirator, in which case, the testing 23051
requirements of division (B)(1)(a) of this section do not apply. 23052

(b) Items required by the director by rule as provided in 23053
division (A)(7) of section 3710.02 of the Revised Code. 23054

(2) Comply with all applicable standards of conduct and requirements adopted by the director pursuant to section 3710.02 of the Revised Code. 23055
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(C) An asbestos hazard abatement specialist engaging in any asbestos hazard abatement ~~project~~ activity shall, during the course of the ~~project~~ activity: 23058
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(1) Conduct each ~~project~~ activity in a manner that will meet decontamination procedures, project containment procedures, and asbestos fiber dispersal methods as provided in division (A)(6) of section 3710.02 of the Revised Code; 23061
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(2) Ensure that workers utilize, handle, remove, and dispose of the disposable clothing provided by abatement contractors in a manner that will prevent contamination or recontamination of the environment and protect the public health from the hazards of exposure to asbestos; 23065
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(3) Ensure that workers utilize protective clothing and equipment and comply with the applicable health and safety standards set forth in division (A) of section 3710.08 of the Revised Code; 23070
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(4) Ensure that there is no smoking, eating, or drinking in the work area; 23074
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(5) Comply with all applicable standards of conduct and requirements adopted by the director pursuant to sections 3704.03 and 3710.02 of the Revised Code. 23076
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(D) An asbestos hazard evaluation specialist engaged in the identification, detection, and assessment of asbestos-containing materials, the determination of appropriate response actions, or other activities associated with an abatement project or the preparation of management plans, shall comply with the applicable standards of conduct and requirements adopted by the director pursuant to sections 3704.03 and 3710.02 of the Revised Code. 23079
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(E) Every asbestos hazard abatement worker shall comply with all applicable standards adopted by the director pursuant to sections 3704.03 and 3710.02 of the Revised Code.

~~(F) The director may, on a case by case basis, approve an alternative to the worker protection requirements of divisions (A), (B), and (C) of this section for an asbestos hazard abatement project conducted by a public entity, provided that the asbestos hazard abatement contractor submits the alternative procedure to the director in writing and demonstrates to the satisfaction of the director that the proposed alternative procedure provides equivalent worker protection.~~

Sec. 3710.12. Subject to section 3710.13 of the Revised Code, the director of environmental protection may deny, suspend, or revoke any license or certificate, or renewal thereof, if the licensee or certificate holder:

(A) Fraudulently or deceptively obtains or attempts to obtain a license or certificate;

(B) Fails at any time to meet the qualifications for a license or certificate;

(C) Is violating or threatening to violate any provisions of any of the following:

(1) This chapter, Chapters 3704. and 3745. of the Revised Code, or the rules of the director adopted pursuant to those chapters, as those chapters and rules pertain to asbestos;

(2) The "National Emission Standard for Hazardous Air Pollutants" regulations of the United States environmental protection agency as the regulations pertain to asbestos;

(3) The regulations of the United States occupational safety and health administration as the regulations pertain to asbestos;

(4) The regulations adopted by the United States

environmental protection agency pursuant to Title II of the 23116
"Federal Toxic Substances Control Act," 90 Stat. 2003, 15 U.S.C. 23117
2641 et seq. (1976). 23118

Sec. 3711.02. (A) Except as provided in division (B) of this 23119
section, no person shall operate any of the following, unless the 23120
person holds the appropriate license issued under this chapter and 23121
the license is valid: 23122

(1) A maternity unit; 23123

(2) A newborn care nursery; 23124

(3) A maternity home. 23125

(B) Division (A) of this section does not apply to a health 23126
care facility, as defined in ~~division (A)(4) of~~ section 3702.30 of 23127
the Revised Code. 23128

Sec. 3717.27. (A) All inspections of retail food 23129
establishments conducted by a licensor under this chapter shall be 23130
conducted according to the procedures and schedule of frequency 23131
specified in rules adopted under section 3717.33 of the Revised 23132
Code. An inspection may be ~~performed~~ performed only by an 23133
individual registered as a sanitarian or ~~sanitarian in training~~ 23134
sanitarian in training under Chapter ~~4736-~~ 3722. of the Revised 23135
Code. Each inspection shall be recorded on a form prescribed and 23136
furnished by the director of agriculture or a form approved by the 23137
director that has been prescribed by a board of health acting as 23138
licensor. With the assistance of the director, a board acting as 23139
licensor, to the extent practicable, shall computerize the 23140
inspection process and standardize the manner in which its 23141
inspections are conducted. 23142

(B) A person or government entity holding a retail food 23143
establishment license shall permit the licensor to inspect the 23144
retail food establishment for purposes of determining compliance 23145

with this chapter and the rules adopted under it or investigating 23146
a complaint concerning the establishment. On request of the 23147
licensor, the license holder shall permit the licensor to examine 23148
the records of the retail food establishment to obtain information 23149
about the purchase, receipt, or use of food, supplies, and 23150
equipment. 23151

A licensor may inspect any mobile retail food establishment 23152
being operated within the licensor's district. If an inspection of 23153
a mobile retail food establishment is conducted by a licensor 23154
other than the licensor that issued the license for the 23155
establishment, a report of the inspection shall be sent to the 23156
issuing licensor. The issuing licensor may use the inspection 23157
report to suspend or revoke the license under section 3717.29 or 23158
3717.30 of the Revised Code. 23159

(C) An inspection may include the following: 23160

(1) An investigation to determine the identity and source of 23161
a particular food; 23162

(2) Removal from use of any equipment, utensils, hand tools, 23163
or parts of facilities found to be maintained in a condition that 23164
presents a clear and present danger to the public health. 23165

Sec. 3717.47. (A) All inspections of food service operations 23166
conducted by a licensor under this chapter shall be conducted 23167
according to the procedures and schedule of frequency specified in 23168
rules adopted under section 3717.51 of the Revised Code. An 23169
inspection may be performed only by an individual registered as a 23170
sanitarian or ~~sanitarian in training~~ sanitarian in training under 23171
Chapter ~~4736-~~ 3722. of the Revised Code. Each inspection shall be 23172
recorded on a form prescribed and furnished by the director of 23173
health or a form approved by the director that has been prescribed 23174
by a board of health acting as licensor. With the assistance of 23175
the director, a board acting as licensor, to the extent 23176

practicable, shall computerize the inspection process and shall 23177
standardize the manner in which its inspections are conducted. 23178

(B) A person or government entity holding a food service 23179
operation license shall permit the licensor to inspect the food 23180
service operation for purposes of determining compliance with this 23181
chapter and the rules adopted under it or investigating a 23182
complaint regarding foodborne disease. On request of the licensor, 23183
the license holder shall permit the licensor to examine the 23184
records of the food service operation to obtain information about 23185
the purchase, receipt, or use of food, supplies, and equipment. 23186

A licensor may inspect any mobile food service operation or 23187
catering food service operation being operated within the 23188
licensor's district. If an inspection of a mobile or catering food 23189
service operation is conducted by a licensor other than the 23190
licensor that issued the license for the operation, a report of 23191
the inspection shall be sent to the issuing licensor. The issuing 23192
licensor may use the inspection report to suspend or revoke the 23193
license under section 3717.49 of the Revised Code. 23194

(C) An inspection may include an investigation to determine 23195
the identity and source of a particular food. 23196

Sec. 3718.011. (A) For purposes of this chapter, a sewage 23197
treatment system is causing a public health nuisance if any of the 23198
following situations occurs and, after notice by a board of health 23199
to the applicable property owner, timely repairs are not made to 23200
that system to eliminate the situation: 23201

(1) The sewage treatment system is not operating properly due 23202
to a missing component, incorrect settings, or a mechanical or 23203
electrical failure. 23204

(2) There is a blockage in a known sewage treatment system 23205
component or pipe that causes a backup of sewage or effluent 23206

affecting the treatment process or inhibiting proper plumbing 23207
drainage. 23208

(3) An inspection conducted by, or under the supervision of, 23209
the environmental protection agency or a sanitarian registered 23210
under Chapter ~~4736~~. 3722. of the Revised Code documents that there 23211
is ponding of liquid or bleeding of liquid onto the surface of the 23212
ground or into surface water and the liquid has a distinct sewage 23213
odor, a black or gray coloration, or the presence of organic 23214
matter and any of the following: 23215

(a) The presence of sewage effluent identified through a dye 23216
test; 23217

(b) The presence of fecal coliform at a level that is equal 23218
to or greater than five thousand colonies per one hundred 23219
milliliters of liquid as determined in two or more samples of the 23220
liquid when five or fewer samples are collected or in more than 23221
twenty per cent of the samples when more than five samples of the 23222
liquid are collected; 23223

(c) Water samples that exceed one thousand thirty e. coli 23224
counts per one hundred milliliters in two or more samples when 23225
five or fewer samples are collected or in more than twenty per 23226
cent of the samples when more than five samples are collected. 23227

(4) With respect to a discharging system for which an NPDES 23228
permit has been issued under Chapter 6111. of the Revised Code and 23229
rules adopted under it, the system routinely exceeds the effluent 23230
discharge limitations specified in the permit. 23231

(B) With respect to divisions (A)(1) and (2) of this section, 23232
a property owner may request a test to be conducted by a board of 23233
health to verify that the sewage treatment system is causing a 23234
public health nuisance. The property owner is responsible for the 23235
costs of the test. 23236

Sec. 3718.03. (A) There is hereby created the sewage 23237
treatment system technical advisory committee consisting of the 23238
director of health or the director's designee and thirteen members 23239
who are knowledgeable about sewage treatment systems and 23240
technologies. The director or the director's designee shall serve 23241
as committee secretary and may vote on actions taken by the 23242
committee. Of the thirteen members, five shall be appointed by the 23243
governor, four shall be appointed by the president of the senate, 23244
and four shall be appointed by the speaker of the house of 23245
representatives. 23246

(1) Of the members appointed by the governor, one shall 23247
represent academia and shall be active in teaching or research in 23248
the area of on-site wastewater treatment, one shall be a 23249
representative of the public who is not employed by the state or 23250
any of its political subdivisions and who does not have a 23251
pecuniary interest in sewage treatment systems, one shall be a 23252
registered professional engineer employed by the environmental 23253
protection agency, one shall be selected from among soil 23254
scientists in the division of soil and water conservation in the 23255
department of agriculture, and one shall be a representative of a 23256
statewide organization representing townships. 23257

(2) Of the members appointed by the president of the senate, 23258
one shall be a health commissioner who is a member of and 23259
recommended by the association of Ohio health commissioners, one 23260
shall represent the interests of manufacturers of sewage treatment 23261
systems, one shall represent installers and service providers, and 23262
one shall be a person with demonstrated experience in the design 23263
of sewage treatment systems. 23264

(3) Of the members appointed by the speaker of the house of 23265
representatives, one shall be a health commissioner who is a 23266
member of and recommended by the association of Ohio health 23267

commissioners, one shall represent the interests of manufacturers 23268
of sewage treatment systems, one shall be a sanitarian who is 23269
registered under Chapter ~~4736~~. 3722. of the Revised Code and who 23270
is a member of the Ohio environmental health association, and one 23271
shall be a registered professional engineer with experience in 23272
sewage treatment systems. 23273

(B) Terms of members appointed to the committee shall be for 23274
three years, with each term ending on the same day of the same 23275
month as did the term that it succeeds. Each member shall serve 23276
from the date of appointment until the end of the term for which 23277
the member was appointed. 23278

Members may be reappointed. Vacancies shall be filled in the 23279
same manner as provided for original appointments. Any member 23280
appointed to fill a vacancy occurring prior to the expiration date 23281
of the term for which the member was appointed shall hold office 23282
for the remainder of that term. A member shall continue to serve 23283
after the expiration date of the member's term until the member's 23284
successor is appointed or until a period of sixty days has 23285
elapsed, whichever occurs first. The applicable appointing 23286
authority may remove a member from the committee for failure to 23287
attend two consecutive meetings without showing good cause for the 23288
absences. 23289

(C) The technical advisory committee annually shall select 23290
from among its members a chairperson and a vice-chairperson. The 23291
secretary shall keep a record of its proceedings. A majority vote 23292
of the members of the full committee is necessary to take action 23293
on any matter. The committee may adopt bylaws governing its 23294
operation, including bylaws that establish the frequency of 23295
meetings. 23296

(D) Serving as a member of the sewage treatment system 23297
technical advisory committee does not constitute holding a public 23298
office or position of employment under the laws of this state and 23299

does not constitute grounds for removal of public officers or 23300
employees from their offices or positions of employment. Members 23301
of the committee shall serve without compensation for attending 23302
committee meetings. 23303

(E) A member of the committee shall not have a conflict of 23304
interest with the position. For the purposes of this division, 23305
"conflict of interest" means the taking of any action that 23306
violates any provision of Chapter 102. or 2921. of the Revised 23307
Code. 23308

(F) The sewage treatment system technical advisory committee 23309
shall do all of the following: 23310

(1) Develop with the department of health standards, 23311
guidelines, and protocols for approving or disapproving a sewage 23312
treatment system or components of a system under section 3718.04 23313
of the Revised Code. Any guideline requiring the submission of 23314
scientific information or testing data shall specify, in writing, 23315
the protocol and format to be used in submitting the information 23316
or data. 23317

(2) Develop with the department an application form to be 23318
submitted to the director by an applicant for approval or 23319
disapproval of a sewage treatment system or components of a system 23320
and specify the information that must be included with an 23321
application form; 23322

(3) Make recommendations to the director regarding the 23323
approval or disapproval of an application sent to the director 23324
under section 3718.04 of the Revised Code requesting approval of a 23325
sewage treatment system or components of a system; 23326

(4) Pursue and recruit in an active manner the research, 23327
development, introduction, and timely approval of innovative and 23328
cost-effective sewage treatment systems and components of a system 23329
for use in this state, which shall include conducting pilot 23330

projects to assess the effectiveness of a system or components of a system. 23331
23332

(G) The chairperson of the committee shall prepare and submit an annual report concerning the activities of the committee to the general assembly not later than ninety days after the end of the calendar year. The report shall discuss the number of applications submitted under section 3718.04 of the Revised Code for the approval of a new sewage treatment system or a component of a system, the number of such systems and components that were approved, any information that the committee considers beneficial to the general assembly, and any other information that the chairperson determines is beneficial to the general assembly. If other members of the committee determine that certain information should be included in the report, they shall submit the information to the chairperson not later than thirty days after the end of the calendar year. 23333
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(H) The department shall provide meeting space for the committee. The committee shall be assisted in its duties by the staff of the department. 23347
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(I) Sections 101.82 to 101.87 of the Revised Code do not apply to the sewage treatment system technical advisory committee. 23350
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Sec. ~~4736.01~~ 3722.01. As used in this chapter: 23352

(A) "Environmental health science" means the aspect of public health science that includes, but is not limited to, the following bodies of knowledge: air quality, food quality and protection, hazardous and toxic substances, consumer product safety, housing, institutional health and safety, community noise control, radiation protection, recreational facilities, solid and liquid waste management, vector control, drinking water quality, milk sanitation, and rabies control. 23353
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(B) "Sanitarian" means a person who performs for compensation 23361
educational, investigational, technical, or administrative duties 23362
requiring specialized knowledge and skills in the field of 23363
environmental health science. 23364

(C) "Registered sanitarian" means a person who is registered 23365
as a sanitarian in accordance with this chapter. 23366

(D) "~~Sanitarian in training~~ Sanitarian in training" means a 23367
person who is registered as a ~~sanitarian in training~~ sanitarian in
training in accordance with this chapter. 23368
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(E) "Practice of environmental health" means consultation, 23370
instruction, investigation, inspection, or evaluation by an 23371
employee of a city health district, a general health district, the 23372
environmental protection agency, the department of health, or the 23373
department of agriculture requiring specialized knowledge, 23374
training, and experience in the field of environmental health 23375
science, with the primary purpose of improving or conducting 23376
administration or enforcement under any of the following: 23377

(1) Chapter 911., 913., 917., 3717., 3718., 3721., 3729., ~~or~~ 23378
3730., or 3733. of the Revised Code; 23379

(2) Chapter 3734. of the Revised Code as it pertains to solid 23380
and hazardous waste; 23381

(3) Section 955.26, 955.261, 3701.344, 3707.01, ~~or~~ 3707.03, 23382
~~sections 3707.38 to 3707.99~~ 3707.26, or ~~section 3715.21~~ 3715.021 23383
of the Revised Code; 23384

(4) Rules adopted under ~~former section 3701.34~~ Chapter 3749. 23385
of the Revised Code pertaining to ~~rabies control or~~ swimming 23386
pools; 23387

~~(5) Rules adopted under section 3701.935 of the Revised Code~~ 23388
~~for school health and safety network inspections and rules adopted~~ 23389
~~under section 3707.26 of the Revised Code for sanitary~~ 23390

inspections. 23391

"Practice of environmental health" does not include sampling, 23392
testing, controlling of vectors, reporting of observations, or 23393
other duties that do not require application of specialized 23394
knowledge and skills in environmental health science performed 23395
under the supervision of a registered sanitarian. 23396

The director of health may further define environmental 23397
health science in relation to specific functions in the practice 23398
of environmental health through rules adopted by the director 23399
under Chapter 119. of the Revised Code. 23400

Sec. ~~4736.02~~ 3722.02. There is hereby created the sanitarian 23401
advisory board consisting of seven members appointed by the 23402
director of health ~~with the advice and consent of the senate~~ for 23403
terms established in accordance with rules adopted by the director 23404
under section ~~4736.03~~ 3722.03 of the Revised Code. The advisory 23405
board shall advise the director regarding the registration of 23406
~~sanitarians in training and~~ sanitarians and sanitarians in 23407
training, continuing education requirements for sanitarians and 23408
sanitarians in training, the administration of examinations 23409
prescribed by section ~~4736.09~~ 3722.06 of the Revised Code, the 23410
education criteria required under section ~~4736.08~~ 3722.05 of the 23411
Revised Code, and any other matters as may be of assistance to the 23412
director in the regulation of sanitarians and 23413
~~sanitarians in training~~ sanitarians in training. 23414

Each member appointed by the director shall be a registered 23415
sanitarian who meets the education and ~~experience~~ employment 23416
requirements of section ~~4736.08~~ 3722.05 of the Revised Code for 23417
registration as a sanitarian. At least one and not more than two 23418
of the members shall be employees of a general health district; at 23419
least one and not more than two shall be employees of a city 23420
health district; and at least one and not more than two shall be 23421

employed in private industry. Not more than one member may be 23422
employed by a university and not more than one member may be 23423
employed by an agency or department of the state. 23424

Within ninety days of ~~the effective date of this amendment~~ 23425
September 29, 2017, the director shall make initial appointments 23426
to the advisory board. 23427

Sec. ~~4736.03~~ 3722.03. (A) The director of health shall adopt 23428
~~and may amend or rescind rules,~~ in accordance with Chapter 119. of 23429
the Revised Code ~~governing the administration of the examinations~~ 23430
~~prescribed by section 4736.09 of the Revised Code, prescribing the~~ 23431
~~form for application, establishing criteria for determining what~~ 23432
~~courses may be included toward fulfillment of the science course~~ 23433
~~requirements of section 4736.08 of the Revised Code, determining~~ 23434
~~the continuing education program requirements of section 4736.11~~ 23435
~~of the Revised Code, and for the administration and enforcement of~~ 23436
~~this chapter.~~ 23437

~~The director shall adopt, in accordance with Chapter 119. of~~ 23438
~~the Revised Code, rules establishing terms of office for members~~ 23439
~~of the sanitarian advisory board created in section 4736.02 of the~~ 23440
~~Revised Code, rules of general application throughout the state~~ 23441
for the practice of environmental health as are necessary to 23442
administer and enforce this chapter, including rules governing all 23443
of the following: 23444

(1) The registration, advancement, and reinstatement of 23445
applicants to practice as a sanitarian or a sanitarian in 23446
training; 23447

(2) The administration of the examinations prescribed by 23448
section 3722.06 of the Revised Code; 23449

(3) Educational requirements necessary for qualification for 23450
registration as a sanitarian or a sanitarian in training; 23451

<u>(4) Criteria for determining what courses may be included toward fulfillment of the science course requirements of section 3722.05 of the Revised Code;</u>	23452
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<u>(5) Continuing education requirements for sanitarians and sanitarians in training, including the process for applying for continuing education credits;</u>	23455
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	23457
<u>(6) The application process for agencies to register to become training agencies and offer continuing education courses;</u>	23458
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<u>(7) The terms of office for members of the sanitarian advisory board created in section 3722.02 of the Revised Code;</u>	23460
	23461
<u>(8) Fees necessary to provide funding for the administration and enforcement of this chapter and the rules adopted under it.</u>	23462
	23463
<u>All fees collected in accordance with rules adopted under division (A)(8) of this section shall be deposited into the general operations fund created in section 3701.83 of the Revised Code. The director shall use the money collected from such fees for the administration and enforcement of this chapter and rules adopted under it.</u>	23464
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<u>(B) In addition to rules adopted under division (A) of this section, the director, in accordance with Chapter 119. of the Revised Code, may adopt any other rule necessary for the administration and enforcement of this chapter.</u>	23470
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Sec. 4736.07 3722.04. The director of health shall keep a record of all applications for registration, which shall include:	23474
	23475
(A) The name and address of each applicant;	23476
(B) The name and address of the employer or business connection of each applicant;	23477
	23478
(C) The date of the application;	23479
(D) The educational and experience <u>employment</u> qualifications	23480

of each applicant; 23481

(E) The date on which the director reviewed and acted upon 23482
each application; 23483

(F) The action taken by the director on each application; 23484

~~(G) A serial number of each certificate of registration 23485
issued by the director. 23486~~

~~The director shall prepare annually a list of the names and 23487
addresses of every person registered by it and a list of every 23488
person whose registration has been suspended or revoked within the 23489
previous year. 23490~~

Sec. ~~4736.08~~ 3722.05. (A) An application for registration as 23491
a sanitarian or sanitarian in training shall be made to the 23492
director of health on a ~~form~~ forms prescribed by the director and 23493
accompanied by the application fee prescribed in rules adopted 23494
under section ~~4736.12~~ 3722.03 of the Revised Code. ~~The~~ 23495

(B) The director shall register an applicant for registration 23496
as a sanitarian if the applicant is of good moral character, 23497
passes an examination conducted by the director in accordance with 23498
section ~~4736.09~~ 3722.06 of the Revised Code, and meets any of the 23499
following education and ~~experience~~ employment requirements of 23500
~~division (A), (B), or (C) of this section:~~ 23501

~~(A) Graduated~~ (1) The applicant has graduated from an 23502
accredited college or university with at least a baccalaureate 23503
degree, including at least forty-five quarter units or thirty 23504
semester units of science courses approved by the director; and 23505
completed at least two years of full-time employment as a 23506
sanitarian; 23507

~~(B) Graduated~~ (2) The applicant has graduated from an 23508
accredited college or university with at least a baccalaureate 23509
degree, completed a major in environmental health science which 23510

included an internship program approved by the director; and 23511
completed at least one year of full-time employment as a 23512
sanitarian; 23513

~~(C) Graduated~~ (3) The applicant has graduated from an 23514
accredited college or university with a degree higher than a 23515
baccalaureate degree, including at least forty-five quarter units 23516
or thirty semester units of science courses approved by the 23517
director; and completed at least one year of full-time employment 23518
as a sanitarian. 23519

(C) The director shall register a sanitarian in training 23520
applicant if the applicant meets the educational qualifications of 23521
division (B)(1), (2), or (3) of this section, but does not meet 23522
the employment requirement of such division, and if the applicant 23523
passes the examination required for registration as a sanitarian 23524
in training in accordance with section 3722.06 of the Revised 23525
Code. 23526

(D) A sanitarian in training shall apply for registration as 23527
a sanitarian within three years after registration as a sanitarian 23528
in training. The director may extend the registration of any 23529
sanitarian in training who furnishes, in writing, sufficient cause 23530
for not applying for registration as a sanitarian within the 23531
three-year period. 23532

Sec. 4736.09 3722.06. Examinations required by section 23533
4736.08 of the Revised Code shall be conducted not less than once 23534
each calendar year at such times and places as the director of 23535
health prescribes. Such The director of health shall conduct 23536
examinations shall be for applicants that apply for registration 23537
under section 3722.05 of the Revised Code. The director shall 23538
ensure that examinations are written and shall include applicable 23539
subjects in the field of environmental health science and such 23540
other subjects as the director may prescribe. The examination 23541

~~shall be objective and practical. Any examination papers director~~ 23542
~~also shall not disclose the name of the applicant, but shall be~~ 23543
~~identified by a number assigned by the director ensure that the~~ 23544
~~examination is objective and practical. The preparation of the~~ 23545
~~examination shall be the responsibility of the director; however,~~ 23546
the director may use material prepared by recognized examination 23547
agencies entities. 23548

~~No~~ The director shall not register a person shall be 23549
~~registered~~ if the person fails to meet the minimum grade 23550
requirements for the examination specified by the director. An 23551
applicant who fails to meet such minimum grade requirements in the 23552
applicant's first examination may ~~be reexamined~~ retake the 23553
examination at any time and place specified by the director, upon 23554
resubmission of an application and payment of the fee prescribed 23555
in rules adopted under section ~~4736.12~~ 3722.03 of the Revised 23556
Code. 23557

Sec. ~~4736.11~~ 3722.07. (A) The director of health shall issue 23558
a certificate of registration to practice to any applicant whom ~~it~~ 23559
~~the director~~ registers as a sanitarian or a 23560
~~sanitarian in training. Such certificate shall bear~~ sanitarian in 23561
training. The director shall include all of the following in the 23562
certificate of registration: 23563

~~(A)~~(1) The name of the person; 23564

~~(B)~~(2) The date of issue; 23565

~~(C)~~ A serial number, ~~designated by the director;~~ 23566

~~(D)~~(3) The signature of the director; 23567

~~(E)~~(4) The designation "registered sanitarian" or 23568
"~~sanitarian in training~~ sanitarian in training." 23569

(B) The director shall issue certificates of registration to 23570
practice in January and July of each calendar year. Certificates 23571

of registration ~~shall to practice~~ expire annually on the date 23572
fixed by the director and become invalid on that date unless 23573
renewed pursuant to this section. The director may renew a 23574
certificate to practice sixty days prior to the date of expiration 23575
after an applicant has done both of the following: 23576

(1) Paid the renewal fee prescribed in rules adopted under 23577
section 3722.03 of the Revised Code; 23578

(2) Submitted proof of having complied with the continuing 23579
education requirements of this section. 23580

(C) All registered sanitarians shall be and sanitarians in 23581
training are required annually to complete a continuing education 23582
program in subjects relating to practices of the profession as a 23583
sanitarian or sanitarian in training to the end that the 23584
utilization and application of new techniques, scientific 23585
advancements, and research findings will assure comprehensive 23586
service to the public. ~~The~~ 23587

(D) The director shall prescribe, when prescribing by rule a 23588
continuing education program for registered sanitarians ~~to meet~~ 23589
~~this requirement. The~~ and sanitarians in training, shall specify a 23590
length of study for ~~this~~ the program ~~shall be determined by the~~ 23591
~~director but shall be~~ that is not less than six nor more than 23592
twenty-five hours during the calendar year. ~~At least once annually~~ 23593
~~the director shall provide to each registered sanitarian a list of~~ 23594
~~courses approved by the director as satisfying the program~~ 23595
~~prescribed by rule. Upon the request of a registered sanitarian,~~ 23596
~~the director shall supply a list of applicable courses that the~~ 23597
~~director has approved. A certificate may be renewed for a period~~ 23598
~~of one year at any time prior to the date of expiration upon~~ 23599
~~payment of the renewal fee prescribed by section 4736.12 of the~~ 23600
~~Revised Code and upon showing proof of having complied with the~~ 23601
~~continuing education requirements of this section. The~~ 23602

(E) The director may waive the continuing education requirement in cases of certified illness or disability ~~which~~ that prevents the attendance at any qualified educational seminars during the twelve months immediately preceding the annual certificate of registration renewal date. ~~Certificates which~~

(F) Certificates that expire may be reinstated under rules adopted by the director.

Sec. ~~4736.13~~ 3722.08. The director of health may deny, refuse to renew, revoke, or suspend a certificate of registration to practice in accordance with Chapter 119. of the Revised Code for unprofessional conduct, the practice of fraud or deceit in obtaining a certificate of registration, dereliction of duty, incompetence in the practice of environmental health science, or for other good and sufficient cause.

Sec. ~~4736.14~~ 3722.09. The director of health may, upon application and proof of valid registration, issue a certificate of registration to any person who is or has been registered as a sanitarian by any other state, if the requirements of that state at the time of such registration are determined by the director to be at least equivalent to the requirements of this chapter.

Sec. ~~4736.15~~ 3722.10. (A) No person shall engage in, or offer to engage in, the practice of environmental health without being registered in accordance with sections ~~4736.01~~ 3722.01 to ~~4736.15~~ 3722.10 of the Revised Code. ~~A sanitarian in training may engage in the practice of environmental health for a period not to exceed five years, provided the sanitarian in training is supervised by a registered sanitarian. No~~

(B) No person except a registered sanitarian shall use the title "registered sanitarian" or the abbreviation "R.S." after the person's name, or represent ~~self~~ oneself as a registered

sanitarian. ~~Whoever~~ 23633

(C)(1) No person except a registered sanitarian in training shall use the title "sanitarian in training" or the abbreviation "S.I.T." after the person's name or represent oneself as a registered sanitarian in training. 23634
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(2) No sanitarian in training shall engage in the active practice of environmental health for a period exceeding five years from the date that the sanitarian in training's registration was issued. The sanitarian in training, in order to be eligible for advancement, must be supervised by a registered sanitarian in good standing during this period. 23638
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(D) Whoever violates this section is guilty of a misdemeanor of the fourth degree. 23644
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Sec. ~~4736.17~~ 3722.11. On receipt of a notice pursuant to section 3123.43 of the Revised Code, the director of health shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a certificate issued pursuant to this chapter. 23646
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Sec. ~~4736.18~~ 3722.12. The director of health shall comply with section 4776.20 of the Revised Code. 23652
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Sec. 3730.01. As used in this chapter: 23654

(A) "Board of health" means the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code. 23655
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(B) "Body art" means the practice of physical body adornment, including tattooing and body piercing, but does not include ear piercing performed with an ear piercing gun. 23658
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(C) "Body artist" means an individual, including an operator, who performs tattooing or body piercing and is registered with the director of health. 23661
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(D) "Body piercing" means puncturing or penetration of the skin or mucosa of a person and the insertion of jewelry or other object in the opening and includes ear piercing except when the ear piercing procedure is performed with an ear piercing gun. 23664
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~~(C)~~(E) "Business" means any entity that provides services for compensation. 23668
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~~(D)~~(F) "Custodian" has the same meaning as in section 2151.011 of the Revised Code. 23670
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~~(E)~~(G) "Director of health" means the director of health or the director's authorized representative. 23672
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(H) "Ear piercing gun" means a mechanical device that pierces the ear by forcing a disposable single-use stud or solid needle through the ear. 23674
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~~(F)~~(I) "Guardian" has the same meaning as in section 2111.01 of the Revised Code. 23677
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(J) "Licensor" means either the board of health of a city or general health district, or the authority having the duties of a board of health in any city as authorized by section 3709.05 of the Revised Code, or the director of health. "Licensor" also means an authorized representative of any of those entities or of the director. 23679
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(K) "Tattooing" means any method of placing ink or other pigment into or under the skin or mucosa using needles or any other instruments used to puncture the skin, resulting in permanent or temporary colorization of the skin or mucosa. 23685
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Sec. 3730.02. (A) The director of health, in accordance with Chapter 119. of the Revised Code, shall adopt rules of general 23689
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application throughout the state governing the issuance of 23691
licenses, approval of plans, layout, construction, sanitation, 23692
safety, and operation of a body art business. Such rules shall not 23693
be applied to the construction, erection, or manufacture of any 23694
building to which section 3781.06 of the Revised Code is 23695
applicable. The rules shall include all of the following: 23696

(1) Safety and sanitation standards and procedures to be 23697
followed to prevent the transmission of infectious diseases during 23698
the performance of body art procedures; 23699

(2) Standards and procedures to be followed for appropriate 23700
disinfection and sterilization of all invasive equipment or parts 23701
of equipment used in body art and ear piercing procedures 23702
performed with an ear piercing gun; 23703

(3) Procedures for suspending and revoking licenses under 23704
section 3730.05 of the Revised Code; 23705

(4) Universal blood and body fluid precautions to be used by 23706
any individual who performs body art procedures. The precautions 23707
shall include all of the following: 23708

(a) The appropriate use of hand washing; 23709

(b) The handling and disposal of all needles and other sharp 23710
instruments used in body art procedures; 23711

(c) The wearing and disposal of gloves and other protective 23712
garments and devices. 23713

(B) The director of health, in accordance with Chapter 119. 23714
of the Revised Code, shall adopt rules governing the issuance of 23715
registration for body artists. The rules shall specify 23716
registration and renewal procedures and fees as described in 23717
section 3730.021 of the Revised Code. 23718

The rules may include standards and procedures to be followed 23719
by a business that offers body art services to ensure that the 23720

individuals who perform body art procedures for the business are 23721
registered and adequately trained to perform the procedures 23722
properly. 23723

(C) The director shall investigate all complaints of persons 23724
providing body art services who are not properly registered. 23725

(D) No person shall recklessly violate a rule adopted under 23726
this section. 23727

Sec. 3730.021. (A) Each person who intends to perform a body 23728
art procedure or those activities of a body artist shall apply for 23729
a body art registration in the form prescribed by the director of 23730
health under section 3730.02 of the Revised Code. 23731

(B) The director of health shall register body artist 23732
applicants that meet the requirements as described under this 23733
chapter and the rules adopted by the director. Registration shall 23734
be effective for one year and may be renewed annually by the 23735
thirtieth day of June of each year. The fee for registration shall 23736
be two hundred fifty dollars. The director may increase the fee 23737
pursuant to section 3730.02 of the Revised Code. The director may 23738
adopt a rule prorating the fee to be charged for an initial 23739
registration. 23740

(C) Each registration shall be effective from the date of 23741
issuance until the last day of June of the year in which the 23742
registration was issued, except each initial registration issued 23743
after the first of April shall be effective from the date of 23744
issuance until the last day of June of the following year. 23745

(D) The amounts collected under this section shall be 23746
administered by the director and shall be used solely for the 23747
administration and enforcement of this chapter and the rules 23748
adopted under this chapter. 23749

Sec. 3730.03. (A) No person shall construct or install, or 23750

renovate or otherwise substantially alter, a body art business 23751
until the plans for the business have been submitted to and 23752
approved by the licensor. The licensor shall approve or disapprove 23753
the plans within thirty days of receipt of the plans. Any person 23754
aggrieved by the licensor's disapproval of plans under this 23755
division may, within thirty days following receipt of the 23756
licensor's notice of disapproval, request a hearing on the matter. 23757
The hearing shall be provided, if requested. 23758

(B) The applicant for a license to operate a newly 23759
constructed or altered body art business shall notify the licensor 23760
that the body art business is ready for an inspection. Within five 23761
days of receiving the notice, the licensor shall verify that the 23762
construction or alterations are consistent with the plans 23763
submitted and approved under division (A) of this section. If the 23764
construction or alterations are consistent with the plans, the 23765
licensor shall issue the license. If the construction or 23766
alterations are not consistent with the submitted plans, the 23767
licensor shall reject the application or defer the issuance of the 23768
license pending a subsequent inspection. If the plans are 23769
rejected, the applicant may request a hearing on the matter. The 23770
hearing shall be provided, if requested. 23771

(C) The director of health shall adopt rules specifying who 23772
shall provide the hearing and when the hearing shall be held in 23773
divisions (A) and (B) of this section and any other rules 23774
necessary to implement this section. 23775

Sec. ~~3730.02~~ 3730.04. No person shall do any of the 23776
following: 23777

(A) Operate a business that offers ~~tattooing or body piercing~~ 23778
body art services unless a ~~board of health~~ licensor has approved 23779
licensed the business under section ~~3730.03~~ 3730.05 of the Revised 23780

Code; 23781

(B) Beginning June 30, 2020, recklessly perform, for 23782
compensation, a body art procedure or those activities of a body 23783
artist without being registered by the director of health; 23784

(C) Perform a ~~tattooing or body piercing~~ body art procedure 23785
in a manner that does not meet the safety and sanitation standards 23786
established by this chapter and the rules adopted under section 23787
~~3730.10~~ 3730.02 of the Revised Code; 23788

~~(C)~~(D) Perform a ~~tattooing procedure, body piercing~~ body art 23789
procedure, or ear piercing procedure with an ear piercing gun, in 23790
a manner that does not meet the standards for appropriate 23791
disinfection and sterilization of invasive equipment or parts of 23792
equipment used in performing the procedures established by this 23793
chapter and the rules adopted under section ~~3730.10~~ 3730.02 of the 23794
Revised Code. 23795

Sec. ~~3730.03~~ 3730.05. A (A) Every person seeking approval who 23796
intends to operate or maintain a body art business that offers 23797
tattooing or body piercing services shall apply to the board of 23798
health of the city or general health district in which the 23799
business is located on forms the board shall prescribe and 23800
provide. The applicant shall submit all information the board of 23801
health determines is necessary to process the application licensur 23802
having jurisdiction for a license to operate the body art 23803
business. Any person proposing to operate or maintain a new or 23804
otherwise unlicensed body art business shall apply to the licensur 23805
having jurisdiction at least thirty days prior to the intended 23806
start of operation of the body art business. A currently licensed 23807
business may apply for renewal of that license between the first 23808
day and the thirty-first day of December. The applicant shall 23809
include the fee established under section 3709.09 of the Revised 23810
Code with the application. 23811

~~Boards of health shall deposit all fees collected under this section into the health fund of the district that the board serves. The fees shall be used solely for the purposes of implementing and enforcing this chapter.~~

(B) Each license issued shall be effective from the date of issuance until the last day of December of the year in which the license was issued. Each initial license issued after the first of October shall be effective from the date of issuance until the last day of December of the following year.

(C) Each licensor administering and enforcing this chapter and the rules adopted thereunder may establish plan review, licensing, and inspection fees in accordance with section 3709.09 of the Revised Code, which shall not exceed the cost of plan review, licensing, and inspecting the body art business, respectively.

(D) Except as provided in division (E) of this section and division (B) of section 3730.13 of the Revised Code, all license fees collected by a licensor shall be deposited into a body art fund. The body art fund shall be used for the expenses of the licensor for administering and enforcing this chapter and the rules adopted under this chapter.

(E) The annual license fee established under this section shall include any additional amount determined by rule of the director of health, which the board of health shall collect and transmit to the director of health pursuant to section 3709.092 of the Revised Code. The additional amounts collected under this division shall be administered by the director and shall be used solely for the administration and enforcement of this chapter and the rules adopted under this chapter.

(F) To receive approval a license to offer ~~tattooing or body piercing~~ body art services, a business must demonstrate to a board

~~of health licensor~~ the ability to meet the requirements 23843
established by this chapter and the rules adopted under section 23844
~~3730.10~~ 3730.02 of the Revised Code for safe performance of the 23845
~~tattooing or body piercing~~ procedures, ~~training~~ registration of 23846
the individuals who perform the procedures, and maintenance of 23847
records. 23848

~~A board of health that determines, following an inspection~~ 23849
~~conducted under section 3730.04 of the Revised Code, that a~~ 23850
~~business meets the requirements for approval shall approve the~~ 23851
~~business. Approval remains valid for one year, unless earlier~~ 23852
~~suspended or revoked under section 3730.05 of the Revised Code. A~~ 23853
~~business's approval may be renewed. Approval is not transferable.~~ 23854

A license may be transferred to a new owner of the existing 23855
business address. 23856

Sec. 3730.04 3730.06. ~~A board of health shall conduct at~~ 23857
~~least one inspection of a business prior to approving the business~~ 23858
~~under section 3730.03 of the Revised Code to offer tattooing or~~ 23859
~~body piercing services. The board may conduct additional~~ 23860
~~inspections as necessary for the approval process. A board of~~ 23861
~~health may inspect an approved business at any time the board~~ 23862
~~considers necessary. Prior to the issuance of an initial license~~ 23863
~~and annually thereafter, the licensor shall inspect each body art~~ 23864
~~business in their jurisdiction to determine whether the business~~ 23865
~~is in compliance with this chapter and the rules adopted under it.~~ 23866
~~A licensor may, as the licensor determines appropriate, inspect a~~ 23867
~~business at any other time. The licensor shall make the initial~~ 23868
~~inspection within five days from the date of receipt of~~ 23869
~~notification that the business is ready for operation in~~ 23870
~~accordance with section 3730.03 of the Revised Code and shall~~ 23871
~~maintain a record of each inspection that is conducted for a~~ 23872
~~period of at least five years on forms prescribed by the director~~ 23873

of health. In an inspection, a ~~board of health~~ licensor shall be 23874
given access to the business's premises and to all records 23875
relevant to the inspection. 23876

Sec. ~~3730.05~~ 3730.07. A board of health may suspend or revoke 23877
the ~~approval~~ license of a business to offer ~~tattooing or body~~ 23878
~~piercing~~ body art services at any time the board determines that 23879
the business is being operated in violation of this chapter or the 23880
rules adopted under section ~~3730.10~~ 3730.02 of the Revised Code. 23881
~~Proceedings for suspensions and revocations shall be conducted in~~ 23882
~~accordance with rules adopted under section 3730.10 of the Revised~~ 23883
~~Code.~~ 23884

Sec. ~~3730.06~~ 3730.08. (A) No person shall recklessly perform 23885
a ~~tattooing procedure, body piercing~~ body art procedure, or ear 23886
piercing procedure with an ear piercing gun on an individual who 23887
is under eighteen years of age unless consent has been given by 23888
the individual's parent, guardian, or custodian in accordance with 23889
division (B) of this section. 23890

(B) A parent, guardian, or custodian of an individual under 23891
age eighteen who desires to give consent to a business to perform 23892
on the individual under age eighteen a ~~tattooing procedure, body~~ 23893
~~piercing~~ body art procedure, or ear piercing procedure performed 23894
with an ear piercing gun shall do ~~both~~ all of the following: 23895

(1) Appear in person at the business at the time the 23896
procedure is performed; 23897

(2) Sign a document provided by the business that explains 23898
the manner in which the procedure will be performed and methods 23899
for proper care of the affected body area following performance of 23900
the procedure; 23901

(3) Provide documentation that they are the parent, guardian, 23902
or custodian of the individual under the age of eighteen. 23903

Sec. ~~3730.07~~ 3730.09. (A) No individual shall knowingly show 23904
or give any false information as to the name, age, or other 23905
identification of an individual who is under age eighteen for the 23906
purpose of obtaining for the individual under age eighteen a 23907
~~tattooing service, body piercing~~ body art service, or ear piercing 23908
service performed with an ear piercing gun. 23909

(B) No individual shall impersonate the parent, guardian, or 23910
custodian of an individual who is under age eighteen for the 23911
purpose of obtaining for the individual under age eighteen a 23912
~~tattooing service, body piercing~~ body art service, or ear piercing 23913
service performed with an ear piercing gun. 23914

Sec. ~~3730.08~~ 3730.10. (A) An operator or employee of a 23915
business that performs ~~tattooing services, body piercing~~ body art 23916
services, or ear piercing services performed with an ear piercing 23917
gun may not be found guilty of a violation of division (A) of 23918
section ~~3730.06~~ 3730.08 of the Revised Code or any rule adopted 23919
under section ~~3730.10~~ 3730.02 of the Revised Code in which age is 23920
an element of the provisions of the rule, if the ~~board of health~~ 23921
licensor or any court of record finds all of the following: 23922

(1) That the individual obtaining a ~~tattooing service, body~~ 23923
~~piercing~~ body art service, or ear piercing service performed with 23924
an ear piercing gun, at the time of so doing, exhibited to the 23925
operator or employee of the ~~tattooing, body piercing,~~ body art or 23926
ear piercing business a driver's or commercial driver's license or 23927
an identification card issued under sections 4507.50 to 4507.52 of 23928
the Revised Code showing that the individual was then at least age 23929
eighteen; 23930

(2) That the operator or employee made a bona fide effort to 23931
ascertain the true age of the individual obtaining a ~~tattooing,~~ 23932
~~body piercing,~~ body art service or ear piercing service by 23933

checking the identification presented, at the time of the service, 23934
to ascertain that the description on the identification compared 23935
with the appearance of the individual and that the identification 23936
had not been altered in any way; 23937

(3) That the operator or employee had reason to believe that 23938
the individual obtaining a ~~tattooing, body piercing,~~ body art 23939
service or ear piercing service was at least age eighteen. 23940

(B) In any hearing before a ~~board of health licensor~~ and in 23941
any action or proceeding before a court of record in which a 23942
defense is raised under this section, the registrar of motor 23943
vehicles or the registrar's deputy who issued a driver's or 23944
commercial driver's license or an identification card under 23945
sections 4507.50 to 4507.52 of the Revised Code shall be permitted 23946
to submit certified copies of the records, in the registrar's or 23947
deputy's possession, of such issuance in lieu of the testimony of 23948
the personnel of the bureau of motor vehicles at such hearing, 23949
action, or proceeding. 23950

Sec. ~~3730.09~~ 3730.11. (A) Each operator of a business that 23951
offers ~~tattooing or body piercing~~ body art services shall do all 23952
of the following: 23953

(1) Maintain procedures for ensuring that the individuals who 23954
perform ~~tattooing or body piercing~~ body art procedures are 23955
adequately trained to perform the procedures properly; 23956

(2) With respect to tattooing services, maintain written 23957
records that include the color, manufacturer, and lot number of 23958
each pigment used for each tattoo performed; 23959

(3) Comply with the safety and sanitation requirements for 23960
preventing transmission of infectious diseases, as established in 23961
rules adopted under section ~~3730.10~~ 3730.02 of the Revised Code; 23962

(4) Ensure individuals who perform body art procedures are 23963

registered with the director of health and, for individuals who 23964
perform body art procedures immediately prior to June 30, 2020, 23965
ensure that those individuals are so registered by that date. 23966

(5) Ensure that all invasive equipment or parts of equipment 23967
used in ~~performing tattooing and body piercing~~ body art procedures 23968
are disinfected and sterilized by using methods that meet the 23969
disinfection and sterilization requirements established in rules 23970
adopted under section ~~3730.10~~ 3730.02 of the Revised Code; 23971

~~(5)~~(6) Ensure that weekly tests of the business's heat 23972
sterilization devices are performed to determine whether the 23973
devices are functioning properly. In having the devices tested, 23974
the operator of the business shall use a biological monitoring 23975
system that indicates whether the devices are killing 23976
microorganisms. If a test indicates that a device is not 23977
functioning properly, the operator shall take immediate remedial 23978
action to ensure that heat sterilization is being accomplished. 23979
The operator shall maintain documentation that the weekly tests 23980
are being performed. To comply with the documentation requirement, 23981
the documents must consist of a log that indicates the date on 23982
which each test is performed and the name of the person who 23983
performed the test or, if a test was conducted by an independent 23984
testing entity, a copy of the entity's testing report. The 23985
operator shall maintain records of each test performed for at 23986
least two years. 23987

(B) Each operator of a business that offers ear piercing 23988
services performed with an ear piercing gun shall require the 23989
individuals who perform the ear piercing services to disinfect and 23990
sterilize the ear piercing gun by using chemical solutions that 23991
meet the disinfection and sterilization requirements established 23992
in rules adopted under section ~~3730.10~~ 3730.02 of the Revised 23993
Code. 23994

~~Sec. 3730.11~~ 3730.12. Nothing in this chapter shall be 23995
interpreted as prohibiting municipal corporations, or townships 23996
that have adopted the limited self-government form of township 23997
government under Chapter 504. of the Revised Code, from adopting 23998
ordinances or resolutions that prohibit the establishment of 23999
businesses that offer ~~tattooing or body piercing~~ body art 24000
services. 24001

Sec. 3730.13. (A) The director of health may annually survey 24002
each board of health that wishes to license body art businesses to 24003
determine whether the board of health is in substantial compliance 24004
with this chapter and the rules adopted thereunder. If the 24005
director determines that a board of health is in substantial 24006
compliance, the director shall approve the board of health for 24007
issuance of licenses pursuant to this chapter. The director may 24008
make additional surveys of a board of health as the director 24009
considers appropriate. 24010

(B) If the director determines that a board of health is not 24011
in substantial compliance, the director shall register the same to 24012
the president of the board of health and shall perform the duties 24013
of the licensor in that area until the director approves the board 24014
of health. All fees payable to the board of health during the time 24015
that the director performs the duties of the licensor and all 24016
other such fees that have not been expended or otherwise 24017
encumbered shall be deposited by the director in the state 24018
treasury to the credit of the general operations fund created by 24019
section 3701.83 of the Revised Code, to be used by the director as 24020
the licensor. The director shall keep a record of the fees so 24021
deposited and, when the board of health is approved, shall 24022
transfer any remaining balance of the fees to the board of 24023
health's body art fund created under division (D) of section 24024
3730.05 of the Revised Code. 24025

Sec. 3730.99. (A) Whoever violates division (D) of section 3730.02, division (A), (B), ~~or (C), or (D)~~ of section ~~3730.02~~ 3730.04, or division (A) of section ~~3730.06~~ 3730.08 of the Revised Code is guilty of a misdemeanor of the fourth degree.

(B) Whoever violates division (A) or (B) of section ~~3730.07~~ 3730.09 of the Revised Code is guilty of a misdemeanor of the first degree.

Sec. 3734.01. As used in this chapter:

(A) "Board of health" means the board of health of a city or general health district or the authority having the duties of a board of health in any city as authorized by section 3709.05 of the Revised Code.

(B) "Director" means the director of environmental protection.

(C) "Health district" means a city or general health district as created by or under authority of Chapter 3709. of the Revised Code.

(D) "Agency" means the environmental protection agency.

(E) "Solid wastes" means such unwanted residual solid or semisolid material as results from industrial, commercial, agricultural, and community operations, excluding earth or material from construction, mining, or demolition operations, or other waste materials of the type that normally would be included in demolition debris, nontoxic fly ash and bottom ash, including at least ash that results from the combustion of coal and ash that results from the combustion of coal in combination with scrap tires where scrap tires comprise not more than fifty per cent of heat input in any month, spent nontoxic foundry sand, nontoxic, nonhazardous, unwanted fired and unfired, glazed and unglazed, structural products made from shale and clay products, and slag

and other substances that are not harmful or inimical to public health, and includes, but is not limited to, garbage, scrap tires, combustibile and noncombustibile material, street dirt, and debris. "Solid wastes" does not include any material that is an infectious waste or a hazardous waste.

(F) "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, emitting, or placing of any solid wastes or hazardous waste into or on any land or ground or surface water or into the air, except if the disposition or placement constitutes storage or treatment or, if the solid wastes consist of scrap tires, the disposition or placement constitutes a beneficial use or occurs at a scrap tire recovery facility licensed under section 3734.81 of the Revised Code.

(G) "Person" includes the state, any political subdivision and other state or local body, the United States and any agency or instrumentality thereof, and any legal entity defined as a person under section 1.59 of the Revised Code.

(H) "Open burning" means the burning of solid wastes in an open area or burning of solid wastes in a type of chamber or vessel that is not approved or authorized in rules adopted by the director under section 3734.02 of the Revised Code or, if the solid wastes consist of scrap tires, in rules adopted under division (V) of this section or section 3734.73 of the Revised Code, or the burning of treated or untreated infectious wastes in an open area or in a type of chamber or vessel that is not approved in rules adopted by the director under section 3734.021 of the Revised Code.

(I) "Open dumping" means the depositing of solid wastes into a body or stream of water ~~or~~, onto the surface of the ground, or into an abandoned building or structure at a site that is not licensed as a solid waste facility under section 3734.05 of the Revised Code or, if the solid wastes consist of scrap tires, as a

scrap tire collection, storage, monocell, monofill, or recovery 24088
facility licensed under section 3734.81 of the Revised Code; the 24089
depositing of solid wastes that consist of scrap tires onto the 24090
surface of the ground at a site or in a manner not specifically 24091
identified in divisions (C)(2) to (5), (7), or (10) of section 24092
3734.85 of the Revised Code; the depositing of untreated 24093
infectious wastes into a body or stream of water ~~or~~ onto the 24094
surface of the ground, or into an abandoned building or structure; 24095
or the depositing of treated infectious wastes into a body or 24096
stream of water ~~or~~ onto the surface of the ground, or into an 24097
abandoned building or structure at a site that is not licensed as 24098
a solid waste facility under section 3734.05 of the Revised Code. 24099

(J) "Hazardous waste" means any waste or combination of 24100
wastes in solid, liquid, semisolid, or contained gaseous form that 24101
in the determination of the director, because of its quantity, 24102
concentration, or physical or chemical characteristics, may do 24103
either of the following: 24104

(1) Cause or significantly contribute to an increase in 24105
mortality or an increase in serious irreversible or incapacitating 24106
reversible illness; 24107

(2) Pose a substantial present or potential hazard to human 24108
health or safety or to the environment when improperly stored, 24109
treated, transported, disposed of, or otherwise managed. 24110

"Hazardous waste" includes any substance identified by 24111
regulation as hazardous waste under the "Resource Conservation and 24112
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 24113
amended, and does not include any substance that is subject to the 24114
"Atomic Energy Act of 1954," 68 Stat. 919, 42 U.S.C.A. 2011, as 24115
amended. 24116

(K) "Treat" or "treatment," when used in connection with 24117
hazardous waste, means any method, technique, or process, 24118

including neutralization, designed to change the physical, 24119
chemical, or biological character or composition of any hazardous 24120
waste so as to neutralize the waste; recover energy or material 24121
resources from the waste; render the waste nonhazardous or less 24122
hazardous, safer to transport, store, or dispose of, or amenable 24123
for recovery or storage; or reduce the volume of the waste. When 24124
used in connection with infectious wastes, "treat" or "treatment" 24125
means any method, technique, or process that renders the wastes 24126
noninfectious so that it is no longer an infectious waste and is 24127
no longer an infectious substance as defined in applicable federal 24128
law, including, without limitation, steam sterilization and 24129
incineration, and, in the instance of wastes identified in 24130
division (R)(7) of this section, to substantially reduce or 24131
eliminate the potential for the wastes to cause lacerations or 24132
puncture wounds. 24133

(L) "Manifest" means the form used for identifying the 24134
quantity, composition, origin, routing, and destination of 24135
hazardous waste during its transportation from the point of 24136
generation to the point of disposal, treatment, or storage. 24137

(M) "Storage," when used in connection with hazardous waste, 24138
means the holding of hazardous waste for a temporary period in 24139
such a manner that it remains retrievable and substantially 24140
unchanged physically and chemically and, at the end of the period, 24141
is treated; disposed of; stored elsewhere; or reused, recycled, or 24142
reclaimed in a beneficial manner. When used in connection with 24143
solid wastes that consist of scrap tires, "storage" means the 24144
holding of scrap tires for a temporary period in such a manner 24145
that they remain retrievable and, at the end of that period, are 24146
beneficially used; stored elsewhere; placed in a scrap tire 24147
monocell or monofill facility licensed under section 3734.81 of 24148
the Revised Code; processed at a scrap tire recovery facility 24149
licensed under that section or a solid waste incineration or 24150

energy recovery facility subject to regulation under this chapter; 24151
or transported to a scrap tire monocell, monofill, or recovery 24152
facility, any other solid waste facility authorized to dispose of 24153
scrap tires, or a facility that will beneficially use the scrap 24154
tires, that is located in another state and is operating in 24155
compliance with the laws of the state in which the facility is 24156
located. 24157

(N) "Facility" means any site, location, tract of land, 24158
installation, or building used for incineration, composting, 24159
sanitary landfilling, or other methods of disposal of solid wastes 24160
or, if the solid wastes consist of scrap tires, for the 24161
collection, storage, or processing of the solid wastes; for the 24162
transfer of solid wastes; for the treatment of infectious wastes; 24163
or for the storage, treatment, or disposal of hazardous waste. 24164

(O) "Closure" means the time at which a hazardous waste 24165
facility will no longer accept hazardous waste for treatment, 24166
storage, or disposal, the time at which a solid waste facility 24167
will no longer accept solid wastes for transfer or disposal or, if 24168
the solid wastes consist of scrap tires, for storage or 24169
processing, or the effective date of an order revoking the permit 24170
for a hazardous waste facility or the registration certificate, 24171
permit, or license for a solid waste facility, as applicable. 24172
"Closure" includes measures performed to protect public health or 24173
safety, to prevent air or water pollution, or to make the facility 24174
suitable for other uses, if any, including, but not limited to, 24175
the removal of processing residues resulting from solid wastes 24176
that consist of scrap tires; the establishment and maintenance of 24177
a suitable cover of soil and vegetation over cells in which 24178
hazardous waste or solid wastes are buried; minimization of 24179
erosion, the infiltration of surface water into such cells, the 24180
production of leachate, and the accumulation and runoff of 24181
contaminated surface water; the final construction of facilities 24182

for the collection and treatment of leachate and contaminated 24183
surface water runoff, except as otherwise provided in this 24184
division; the final construction of air and water quality 24185
monitoring facilities, except as otherwise provided in this 24186
division; the final construction of methane gas extraction and 24187
treatment systems; or the removal and proper disposal of hazardous 24188
waste or solid wastes from a facility when necessary to protect 24189
public health or safety or to abate or prevent air or water 24190
pollution. With regard to a solid waste facility that is a scrap 24191
tire facility, "closure" includes the final construction of 24192
facilities for the collection and treatment of leachate and 24193
contaminated surface water runoff and the final construction of 24194
air and water quality monitoring facilities only if those actions 24195
are determined to be necessary. 24196

(P) "Premises" means either of the following: 24197

(1) Geographically contiguous property owned by a generator; 24198

(2) Noncontiguous property that is owned by a generator and 24199
connected by a right-of-way that the generator controls and to 24200
which the public does not have access. Two or more pieces of 24201
property that are geographically contiguous and divided by public 24202
or private right-of-way or rights-of-way are a single premises. 24203

(Q) "Post-closure" means that period of time following 24204
closure during which a hazardous waste facility is required to be 24205
monitored and maintained under this chapter and rules adopted 24206
under it, including, without limitation, operation and maintenance 24207
of methane gas extraction and treatment systems, or the period of 24208
time after closure during which a scrap tire monocell or monofill 24209
facility licensed under section 3734.81 of the Revised Code is 24210
required to be monitored and maintained under this chapter and 24211
rules adopted under it. 24212

(R) "Infectious wastes" means any wastes or combination of 24213

wastes that include cultures and stocks of infectious agents and 24214
associated biologicals, human blood and blood products, and 24215
substances that were or are likely to have been exposed to or 24216
contaminated with or are likely to transmit an infectious agent or 24217
zoonotic agent, including all of the following: 24218

(1) Laboratory wastes; 24219

(2) Pathological wastes; 24220

(3) Animal blood and blood products; 24221

(4) Animal carcasses and parts; 24222

(5) Waste materials from the rooms of humans, or the 24223
enclosures of animals, that have been isolated because of 24224
diagnosed communicable disease that are likely to transmit 24225
infectious agents. Such waste materials from the rooms of humans 24226
do not include any wastes of patients who have been placed on 24227
blood and body fluid precautions under the universal precaution 24228
system established by the centers for disease control in the 24229
public health service of the United States department of health 24230
and human services, except to the extent specific wastes generated 24231
under the universal precautions system have been identified as 24232
infectious wastes by rules adopted under division (R)(7) of this 24233
section. 24234

(6) Sharp wastes used in the treatment, diagnosis, or 24235
inoculation of human beings or animals; 24236

(7) Any other waste materials generated in the diagnosis, 24237
treatment, or immunization of human beings or animals, in research 24238
pertaining thereto, or in the production or testing of 24239
biologicals, that the director of health, by rules adopted in 24240
accordance with Chapter 119. of the Revised Code, identifies as 24241
infectious wastes after determining that the wastes present a 24242
substantial threat to human health when improperly managed because 24243
they are contaminated with, or are likely to be contaminated with, 24244

infectious agents. 24245

As used in this division, "blood products" does not include 24246
patient care waste such as bandages or disposable gowns that are 24247
lightly soiled with blood or other body fluids unless those wastes 24248
are soiled to the extent that the generator of the wastes 24249
determines that they should be managed as infectious wastes. 24250

(S) "Infectious agent" means a type of microorganism, 24251
pathogen, virus, or proteinaceous infectious particle that can 24252
cause or significantly contribute to disease in or death of human 24253
beings. 24254

(T) "Zoonotic agent" means a type of microorganism, pathogen, 24255
or virus that causes disease in vertebrate animals, is 24256
transmissible to human beings, and can cause or significantly 24257
contribute to disease in or death of human beings. 24258

(U) "Solid waste transfer facility" means any site, location, 24259
tract of land, installation, or building that is used or intended 24260
to be used primarily for the purpose of transferring solid wastes 24261
that were generated off the premises of the facility from vehicles 24262
or containers into other vehicles for transportation to a solid 24263
waste disposal facility. "Solid waste transfer facility" does not 24264
include any facility that consists solely of portable containers 24265
that have an aggregate volume of fifty cubic yards or less nor any 24266
facility where legitimate recycling activities are conducted. 24267

(V) "Beneficially use" includes: 24268

(1) With regard to scrap tires, to use a scrap tire in a 24269
manner that results in a commodity for sale or exchange or in any 24270
other manner authorized as a beneficial use in rules adopted by 24271
the director in accordance with Chapter 119. of the Revised Code; 24272

(2) With regard to material from a horizontal well that has 24273
come in contact with a refined oil-based substance and that is not 24274
technologically enhanced naturally occurring radioactive material, 24275

to use the material in any manner authorized as a beneficial use 24276
in rules adopted by the director under section 3734.125 of the 24277
Revised Code. 24278

(W) "Commercial car," "commercial tractor," "farm machinery," 24279
"motor bus," "vehicles," "motor vehicle," and "semitrailer" have 24280
the same meanings as in section 4501.01 of the Revised Code. 24281

(X) "Construction equipment" means road rollers, traction 24282
engines, power shovels, power cranes, and other equipment used in 24283
construction work, or in mining or producing or processing 24284
aggregates, and not designed for or used in general highway 24285
transportation. 24286

(Y) "Motor vehicle salvage dealer" has the same meaning as in 24287
section 4738.01 of the Revised Code. 24288

(Z) "Scrap tire" means an unwanted or discarded tire. 24289

(AA) "Scrap tire collection facility" means any facility that 24290
meets all of the following qualifications: 24291

(1) The facility is used for the receipt and storage of whole 24292
scrap tires from the public prior to their transportation to a 24293
scrap tire storage, monocell, monofill, or recovery facility 24294
licensed under section 3734.81 of the Revised Code; a solid waste 24295
incineration or energy recovery facility subject to regulation 24296
under this chapter; a premises within the state where the scrap 24297
tires will be beneficially used; or a scrap tire storage, 24298
monocell, monofill, or recovery facility, any other solid waste 24299
disposal facility authorized to dispose of scrap tires, or a 24300
facility that will beneficially use the scrap tires, that is 24301
located in another state, and that is operating in compliance with 24302
the laws of the state in which the facility is located. 24303

(2) The facility exclusively stores scrap tires in portable 24304
containers. 24305

(3) The aggregate storage of the portable containers in which 24306
the scrap tires are stored does not exceed five thousand cubic 24307
feet. 24308

(BB) "Scrap tire monocell facility" means an individual site 24309
within a solid waste landfill that is used exclusively for the 24310
environmentally sound storage or disposal of whole scrap tires or 24311
scrap tires that have been shredded, chipped, or otherwise 24312
mechanically processed. 24313

(CC) "Scrap tire monofill facility" means an engineered 24314
facility used or intended to be used exclusively for the storage 24315
or disposal of scrap tires, including at least facilities for the 24316
submergence of whole scrap tires in a body of water. 24317

(DD) "Scrap tire recovery facility" means any facility, or 24318
portion thereof, for the processing of scrap tires for the purpose 24319
of extracting or producing usable products, materials, or energy 24320
from the scrap tires through a controlled combustion process, 24321
mechanical process, or chemical process. "Scrap tire recovery 24322
facility" includes any facility that uses the controlled 24323
combustion of scrap tires in a manufacturing process to produce 24324
process heat or steam or any facility that produces usable heat or 24325
electric power through the controlled combustion of scrap tires in 24326
combination with another fuel, but does not include any solid 24327
waste incineration or energy recovery facility that is designed, 24328
constructed, and used for the primary purpose of incinerating 24329
mixed municipal solid wastes and that burns scrap tires in 24330
conjunction with mixed municipal solid wastes, or any tire 24331
retreading business, tire manufacturing finishing center, or tire 24332
adjustment center having on the premises of the business a single, 24333
covered scrap tire storage area at which not more than four 24334
thousand scrap tires are stored. 24335

(EE) "Scrap tire storage facility" means any facility where 24336
whole scrap tires are stored prior to their transportation to a 24337

scrap tire monocell, monofill, or recovery facility licensed under 24338
section 3734.81 of the Revised Code; a solid waste incineration or 24339
energy recovery facility subject to regulation under this chapter; 24340
a premises within the state where the scrap tires will be 24341
beneficially used; or a scrap tire storage, monocell, monofill, or 24342
recovery facility, any other solid waste disposal facility 24343
authorized to dispose of scrap tires, or a facility that will 24344
beneficially use the scrap tires, that is located in another 24345
state, and that is operating in compliance with the laws of the 24346
state in which the facility is located. 24347

(FF) "Used oil" means any oil that has been refined from 24348
crude oil, or any synthetic oil, that has been used and, as a 24349
result of that use, is contaminated by physical or chemical 24350
impurities. "Used oil" includes only those substances identified 24351
as used oil by the United States environmental protection agency 24352
under the "Used Oil Recycling Act of 1980," 94 Stat. 2055, 42 24353
U.S.C.A. 6901a, as amended. 24354

(GG) "Accumulated speculatively" has the same meaning as in 24355
rules adopted by the director under section 3734.12 of the Revised 24356
Code. 24357

(HH) "Horizontal well" has the same meaning as in section 24358
1509.01 of the Revised Code. 24359

(II) "Technologically enhanced naturally occurring 24360
radioactive material" has the same meaning as in section 3748.01 24361
of the Revised Code. 24362

Sec. 3734.57. (A) The following fees are hereby levied on the 24363
transfer or disposal of solid wastes in this state: 24364

(1) Ninety cents per ton through June 30, ~~2020~~ 2022, twenty 24365
cents of the proceeds of which shall be deposited in the state 24366
treasury to the credit of the hazardous waste facility management 24367

fund created in section 3734.18 of the Revised Code and seventy 24368
cents of the proceeds of which shall be deposited in the state 24369
treasury to the credit of the hazardous waste clean-up fund 24370
created in section 3734.28 of the Revised Code; 24371

(2) An additional seventy-five cents per ton through June 30, 24372
~~2020~~ 2022, the proceeds of which shall be deposited in the state 24373
treasury to the credit of the waste management fund created in 24374
section 3734.061 of the Revised Code. 24375

(3) An additional two dollars and eighty-five cents per ton 24376
through June 30, ~~2020~~ 2022, the proceeds of which shall be 24377
deposited in the state treasury to the credit of the environmental 24378
protection fund created in section 3745.015 of the Revised Code; 24379

(4) An additional twenty-five cents per ton through June 30, 24380
~~2020~~ 2022, the proceeds of which shall be deposited in the state 24381
treasury to the credit of the soil and water conservation district 24382
assistance fund created in section 940.15 of the Revised Code. 24383

In the case of solid wastes that are taken to a solid waste 24384
transfer facility located in this state prior to being transported 24385
for disposal at a solid waste disposal facility located in this 24386
state or outside of this state, the fees levied under this 24387
division shall be collected by the owner or operator of the 24388
transfer facility as a trustee for the state. The amount of fees 24389
required to be collected under this division at such a transfer 24390
facility shall equal the total tonnage of solid wastes received at 24391
the facility multiplied by the fees levied under this division. In 24392
the case of solid wastes that are not taken to a solid waste 24393
transfer facility located in this state prior to being transported 24394
to a solid waste disposal facility, the fees shall be collected by 24395
the owner or operator of the solid waste disposal facility as a 24396
trustee for the state. The amount of fees required to be collected 24397
under this division at such a disposal facility shall equal the 24398
total tonnage of solid wastes received at the facility that was 24399

not previously taken to a solid waste transfer facility located in 24400
this state multiplied by the fees levied under this division. Fees 24401
levied under this division do not apply to materials separated 24402
from a mixed waste stream for recycling by a generator or 24403
materials removed from the solid waste stream through recycling, 24404
as "recycling" is defined in rules adopted under section 3734.02 24405
of the Revised Code. 24406

The owner or operator of a solid waste transfer facility or 24407
disposal facility, as applicable, shall prepare and file with the 24408
director of environmental protection each month a return 24409
indicating the total tonnage of solid wastes received at the 24410
facility during that month and the total amount of the fees 24411
required to be collected under this division during that month. In 24412
addition, the owner or operator of a solid waste disposal facility 24413
shall indicate on the return the total tonnage of solid wastes 24414
received from transfer facilities located in this state during 24415
that month for which the fees were required to be collected by the 24416
transfer facilities. The monthly returns shall be filed on a form 24417
prescribed by the director. Not later than thirty days after the 24418
last day of the month to which a return applies, the owner or 24419
operator shall mail to the director the return for that month 24420
together with the fees required to be collected under this 24421
division during that month as indicated on the return or may 24422
submit the return and fees electronically in a manner approved by 24423
the director. If the return is filed and the amount of the fees 24424
due is paid in a timely manner as required in this division, the 24425
owner or operator may retain a discount of three-fourths of one 24426
per cent of the total amount of the fees that are required to be 24427
paid as indicated on the return. 24428

The owner or operator may request an extension of not more 24429
than thirty days for filing the return and remitting the fees, 24430
provided that the owner or operator has submitted such a request 24431

in writing to the director together with a detailed description of 24432
why the extension is requested, the director has received the 24433
request not later than the day on which the return is required to 24434
be filed, and the director has approved the request. If the fees 24435
are not remitted within thirty days after the last day of the 24436
month to which the return applies or are not remitted by the last 24437
day of an extension approved by the director, the owner or 24438
operator shall not retain the three-fourths of one per cent 24439
discount and shall pay an additional ten per cent of the amount of 24440
the fees for each month that they are late. For purposes of 24441
calculating the late fee, the first month in which fees are late 24442
begins on the first day after the deadline has passed for timely 24443
submitting the return and fees, and one additional month shall be 24444
counted every thirty days thereafter. 24445

The owner or operator of a solid waste facility may request a 24446
refund or credit of fees levied under this division and remitted 24447
to the director that have not been paid to the owner or operator. 24448
Such a request shall be made only if the fees have not been 24449
collected by the owner or operator, have become a debt that has 24450
become worthless or uncollectable for a period of six months or 24451
more, and may be claimed as a deduction, including a deduction 24452
claimed if the owner or operator keeps accounts on an accrual 24453
basis, under the "Internal Revenue Code of 1954," 68A Stat. 50, 26 24454
U.S.C. 166, as amended, and regulations adopted under it. Prior to 24455
making a request for a refund or credit, an owner or operator 24456
shall make reasonable efforts to collect the applicable fees. A 24457
request for a refund or credit shall not include any costs 24458
resulting from those efforts to collect unpaid fees. 24459

A request for a refund or credit of fees shall be made in 24460
writing, on a form prescribed by the director, and shall be 24461
supported by evidence that may be required in rules adopted by the 24462
director under this chapter. After reviewing the request, and if 24463

the request and evidence submitted with the request indicate that 24464
a refund or credit is warranted, the director shall grant a refund 24465
to the owner or operator or shall permit a credit to be taken by 24466
the owner or operator on a subsequent monthly return submitted by 24467
the owner or operator. The amount of a refund or credit shall not 24468
exceed an amount that is equal to ninety days' worth of fees owed 24469
to an owner or operator by a particular debtor of the owner or 24470
operator. A refund or credit shall not be granted by the director 24471
to an owner or operator more than once in any twelve-month period 24472
for fees owed to the owner or operator by a particular debtor. 24473

If, after receiving a refund or credit from the director, an 24474
owner or operator receives payment of all or part of the fees, the 24475
owner or operator shall remit the fees with the next monthly 24476
return submitted to the director together with a written 24477
explanation of the reason for the submittal. 24478

For purposes of computing the fees levied under this division 24479
or division (B) of this section, any solid waste transfer or 24480
disposal facility that does not use scales as a means of 24481
determining gate receipts shall use a conversion factor of three 24482
cubic yards per ton of solid waste or one cubic yard per ton for 24483
baled waste, as applicable. 24484

The fees levied under this division and divisions (B) and (C) 24485
of this section are in addition to all other applicable fees and 24486
taxes and shall be paid by the customer or a political subdivision 24487
to the owner or operator of a solid waste transfer or disposal 24488
facility. In the alternative, the fees shall be paid by a customer 24489
or political subdivision to a transporter of waste who 24490
subsequently transfers the fees to the owner or operator of such a 24491
facility. The fees shall be paid notwithstanding the existence of 24492
any provision in a contract that the customer or a political 24493
subdivision may have with the owner or operator or with a 24494
transporter of waste to the facility that would not require or 24495

allow such payment regardless of whether the contract was entered 24496
prior to or after October 16, 2009. For those purposes, "customer" 24497
means a person who contracts with, or utilizes the solid waste 24498
services of, the owner or operator of a solid waste transfer or 24499
disposal facility or a transporter of solid waste to such a 24500
facility. 24501

(B) For the purposes specified in division (G) of this 24502
section, the solid waste management policy committee of a county 24503
or joint solid waste management district may levy fees upon the 24504
following activities: 24505

(1) The disposal at a solid waste disposal facility located 24506
in the district of solid wastes generated within the district; 24507

(2) The disposal at a solid waste disposal facility within 24508
the district of solid wastes generated outside the boundaries of 24509
the district, but inside this state; 24510

(3) The disposal at a solid waste disposal facility within 24511
the district of solid wastes generated outside the boundaries of 24512
this state. 24513

The solid waste management plan of the county or joint 24514
district approved under section 3734.521 or 3734.55 of the Revised 24515
Code and any amendments to it, or the resolution adopted under 24516
this division, as appropriate, shall establish the rates of the 24517
fees levied under divisions (B)(1), (2), and (3) of this section, 24518
if any, and shall specify whether the fees are levied on the basis 24519
of tons or cubic yards as the unit of measurement. A solid waste 24520
management district that levies fees under this division on the 24521
basis of cubic yards shall do so in accordance with division (A) 24522
of this section. 24523

The fee levied under division (B)(1) of this section shall be 24524
not less than one dollar per ton nor more than two dollars per 24525
ton, the fee levied under division (B)(2) of this section shall be 24526

not less than two dollars per ton nor more than four dollars per 24527
ton, and the fee levied under division (B)(3) of this section 24528
shall be not more than the fee levied under division (B)(1) of 24529
this section. 24530

Prior to the approval of the solid waste management plan of a 24531
district under section 3734.55 of the Revised Code, the solid 24532
waste management policy committee of a district may levy fees 24533
under this division by adopting a resolution establishing the 24534
proposed amount of the fees. Upon adopting the resolution, the 24535
committee shall deliver a copy of the resolution to the board of 24536
county commissioners of each county forming the district and to 24537
the legislative authority of each municipal corporation and 24538
township under the jurisdiction of the district and shall prepare 24539
and publish the resolution and a notice of the time and location 24540
where a public hearing on the fees will be held. Upon adopting the 24541
resolution, the committee shall deliver written notice of the 24542
adoption of the resolution; of the amount of the proposed fees; 24543
and of the date, time, and location of the public hearing to the 24544
director and to the fifty industrial, commercial, or institutional 24545
generators of solid wastes within the district that generate the 24546
largest quantities of solid wastes, as determined by the 24547
committee, and to their local trade associations. The committee 24548
shall make good faith efforts to identify those generators within 24549
the district and their local trade associations, but the 24550
nonprovision of notice under this division to a particular 24551
generator or local trade association does not invalidate the 24552
proceedings under this division. The publication shall occur at 24553
least thirty days before the hearing. After the hearing, the 24554
committee may make such revisions to the proposed fees as it 24555
considers appropriate and thereafter, by resolution, shall adopt 24556
the revised fee schedule. Upon adopting the revised fee schedule, 24557
the committee shall deliver a copy of the resolution doing so to 24558
the board of county commissioners of each county forming the 24559

district and to the legislative authority of each municipal 24560
corporation and township under the jurisdiction of the district. 24561
Within sixty days after the delivery of a copy of the resolution 24562
adopting the proposed revised fees by the policy committee, each 24563
such board and legislative authority, by ordinance or resolution, 24564
shall approve or disapprove the revised fees and deliver a copy of 24565
the ordinance or resolution to the committee. If any such board or 24566
legislative authority fails to adopt and deliver to the policy 24567
committee an ordinance or resolution approving or disapproving the 24568
revised fees within sixty days after the policy committee 24569
delivered its resolution adopting the proposed revised fees, it 24570
shall be conclusively presumed that the board or legislative 24571
authority has approved the proposed revised fees. The committee 24572
shall determine if the resolution has been ratified in the same 24573
manner in which it determines if a draft solid waste management 24574
plan has been ratified under division (B) of section 3734.55 of 24575
the Revised Code. 24576

The committee may amend the schedule of fees levied pursuant 24577
to a resolution adopted and ratified under this division by 24578
adopting a resolution establishing the proposed amount of the 24579
amended fees. The committee may repeal the fees levied pursuant to 24580
such a resolution by adopting a resolution proposing to repeal 24581
them. Upon adopting such a resolution, the committee shall proceed 24582
to obtain ratification of the resolution in accordance with this 24583
division. 24584

Not later than fourteen days after declaring the new fees to 24585
be ratified or the fees to be repealed under this division, the 24586
committee shall notify by certified mail the owner or operator of 24587
each solid waste disposal facility that is required to collect the 24588
fees of the ratification and the amount of the fees or of the 24589
repeal of the fees. Collection of any fees shall commence or 24590
collection of repealed fees shall cease on the first day of the 24591

second month following the month in which notification is sent to 24592
the owner or operator. 24593

Fees levied under this division also may be established, 24594
amended, or repealed by a solid waste management policy committee 24595
through the adoption of a new district solid waste management 24596
plan, the adoption of an amended plan, or the amendment of the 24597
plan or amended plan in accordance with sections 3734.55 and 24598
3734.56 of the Revised Code or the adoption or amendment of a 24599
district plan in connection with a change in district composition 24600
under section 3734.521 of the Revised Code. 24601

Not later than fourteen days after the director issues an 24602
order approving a district's solid waste management plan, amended 24603
plan, or amendment to a plan or amended plan that establishes, 24604
amends, or repeals a schedule of fees levied by the district, the 24605
committee shall notify by certified mail the owner or operator of 24606
each solid waste disposal facility that is required to collect the 24607
fees of the approval of the plan or amended plan, or the amendment 24608
to the plan, as appropriate, and the amount of the fees, if any. 24609
In the case of an initial or amended plan approved under section 24610
3734.521 of the Revised Code in connection with a change in 24611
district composition, other than one involving the withdrawal of a 24612
county from a joint district, the committee, within fourteen days 24613
after the change takes effect pursuant to division (G) of that 24614
section, shall notify by certified mail the owner or operator of 24615
each solid waste disposal facility that is required to collect the 24616
fees that the change has taken effect and of the amount of the 24617
fees, if any. Collection of any fees shall commence or collection 24618
of repealed fees shall cease on the first day of the second month 24619
following the month in which notification is sent to the owner or 24620
operator. 24621

If, in the case of a change in district composition involving 24622
the withdrawal of a county from a joint district, the director 24623

completes the actions required under division (G)(1) or (3) of 24624
section 3734.521 of the Revised Code, as appropriate, forty-five 24625
days or more before the beginning of a calendar year, the policy 24626
committee of each of the districts resulting from the change that 24627
obtained the director's approval of an initial or amended plan in 24628
connection with the change, within fourteen days after the 24629
director's completion of the required actions, shall notify by 24630
certified mail the owner or operator of each solid waste disposal 24631
facility that is required to collect the district's fees that the 24632
change is to take effect on the first day of January immediately 24633
following the issuance of the notice and of the amount of the fees 24634
or amended fees levied under divisions (B)(1) to (3) of this 24635
section pursuant to the district's initial or amended plan as so 24636
approved or, if appropriate, the repeal of the district's fees by 24637
that initial or amended plan. Collection of any fees set forth in 24638
such a plan or amended plan shall commence on the first day of 24639
January immediately following the issuance of the notice. If such 24640
an initial or amended plan repeals a schedule of fees, collection 24641
of the fees shall cease on that first day of January. 24642

If, in the case of a change in district composition involving 24643
the withdrawal of a county from a joint district, the director 24644
completes the actions required under division (G)(1) or (3) of 24645
section 3734.521 of the Revised Code, as appropriate, less than 24646
forty-five days before the beginning of a calendar year, the 24647
director, on behalf of each of the districts resulting from the 24648
change that obtained the director's approval of an initial or 24649
amended plan in connection with the change proceedings, shall 24650
notify by certified mail the owner or operator of each solid waste 24651
disposal facility that is required to collect the district's fees 24652
that the change is to take effect on the first day of January 24653
immediately following the mailing of the notice and of the amount 24654
of the fees or amended fees levied under divisions (B)(1) to (3) 24655
of this section pursuant to the district's initial or amended plan 24656

as so approved or, if appropriate, the repeal of the district's 24657
fees by that initial or amended plan. Collection of any fees set 24658
forth in such a plan or amended plan shall commence on the first 24659
day of the second month following the month in which notification 24660
is sent to the owner or operator. If such an initial or amended 24661
plan repeals a schedule of fees, collection of the fees shall 24662
cease on the first day of the second month following the month in 24663
which notification is sent to the owner or operator. 24664

If the schedule of fees that a solid waste management 24665
district is levying under divisions (B)(1) to (3) of this section 24666
is amended or repealed, the fees in effect immediately prior to 24667
the amendment or repeal shall continue to be collected until 24668
collection of the amended fees commences or collection of the 24669
repealed fees ceases, as applicable, as specified in this 24670
division. In the case of a change in district composition, money 24671
so received from the collection of the fees of the former 24672
districts shall be divided among the resulting districts in 24673
accordance with division (B) of section 343.012 of the Revised 24674
Code and the agreements entered into under division (B) of section 24675
343.01 of the Revised Code to establish the former and resulting 24676
districts and any amendments to those agreements. 24677

For the purposes of the provisions of division (B) of this 24678
section establishing the times when newly established or amended 24679
fees levied by a district are required to commence and the 24680
collection of fees that have been amended or repealed is required 24681
to cease, "fees" or "schedule of fees" includes, in addition to 24682
fees levied under divisions (B)(1) to (3) of this section, those 24683
levied under section 3734.573 or 3734.574 of the Revised Code. 24684

(C) For the purposes of defraying the added costs to a 24685
municipal corporation or township of maintaining roads and other 24686
public facilities and of providing emergency and other public 24687
services, and compensating a municipal corporation or township for 24688

reductions in real property tax revenues due to reductions in real 24689
property valuations resulting from the location and operation of a 24690
solid waste disposal facility within the municipal corporation or 24691
township, a municipal corporation or township in which such a 24692
solid waste disposal facility is located may levy a fee of not 24693
more than twenty-five cents per ton on the disposal of solid 24694
wastes at a solid waste disposal facility located within the 24695
boundaries of the municipal corporation or township regardless of 24696
where the wastes were generated. 24697

The legislative authority of a municipal corporation or 24698
township may levy fees under this division by enacting an 24699
ordinance or adopting a resolution establishing the amount of the 24700
fees. Upon so doing the legislative authority shall mail a 24701
certified copy of the ordinance or resolution to the board of 24702
county commissioners or directors of the county or joint solid 24703
waste management district in which the municipal corporation or 24704
township is located or, if a regional solid waste management 24705
authority has been formed under section 343.011 of the Revised 24706
Code, to the board of trustees of that regional authority, the 24707
owner or operator of each solid waste disposal facility in the 24708
municipal corporation or township that is required to collect the 24709
fee by the ordinance or resolution, and the director of 24710
environmental protection. Although the fees levied under this 24711
division are levied on the basis of tons as the unit of 24712
measurement, the legislative authority, in its ordinance or 24713
resolution levying the fees under this division, may direct that 24714
the fees be levied on the basis of cubic yards as the unit of 24715
measurement based upon a conversion factor of three cubic yards 24716
per ton generally or one cubic yard per ton for baled wastes. 24717

Not later than five days after enacting an ordinance or 24718
adopting a resolution under this division, the legislative 24719
authority shall so notify by certified mail the owner or operator 24720

of each solid waste disposal facility that is required to collect 24721
the fee. Collection of any fee levied on or after March 24, 1992, 24722
shall commence on the first day of the second month following the 24723
month in which notification is sent to the owner or operator. 24724

(D)(1) The fees levied under divisions (A), (B), and (C) of 24725
this section do not apply to the disposal of solid wastes that: 24726

(a) Are disposed of at a facility owned by the generator of 24727
the wastes when the solid waste facility exclusively disposes of 24728
solid wastes generated at one or more premises owned by the 24729
generator regardless of whether the facility is located on a 24730
premises where the wastes are generated; 24731

(b) Are generated from the combustion of coal, or from the 24732
combustion of primarily coal, regardless of whether the disposal 24733
facility is located on the premises where the wastes are 24734
generated; 24735

(c) Are asbestos or asbestos-containing materials or products 24736
disposed of at a construction and demolition debris facility that 24737
is licensed under Chapter 3714. of the Revised Code or at a solid 24738
waste facility that is licensed under this chapter. 24739

(2) Except as provided in section 3734.571 of the Revised 24740
Code, any fees levied under division (B)(1) of this section apply 24741
to solid wastes originating outside the boundaries of a county or 24742
joint district that are covered by an agreement for the joint use 24743
of solid waste facilities entered into under section 343.02 of the 24744
Revised Code by the board of county commissioners or board of 24745
directors of the county or joint district where the wastes are 24746
generated and disposed of. 24747

(3) When solid wastes, other than solid wastes that consist 24748
of scrap tires, are burned in a disposal facility that is an 24749
incinerator or energy recovery facility, the fees levied under 24750
divisions (A), (B), and (C) of this section shall be levied upon 24751

the disposal of the fly ash and bottom ash remaining after burning 24752
of the solid wastes and shall be collected by the owner or 24753
operator of the sanitary landfill where the ash is disposed of. 24754

(4) When solid wastes are delivered to a solid waste transfer 24755
facility, the fees levied under divisions (B) and (C) of this 24756
section shall be levied upon the disposal of solid wastes 24757
transported off the premises of the transfer facility for disposal 24758
and shall be collected by the owner or operator of the solid waste 24759
disposal facility where the wastes are disposed of. 24760

(5) The fees levied under divisions (A), (B), and (C) of this 24761
section do not apply to sewage sludge that is generated by a waste 24762
water treatment facility holding a national pollutant discharge 24763
elimination system permit and that is disposed of through 24764
incineration, land application, or composting or at another 24765
resource recovery or disposal facility that is not a landfill. 24766

(6) The fees levied under divisions (A), (B), and (C) of this 24767
section do not apply to solid wastes delivered to a solid waste 24768
composting facility for processing. When any unprocessed solid 24769
waste or compost product is transported off the premises of a 24770
composting facility and disposed of at a landfill, the fees levied 24771
under divisions (A), (B), and (C) of this section shall be 24772
collected by the owner or operator of the landfill where the 24773
unprocessed waste or compost product is disposed of. 24774

(7) When solid wastes that consist of scrap tires are 24775
processed at a scrap tire recovery facility, the fees levied under 24776
divisions (A), (B), and (C) of this section shall be levied upon 24777
the disposal of the fly ash and bottom ash or other solid wastes 24778
remaining after the processing of the scrap tires and shall be 24779
collected by the owner or operator of the solid waste disposal 24780
facility where the ash or other solid wastes are disposed of. 24781

(8) The director of environmental protection may issue an 24782

order exempting from the fees levied under this section solid 24783
wastes, including, but not limited to, scrap tires, that are 24784
generated, transferred, or disposed of as a result of a contract 24785
providing for the expenditure of public funds entered into by the 24786
administrator or regional administrator of the United States 24787
environmental protection agency, the director of environmental 24788
protection, or the director of administrative services on behalf 24789
of the director of environmental protection for the purpose of 24790
remediating conditions at a hazardous waste facility, solid waste 24791
facility, or other location at which the administrator or regional 24792
administrator or the director of environmental protection has 24793
reason to believe that there is a substantial threat to public 24794
health or safety or the environment or that the conditions are 24795
causing or contributing to air or water pollution or soil 24796
contamination. An order issued by the director of environmental 24797
protection under division (D)(8) of this section shall include a 24798
determination that the amount of the fees not received by a solid 24799
waste management district as a result of the order will not 24800
adversely impact the implementation and financing of the 24801
district's approved solid waste management plan and any approved 24802
amendments to the plan. Such an order is a final action of the 24803
director of environmental protection. 24804

(E) The fees levied under divisions (B) and (C) of this 24805
section shall be collected by the owner or operator of the solid 24806
waste disposal facility where the wastes are disposed of as a 24807
trustee for the county or joint district and municipal corporation 24808
or township where the wastes are disposed of. Moneys from the fees 24809
levied under division (B) of this section shall be forwarded to 24810
the board of county commissioners or board of directors of the 24811
district in accordance with rules adopted under division (H) of 24812
this section. Moneys from the fees levied under division (C) of 24813
this section shall be forwarded to the treasurer or such other 24814
officer of the municipal corporation as, by virtue of the charter, 24815

has the duties of the treasurer or to the fiscal officer of the township, as appropriate, in accordance with those rules.

(F) Moneys received by the treasurer or other officer of the municipal corporation under division (E) of this section shall be paid into the general fund of the municipal corporation. Moneys received by the fiscal officer of the township under that division shall be paid into the general fund of the township. The treasurer or other officer of the municipal corporation or the township fiscal officer, as appropriate, shall maintain separate records of the moneys received from the fees levied under division (C) of this section.

(G) Moneys received by the board of county commissioners or board of directors under division (E) of this section or section 3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code shall be paid to the county treasurer, or other official acting in a similar capacity under a county charter, in a county district or to the county treasurer or other official designated by the board of directors in a joint district and kept in a separate and distinct fund to the credit of the district. If a regional solid waste management authority has been formed under section 343.011 of the Revised Code, moneys received by the board of trustees of that regional authority under division (E) of this section shall be kept by the board in a separate and distinct fund to the credit of the district. Moneys in the special fund of the county or joint district arising from the fees levied under division (B) of this section and the fee levied under division (A) of section 3734.573 of the Revised Code shall be expended by the board of county commissioners or directors of the district in accordance with the district's solid waste management plan or amended plan approved under section 3734.521, 3734.55, or 3734.56 of the Revised Code exclusively for the following purposes:

(1) Preparation of the solid waste management plan of the

district under section 3734.54 of the Revised Code, monitoring 24848
implementation of the plan, and conducting the periodic review and 24849
amendment of the plan required by section 3734.56 of the Revised 24850
Code by the solid waste management policy committee; 24851

(2) Implementation of the approved solid waste management 24852
plan or amended plan of the district, including, without 24853
limitation, the development and implementation of solid waste 24854
recycling or reduction programs; 24855

(3) Providing financial assistance to boards of health within 24856
the district, if solid waste facilities are located within the 24857
district, for enforcement of this chapter and rules, orders, and 24858
terms and conditions of permits, licenses, and variances adopted 24859
or issued under it, other than the hazardous waste provisions of 24860
this chapter and rules adopted and orders and terms and conditions 24861
of permits issued under those provisions; 24862

(4) Providing financial assistance to each county within the 24863
district to defray the added costs of maintaining roads and other 24864
public facilities and of providing emergency and other public 24865
services resulting from the location and operation of a solid 24866
waste facility within the county under the district's approved 24867
solid waste management plan or amended plan; 24868

(5) Pursuant to contracts entered into with boards of health 24869
within the district, if solid waste facilities contained in the 24870
district's approved plan or amended plan are located within the 24871
district, for paying the costs incurred by those boards of health 24872
for collecting and analyzing samples from public or private water 24873
wells on lands adjacent to those facilities; 24874

(6) Developing and implementing a program for the inspection 24875
of solid wastes generated outside the boundaries of this state 24876
that are disposed of at solid waste facilities included in the 24877
district's approved solid waste management plan or amended plan; 24878

(7) Providing financial assistance to boards of health within the district for the enforcement of section 3734.03 of the Revised Code or to local law enforcement agencies having jurisdiction within the district for enforcing anti-littering laws and ordinances;

(8) Providing financial assistance to boards of health of health districts within the district that are on the approved list under section 3734.08 of the Revised Code to defray the costs to the health districts for the participation of their employees responsible for enforcement of the solid waste provisions of this chapter and rules adopted and orders and terms and conditions of permits, licenses, and variances issued under those provisions in the training and certification program as required by rules adopted under division (L) of section 3734.02 of the Revised Code;

(9) Providing financial assistance to individual municipal corporations and townships within the district to defray their added costs of maintaining roads and other public facilities and of providing emergency and other public services resulting from the location and operation within their boundaries of a composting, energy or resource recovery, incineration, or recycling facility that either is owned by the district or is furnishing solid waste management facility or recycling services to the district pursuant to a contract or agreement with the board of county commissioners or directors of the district;

(10) Payment of any expenses that are agreed to, awarded, or ordered to be paid under section 3734.35 of the Revised Code and of any administrative costs incurred pursuant to that section. In the case of a joint solid waste management district, if the board of county commissioners of one of the counties in the district is negotiating on behalf of affected communities, as defined in that section, in that county, the board shall obtain the approval of the board of directors of the district in order to expend moneys

for administrative costs incurred. 24911

Prior to the approval of the district's solid waste 24912
management plan under section 3734.55 of the Revised Code, moneys 24913
in the special fund of the district arising from the fees shall be 24914
expended for those purposes in the manner prescribed by the solid 24915
waste management policy committee by resolution. 24916

Notwithstanding division (G)(6) of this section as it existed 24917
prior to October 29, 1993, or any provision in a district's solid 24918
waste management plan prepared in accordance with division 24919
(B)(2)(e) of section 3734.53 of the Revised Code as it existed 24920
prior to that date, any moneys arising from the fees levied under 24921
division (B)(3) of this section prior to January 1, 1994, may be 24922
expended for any of the purposes authorized in divisions (G)(1) to 24923
(10) of this section. 24924

(H) The director shall adopt rules in accordance with Chapter 24925
119. of the Revised Code prescribing procedures for collecting and 24926
forwarding the fees levied under divisions (B) and (C) of this 24927
section to the boards of county commissioners or directors of 24928
county or joint solid waste management districts and to the 24929
treasurers or other officers of municipal corporations and the 24930
fiscal officers of townships. The rules also shall prescribe the 24931
dates for forwarding the fees to the boards and officials and may 24932
prescribe any other requirements the director considers necessary 24933
or appropriate to implement and administer divisions (A), (B), and 24934
(C) of this section. 24935

Sec. 3734.85. (A)(1) On and after the effective date of the 24936
rules adopted under sections 3734.70, 3734.71, 3734.72, and 24937
3734.73 of the Revised Code, the director of environmental 24938
protection may take action under this section to abate 24939
accumulations of scrap tires. If the director determines that an 24940
accumulation of scrap tires constitutes a danger to the public 24941

health or safety or to the environment, the director shall issue 24942
an order under section 3734.13 of the Revised Code to the person 24943
responsible for the accumulation of scrap tires ~~directing. In that~~ 24944
order, the director shall direct that person, within one hundred 24945
twenty days after the issuance of the order, to remove the 24946
accumulation of scrap tires from the premises on which it is 24947
located and transport the tires to a one of the following: 24948

(a) A scrap tire storage, monocell, monofill, or recovery 24949
facility licensed under section 3734.81 of the Revised Code, ~~to~~ 24950
~~such;~~ 24951

(b) Such a facility in another state operating in compliance 24952
with the laws of the state in which it is located, ~~or to any;~~ 24953

(c) Any other solid waste disposal facility in another state 24954
that is operating in compliance with the laws of that state. ~~if~~ 24955

(2) The director may include in the removal order a 24956
requirement that the property owner remove any additional solid 24957
waste disposed of by open dumping or construction and demolition 24958
debris illegally disposed of at the premises. If the person 24959
responsible for causing the accumulation of scrap tires is a 24960
person different from the owner of the land on which the 24961
accumulation is located, the director may issue ~~such an~~ the 24962
removal order to the landowner. 24963

(3) If the director is unable to ascertain immediately the 24964
identity of the person responsible for causing the accumulation of 24965
scrap tires, the director shall examine the records of the 24966
applicable board of health and law enforcement agencies to 24967
ascertain that person's identity. Before initiating any 24968
enforcement or removal actions under this ~~division~~ section against 24969
the owner of the land on which the accumulation is located, the 24970
director shall initiate any such actions against the person that 24971
the director has identified as responsible for causing the 24972

accumulation of scrap tires. Failure of the director to make 24973
diligent efforts to ascertain the identity of the person 24974
responsible for causing the accumulation of scrap tires or to 24975
initiate an action against the person responsible for causing the 24976
accumulation ~~shall~~ does not constitute an affirmative defense by a 24977
landowner to an enforcement action initiated by the director under 24978
this ~~division~~ section requiring immediate removal of any 24979
accumulation of scrap tires. 24980

(4) Upon the written request of the recipient of ~~an~~ a removal 24981
order ~~issued under this division~~, the director may extend the time 24982
for compliance with the order if the request demonstrates that the 24983
recipient has acted in good faith to comply with the order. ~~If~~ The 24984
director shall take any actions as the director considers 24985
reasonable and necessary to remove and properly manage scrap tires 24986
located on the land named in a removal order if the recipient of 24987
~~an~~ the order ~~issued under this division~~ fails to comply with the 24988
order within ~~one~~ either of the following: 24989

(a) One hundred twenty days after the issuance of the order; 24990
~~or, if~~ 24991

(b) If the time for compliance with the order was ~~so~~ 24992
extended, within that time, ~~the director shall take such actions~~ 24993
~~as the director considers reasonable and necessary to remove and~~ 24994
~~properly manage the scrap tires located on the land named in the~~ 24995
~~order. The~~ 24996

(5) The director, through employees of the environmental 24997
protection agency or a contractor, may enter upon the land on 24998
which the accumulation of scrap tires is located and remove and 24999
transport them to a scrap tire recovery facility for processing, 25000
to a scrap tire storage facility for storage, or to a scrap tire 25001
monocell or monofill facility for storage or disposal. When 25002
performing a removal action, the director may also remove, 25003
transport, and dispose of any additional solid waste or 25004

construction and demolition debris named in the removal order if 25005
one or more of the following apply: 25006

(a) The property owner consents to the removal in writing. 25007

(b) The removal of the additional solid waste or construction 25008
and demolition debris is required by the removal order. 25009

The director shall enter into contracts for the storage, 25010
disposal, or processing of scrap tires removed through removal 25011
operations conducted under this section. 25012

(6) If a person to whom a removal order is issued ~~under this~~ 25013
~~division~~ fails to comply with the removal order and if the 25014
director performs a removal action under this section, the person 25015
to whom the removal order is issued is liable to the director for 25016
the costs incurred by the director for conducting the removal 25017
operation, ~~storage at a scrap tire storage facility, storage or~~ 25018
~~disposal at a scrap tire monocell or monofill facility, or~~ 25019
~~processing of the scrap tires so removed, the.~~ Such costs may 25020
include costs associated with any of the following: 25021

(a) The removal, storage, processing, or disposal of scrap 25022
tires and any additional solid waste or construction and 25023
demolition debris; 25024

(b) The transportation of the scrap tires from the site of 25025
the accumulation to the ~~scrap tire storage, monocell, monofill, or~~ 25026
~~recovery~~ facility where the scrap tires were stored, disposed of, 25027
or processed, ~~and the;~~ 25028

(c) The transportation of any solid waste or construction and 25029
demolition debris to an appropriate facility; 25030

(d) The administrative and legal expenses incurred by the 25031
director in connection with the removal operation. ~~The~~ 25032

The director shall keep an itemized record of those costs. 25033
Upon completion of the actions for which the costs were incurred, 25034

the director shall record the costs at the office of the county 25035
recorder of the county in which the ~~accumulation of scrap tires~~ 25036
~~was~~, any additional solid waste, or construction and demolition 25037
debris so removed were located. The costs so recorded constitute a 25038
lien on the property ~~on which the accumulation of scrap tires was~~ 25039
~~located~~ until discharged. Upon the written request of the 25040
director, the attorney general shall bring a civil action against 25041
the person responsible for the accumulation of the scrap tires 25042
that were the subject of the removal operation to recover the 25043
costs for which the person is liable ~~under this division~~. Any 25044
money so received or recovered shall be credited to the scrap tire 25045
management fund created in section 3734.82 of the Revised Code. 25046

(7) If, in a civil action brought under this division, an 25047
owner of real property is ordered to pay to the director the costs 25048
of a removal action that removed an accumulation of scrap tires 25049
from the person's land or if a lien is placed on the person's land 25050
for the costs of such a removal action, and, in either case, if 25051
the landowner was not the person responsible for causing the 25052
accumulation of scrap tires so removed, the landowner may bring a 25053
civil action against the person who was responsible for causing 25054
the accumulation to recover the ~~amount~~ portion of the removal 25055
costs that the court ordered the landowner to pay to the director 25056
or the ~~amount~~ portion of the removal costs certified to the county 25057
recorder as a lien on the landowner's property, ~~whichever is~~ 25058
~~applicable~~ that, in the court's determination, is attributable to 25059
the person responsible for the accumulation. If the landowner 25060
prevails in the civil action against the person who was 25061
responsible for causing the accumulation of scrap tires, the 25062
court, as it considers appropriate, may award to the landowner the 25063
reasonable attorney's fees incurred by the landowner for bringing 25064
the action, court costs, and other reasonable expenses incurred by 25065
the landowner in connection with the civil action. A landowner 25066
shall bring such a civil action within two years after making the 25067

final payment of the removal costs to the director pursuant to the 25068
judgment rendered against the landowner in the civil action 25069
brought under this division upon the director's request or within 25070
two years after the director certified the costs of the removal 25071
action to the county recorder, as appropriate. A person who, at 25072
the time that a removal action was conducted ~~under this division~~, 25073
owned the land on which the removal action was performed may bring 25074
an action under this division to recover the costs of the removal 25075
action from the person responsible for causing the accumulation of 25076
scrap tires so removed regardless of whether the person owns the 25077
land at the time of bringing the action. 25078

(8) Subject to the limitations set forth in division (G) of 25079
section 3734.82 of the Revised Code, the director may use moneys 25080
in the scrap tire management fund for conducting removal actions 25081
under this ~~division~~ section. Any moneys recovered under this 25082
~~division~~ section shall be credited to the scrap tire management 25083
fund. 25084

(B) The director shall initiate enforcement and removal 25085
actions under ~~division (A)~~ of this section in accordance with the 25086
following descending listing of priorities: 25087

(1) Accumulations of scrap tires that the director finds 25088
constitute a fire hazard or threat to public health; 25089

(2) Accumulations of scrap tires determined by the director 25090
to contain more than one million scrap tires; 25091

(3) Accumulations of scrap tires in densely populated areas; 25092

(4) Other accumulations of scrap tires that the director or 25093
board of health of the health district in which the accumulation 25094
is located determines constitute a public nuisance; 25095

(5) Any other accumulations of scrap tires present on 25096
premises operating without a valid license issued under section 25097
3734.05 or 3734.81 of the Revised Code. 25098

(C) The director shall not take enforcement and removal	25099
actions under division (A) of this section against the owner or	25100
operator of, or the owner of the land on which is located, any of	25101
the following:	25102
(1) A premises where not more than one hundred scrap tires	25103
are present at any time;	25104
(2) The premises of a business engaging in the sale of tires	25105
at retail that meets either of the following criteria:	25106
(a) Not more than one thousand scrap tires are present on the	25107
premises at any time in an unsecured, uncovered outdoor location.	25108
(b) Any number of scrap tires are secured in a building or a	25109
covered, enclosed container, trailer, or installation.	25110
(3) The premises of a tire retreading business, a tire	25111
manufacturing finishing center, or a tire adjustment center on	25112
which is located a single, covered scrap tire storage area where	25113
not more than four thousand scrap tires are stored;	25114
(4) The premises of a business that removes tires from motor	25115
vehicles in the ordinary course of business and on which is	25116
located a single scrap tire storage area that occupies not more	25117
than twenty-five hundred square feet;	25118
(5) A solid waste facility licensed under section 3734.05 of	25119
the Revised Code that stores scrap tires on the surface of the	25120
ground if the total land area on which scrap tires are actually	25121
stored does not exceed ten thousand square feet;	25122
(6) A premises where not more than two hundred fifty scrap	25123
tires are stored or kept for agricultural use;	25124
(7) A construction site where scrap tires are stored for use	25125
or used in road resurfacing or the construction of embankments;	25126
(8) A scrap tire collection, storage, monocell, monofill, or	25127
recovery facility licensed under section 3734.81 of the Revised	25128

Code;	25129
(9) A solid waste incineration or energy recovery facility that is subject to regulation under this chapter and that burns scrap tires;	25130 25131 25132
(10) A premises where scrap tires are beneficially used and for which the notice required by rules adopted under section 3734.84 of the Revised Code has been given;	25133 25134 25135
(11) A transporter registered under section 3734.83 of the Revised Code that collects and holds scrap tires in a covered trailer or vehicle for not longer than thirty days prior to transporting them to their final destination.	25136 25137 25138 25139
(D) Nothing in this section restricts any right any person may have under statute or common law to enforce or seek enforcement of any law applicable to the management of scrap tires, abate a nuisance, or seek any other appropriate relief.	25140 25141 25142 25143
(E) An owner of real property upon which there is located an accumulation of not more than five thousand scrap tires is not liable under division (A) of this section for the cost of the removal of the scrap tires, and no lien shall attach to the property under this section, if all of the following conditions are met:	25144 25145 25146 25147 25148 25149
(1) The tires were placed on the property after the owner acquired title to the property, or the tires were placed on the property before the owner acquired title to the property and the owner acquired title to the property by bequest or devise.	25150 25151 25152 25153
(2) The owner of the property did not have knowledge that the tires were being placed on the property, or the owner posted on the property signs prohibiting dumping or took other action to prevent the placing of tires on the property.	25154 25155 25156 25157
(3) The owner of the property did not participate in or	25158

consent to the placing of the tires on the property. 25159

(4) The owner of the property received no financial benefit 25160
from the placing of the tires on the property or otherwise having 25161
the tires on the property. 25162

(5) Title to the property was not transferred to the owner 25163
for the purpose of evading liability under ~~division (A) of~~ this 25164
section. 25165

(6) The person responsible for placing the tires on the 25166
property, in doing so, was not acting as an agent for the owner of 25167
the property. 25168

Sec. 3734.901. (A)(1) For the purpose of providing revenue to 25169
defray the cost of administering and enforcing the scrap tire 25170
provisions of this chapter, rules adopted under those provisions, 25171
and terms and conditions of orders, variances, and licenses issued 25172
under those provisions; to abate accumulations of scrap tires; to 25173
make grants supporting market development activities for scrap 25174
tires and synthetic rubber from tire manufacturing processes and 25175
tire recycling processes and to support scrap tire amnesty and 25176
cleanup events; to make loans to promote the recycling or recovery 25177
of energy from scrap tires; and to defray the costs of 25178
administering and enforcing sections 3734.90 to 3734.9014 of the 25179
Revised Code, a fee of fifty cents per tire is hereby levied on 25180
the sale of tires. The proceeds of the fee shall be deposited in 25181
the state treasury to the credit of the scrap tire management fund 25182
created in section 3734.82 of the Revised Code. The fee is levied 25183
from the first day of the calendar month that begins next after 25184
thirty days from October 29, 1993, through June 30, ~~2020~~ 2022. 25185

(2) Beginning on July 1, 2011, and ending on June 30, ~~2020~~ 25186
2022, there is hereby levied an additional fee of fifty cents per 25187
tire on the sale of tires the proceeds of which shall be deposited 25188
in the state treasury to the credit of the soil and water 25189

conservation district assistance fund created in section 940.15 of the Revised Code. 25190
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(B) Only one sale of the same article shall be used in computing the amount of the fee due. 25192
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Sec. 3738.01. (A) As used in this section and sections 3738.02 to 3738.09 of the Revised Code, "pregnancy-associated death" means the death of a woman while pregnant or anytime within one year of pregnancy regardless of cause. 25194
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(B) The department of health may establish a pregnancy-associated mortality review (PAMR) board to identify and review all pregnancy-associated deaths statewide for the purpose of reducing the incidence of those deaths. 25198
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Sec. 3738.02. A PAMR board may not conduct a review of a pregnancy-associated death while an investigation of the death or prosecution of a person for causing the death is pending unless the prosecuting attorney agrees to allow the review. The law enforcement agency conducting the criminal investigation, on the conclusion of the investigation, and the prosecuting attorney prosecuting the case, on the conclusion of the prosecution, shall notify the chairperson of the PAMR board of the conclusion. 25202
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Sec. 3738.03. If the department of health establishes a PAMR board under section 3738.01 of the Revised Code, all of the following apply: 25210
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(A) The director of health shall appoint the board's members. In doing so, the director shall make a good faith effort to select members who represent all regions of the state and multiple areas of expertise and constituencies concerned with the care of pregnant and postpartum women. 25213
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(B) The board, by a majority vote of a quorum of its members, 25218

shall select an individual to serve as its chairperson. The board 25219
may replace a chairperson in the same manner. 25220

(C) An appointed member shall hold office until a successor 25221
is appointed. The director of health shall fill a vacancy as soon 25222
as practicable. 25223

(D) A member shall not receive any compensation for, and 25224
shall not be paid for any expenses incurred pursuant to, 25225
fulfilling the member's duties on the board. 25226

(E) The board shall meet at the call of the board's 25227
chairperson as often as the chairperson determines necessary for 25228
timely completion of pregnancy-associated death reviews. The 25229
reviews shall be conducted in accordance with rules adopted under 25230
section 3738.09 of the Revised Code. 25231

(F) The department of health shall provide meeting space, 25232
staff services, and other technical assistance required by the 25233
board in carrying out its duties. 25234

Sec. 3738.04. If established, the PAMR board shall seek to 25235
reduce the incidence of pregnancy-associated deaths in this state 25236
by doing all of the following: 25237

(A) Promoting cooperation, collaboration, and communication 25238
between all groups, professions, agencies, and entities that serve 25239
pregnant and postpartum women and families; 25240

(B) Recommending and developing plans for implementing 25241
service and program changes, as well as changes to the groups, 25242
professions, agencies, and entities that serve pregnant and 25243
postpartum women and families; 25244

(C) Providing the department of health with aggregate data, 25245
trends, and patterns regarding pregnancy-associated deaths using 25246
data and other relevant information specified in rules adopted 25247
under section 3738.09 of the Revised Code; 25248

(D) Developing effective interventions to reduce the mortality of pregnant and postpartum women. 25249
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Sec. 3738.05. (A) Notwithstanding section 3701.243 and any other section of the Revised Code pertaining to confidentiality, and except as provided in division (B) of this section, an individual, government entity, agency that provides services specifically to individuals or families, law enforcement agency, health care provider, or other public or private entity that provided services to a woman whose death is being reviewed by a PAMR board established under section 3738.01 of the Revised Code shall submit to the board a copy of any record it possesses that the board requests. In addition, such an individual or entity may make available to the board additional information, documents, or reports that could be useful to the board's investigation. 25251
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(B) No person, government entity, law enforcement agency, or prosecuting attorney shall provide any information regarding a pregnancy-associated death while an investigation of the death or prosecution of a person for causing the death is pending unless the prosecuting attorney agrees to allow the review. 25263
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(C) A family member of the deceased may decline to participate in an interview as part of the review process. In that case, the review shall continue without the family member's participation. 25268
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Sec. 3738.06. (A) Any record, document, report, or other information presented to a PAMR board established under section 3738.01 of the Revised Code, as well as all statements made by board members during board meetings, all work products of the board, and data submitted to the department of health by the board, other than the triennial reports described in section 3738.08 of the Revised Code, are confidential. Such materials 25272
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shall be used by the board and department only in the exercise of 25279
the proper functions of the board and department. 25280

(B) No person shall permit or encourage the unauthorized 25281
dissemination of confidential information described in division 25282
(A) of this section. 25283

(C) Whoever violates division (B) of this section is guilty 25284
of a misdemeanor of the second degree. 25285

Sec. 3738.07. (A) An individual or public or private entity 25286
providing records, documents, reports, or other information to a 25287
PAMR board established under section 3738.01 of the Revised Code 25288
is immune from any civil liability for injury, death, or loss to 25289
person or property that otherwise might be incurred or imposed as 25290
a result of providing the records, documents, reports, or 25291
information to the board. 25292

(B) Each board member is immune from any civil liability for 25293
injury, death, or loss to person or property that might otherwise 25294
be incurred or imposed as a result of the member's participation 25295
on the board. 25296

Sec. 3738.08. (A) A PAMR board established under section 25297
3738.01 of the Revised Code shall prepare a triennial report that 25298
does all of the following: 25299

(1) Summarizes the board's findings from the reviews 25300
completed in the immediately preceding three calendar years, 25301
including any trends or patterns identified by the board; 25302

(2) Makes recommendations on how pregnancy-associated deaths 25303
may be prevented, including changes that should be made to 25304
policies and laws; 25305

(3) Includes any other information related to 25306
pregnancy-associated mortality the board considers useful. 25307

(B) A report shall not contain individually identifiable information regarding any woman whose death was reviewed by the board. 25308
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(C) The board shall submit a copy of each report to the director of health, the general assembly, and the governor. The copy to the general assembly shall be submitted in accordance with section 101.68 of the Revised Code. The initial report shall be submitted not later than March 1, 2020, with subsequent reports submitted not later than March 1 every three years thereafter. 25311
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The director shall make a copy of each report available on the department of health's web site. 25317
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(D) Reports prepared under this section are public records under section 149.43 of the Revised Code. 25319
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Sec. 3738.09. If a PAMR board is established under section 3738.01 of the Revised Code, the director of health shall adopt rules that are necessary for the implementation of sections 3738.01 to 3738.08 of the Revised Code, including rules that do all of the following: 25321
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(A) Establish a procedure for the board to follow in conducting pregnancy-associated death reviews; 25326
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(B) Specify the data and other relevant information the board must use when conducting pregnancy-associated death reviews; 25328
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(C) Establish guidelines for the board to follow to prevent an unauthorized dissemination of confidential information in violation of division (B) of section 3738.06 of the Revised Code. 25330
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The rules shall be adopted in accordance with Chapter 119. of the Revised Code. 25333
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Sec. 3742.03. The director of health shall adopt rules in accordance with Chapter 119. of the Revised Code for the 25335
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administration and enforcement of sections 3742.01 to 3742.19 and 25337
3742.99 of the Revised Code. The rules shall specify all of the 25338
following: 25339

(A) Procedures to be followed by a lead abatement contractor, 25340
lead abatement project designer, lead abatement worker, lead 25341
inspector, or lead risk assessor licensed under section 3742.05 of 25342
the Revised Code for undertaking lead abatement activities and 25343
procedures to be followed by a clearance technician, lead 25344
inspector, or lead risk assessor in performing a clearance 25345
examination; 25346

(B)(1) Requirements for training and licensure, in addition 25347
to those established under section 3742.08 of the Revised Code, to 25348
include levels of training and periodic refresher training for 25349
each class of worker, and to be used for licensure under section 25350
3742.05 of the Revised Code. Except in the case of clearance 25351
technicians, these requirements shall include at least twenty-four 25352
classroom hours of training based on the Occupational Safety and 25353
Health Act training program for lead set forth in 29 C.F.R. 25354
1926.62. For clearance technicians, the training requirements to 25355
obtain an initial license shall not exceed six hours and the 25356
requirements for refresher training shall not exceed two hours 25357
every four years. In establishing the training and licensure 25358
requirements, the director shall consider the core of information 25359
that is needed by all licensed persons, and establish the training 25360
requirements so that persons who would seek licenses in more than 25361
one area would not have to take duplicative course work. 25362

(2) Persons certified by the American board of industrial 25363
hygiene as a certified industrial hygienist or as an industrial 25364
hygienist-in-training, and persons registered as a sanitarian or 25365
~~sanitarian-in-training~~ sanitarian in training under Chapter ~~4736-~~ 25366
3722. of the Revised Code, shall be exempt from any training 25367
requirements for initial licensure established under this chapter, 25368

but shall be required to take any examinations for licensure	25369
required under section 3742.05 of the Revised Code.	25370
(C) Fees for licenses issued under section 3742.05 of the	25371
Revised Code and for their renewal;	25372
(D) Procedures to be followed by lead inspectors, lead	25373
abatement contractors, environmental lead analytical laboratories,	25374
lead risk assessors, lead abatement project designers, and lead	25375
abatement workers to prevent public exposure to lead hazards and	25376
ensure worker protection during lead abatement projects;	25377
(E)(1) Record-keeping and reporting requirements for clinical	25378
laboratories, environmental lead analytical laboratories, lead	25379
inspectors, lead abatement contractors, lead risk assessors, lead	25380
abatement project designers, and lead abatement workers for lead	25381
abatement projects and record-keeping and reporting requirements	25382
for clinical laboratories, environmental lead analytical	25383
laboratories, and clearance technicians for clearance	25384
examinations;	25385
(2) Record-keeping and reporting requirements regarding lead	25386
poisoning for physicians, in addition to the requirements of	25387
section 3701.25 of the Revised Code;	25388
(3) Information that is required to be reported under rules	25389
based on divisions (E)(1) and (2) of this section and that is a	25390
medical record is not a public record under section 149.43 of the	25391
Revised Code and shall not be released, except in aggregate	25392
statistical form.	25393
(F) Environmental sampling techniques for use in collecting	25394
samples of air, water, dust, paint, and other materials;	25395
(G) Requirements for a respiratory protection plan prepared	25396
in accordance with section 3742.07 of the Revised Code;	25397
(H) Requirements under which a manufacturer of encapsulants	25398

must demonstrate evidence of the safety and durability of its 25399
encapsulants by providing results of testing from an independent 25400
laboratory indicating that the encapsulants meet the standards 25401
developed by the "E06.23.30 task group on encapsulants," which is 25402
the task group of the lead hazards associated with buildings 25403
subcommittee of the performance of buildings committee of the 25404
American society for testing and materials. 25405

Sec. 3742.04. (A) The director of health shall do all of the 25406
following: 25407

(1) Administer and enforce the requirements of sections 25408
3742.01 to 3742.19 and 3742.99 of the Revised Code and the rules 25409
adopted pursuant to those sections; 25410

(2) Examine records and reports submitted by lead inspectors, 25411
lead abatement contractors, lead risk assessors, lead abatement 25412
project designers, lead abatement workers, and clearance 25413
technicians in accordance with section 3742.05 of the Revised Code 25414
to determine whether the requirements of this chapter are being 25415
met; 25416

(3) Examine records and reports submitted by physicians, 25417
pursuant to rules adopted under section 3742.03 of the Revised 25418
Code and by clinical laboratories, and environmental lead 25419
analytical laboratories under section ~~3701.25~~ or 3742.09 of the 25420
Revised Code; 25421

(4) Issue approval to manufacturers of encapsulants that have 25422
done all of the following: 25423

(a) Submitted an application for approval to the director on 25424
a form prescribed by the director; 25425

(b) Paid the application fee established by the director; 25426

(c) Submitted results from an independent laboratory 25427
indicating that the manufacturer's encapsulants satisfy the 25428

requirements established in rules adopted under division (H) of	25429
section 3742.03 of the Revised Code;	25430
(d) Complied with rules adopted by the director regarding	25431
durability and safety to workers and residents.	25432
(5) Establish liaisons and cooperate with the directors or	25433
agencies in states having lead abatement, licensing,	25434
accreditation, certification, and approval programs to promote	25435
consistency between the requirements of this chapter and those of	25436
other states in order to facilitate reciprocity of the programs	25437
among states;	25438
(6) Establish a program to monitor and audit the quality of	25439
work of lead inspectors, lead risk assessors, lead abatement	25440
project designers, lead abatement contractors, lead abatement	25441
workers, and clearance technicians. The director may refer	25442
improper work discovered through the program to the attorney	25443
general for appropriate action.	25444
(B) In addition to any other authority granted by this	25445
chapter, the director of health may do any of the following:	25446
(1) Employ persons who have received training from a program	25447
the director has determined provides the necessary background. The	25448
appropriate training may be obtained in a state that has an	25449
ongoing lead abatement program under which it conducts educational	25450
programs.	25451
(2) Cooperate with the United States environmental protection	25452
agency in any joint oversight procedures the agency may propose	25453
for laboratories that offer lead analysis services and are	25454
accredited under the agency's laboratory accreditation program;	25455
(3) Advise, consult, cooperate with, or enter into contracts	25456
or cooperative agreements with any person, government entity,	25457
interstate agency, or the federal government as the director	25458
considers necessary to fulfill the requirements of this chapter	25459

and the rules adopted under it. 25460

Sec. 3742.18. (A)(1) At the request of the director of 25461
health, the attorney general may commence a civil action for civil 25462
penalties and injunctive and other equitable relief against any 25463
person who violates section 3742.02, 3742.06, or 3742.07 of the 25464
Revised Code. The action shall be commenced in the court of common 25465
pleas of the county in which the violation occurred or is about to 25466
occur. 25467

(2) The court shall grant injunctive and other equitable 25468
relief on a showing that the person has violated or is about to 25469
violate section 3742.02, 3742.06, or 3742.07 of the Revised Code. 25470
On a finding of a violation, the court shall assess a civil 25471
penalty of not more than one thousand dollars. Each day a 25472
violation continues is a separate violation. All civil penalties 25473
collected by the court under this section shall be deposited into 25474
the state treasury to the credit of the lead abatement personnel 25475
licensing fund created under section 3742.19 of the Revised Code. 25476

(B) At the request of the director or a board of health, a 25477
prosecuting attorney, city director of law, village solicitor, or 25478
similar chief legal officer may commence a civil action for 25479
injunctive and other equitable relief against any person who 25480
violates or is about to violate an order issued by the director or 25481
board of health under section 3742.40 of the Revised Code. The 25482
court shall grant injunctive or other equitable relief on a 25483
showing that the person has violated or is about to violate the 25484
order. 25485

Sec. 3742.32. (A) The director of health shall appoint an 25486
advisory council to assist in the ongoing development and 25487
implementation of the child lead poisoning prevention program 25488
created under section 3742.31 of the Revised Code. The advisory 25489

council shall consist of the following members:	25490
(1) A representative of the department of medicaid;	25491
(2) A representative of the bureau of child care in the department of job and family services;	25492 25493
(3) A representative of the department of environmental protection;	25494 25495
(4) A representative of the department of education;	25496
(5) A representative of the development services agency;	25497
(6) A representative of the Ohio apartment owner's association;	25498 25499
(7) A representative of the Ohio help end lead poisoning coalition <u>healthy homes network</u> ;	25500 25501
(8) A representative of the Ohio environmental health association;	25502 25503
(9) An Ohio representative of the national paint and <u>American</u> coatings association;	25504 25505
<u>(10) A representative from Ohio realtors;</u>	25506
<u>(11) A representative of the Ohio housing finance agency;</u>	25507
<u>(12) A physician knowledgeable in the field of lead poisoning</u> <u>prevention;</u>	25508 25509
<u>(13) A representative of the public.</u>	25510
(B) The advisory council shall do both of the following:	25511
(1) Provide the director with advice regarding the policies the child lead poisoning prevention program should emphasize, preferred methods of financing the program, and any other matter relevant to the program's operation;	25512 25513 25514 25515
(2) Submit a report of the state's activities to the	25516

governor, president of the senate, and speaker of the house of 25517
representatives on or before the first day of March each year. 25518

(C) The advisory council is not subject to sections 101.82 to 25519
101.87 of the Revised Code. 25520

Sec. 3742.40. If the owner and manager of a residential unit, 25521
child care facility, or school fails or refuses for any reason to 25522
comply with a lead hazard control order issued under section 25523
3742.37 of the Revised Code, the director of health or board of 25524
health that issued the order shall issue an order prohibiting the 25525
owner and manager from permitting the unit, facility, or school to 25526
be used ~~as a residential unit, child care facility, or school~~ for 25527
any purpose until the unit, facility, or school passes a clearance 25528
examination. On receipt of the order, the owner or manager shall 25529
take appropriate measures to notify each occupant, in the case of 25530
a residential unit, and the parent, guardian, or custodian of each 25531
child attending the facility or school, in the case of a child 25532
care facility or school, to vacate the unit, facility, or school 25533
until the unit, facility, or school passes a clearance 25534
examination. The director or board shall post a sign at the unit, 25535
facility, or school that warns the public that the unit, facility, 25536
or school has a lead hazard. The sign shall include a declaration 25537
that the unit, facility, or school is unsafe for human occupation, 25538
especially for children under six years of age and pregnant women. 25539
The director or board shall ensure that the sign remains posted at 25540
the unit, facility, or school and that the unit, facility, or 25541
school is not used ~~as a residential unit, child care facility, or~~ 25542
~~school~~ until the unit, facility, or school passes a clearance 25543
examination. 25544

Sec. 3742.50. (A) As used in this section: 25545

(1) "Lead abatement costs" means costs incurred by a taxpayer 25546

for either of the following: 25547

(a) A lead abatement specialist to conduct a lead risk assessment, a lead abatement project, or a clearance examination, provided the specialist is authorized under this chapter to conduct the respective task; 25548
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(b) Relocation costs incurred in the relocation of occupants of an eligible dwelling to achieve occupant protection, as described in 24 C.F.R. 35.1345(a). 25552
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"Lead abatement costs" do not include such costs for which the taxpayer is reimbursed or such costs the taxpayer deducts or excludes in computing the taxpayer's federal adjusted gross income for federal income tax purposes or Ohio adjusted gross income as determined under section 5747.01 of the Revised Code. 25555
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(2) "Eligible dwelling" means a residential unit constructed in this state before 1978. 25560
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(3) "Lead abatement specialist" means an individual who holds a valid license issued under section 3742.05 of the Revised Code. 25562
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(4) "Taxable year" and "taxpayer" have the same meanings as in section 5747.01 of the Revised Code. 25564
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(B) A taxpayer who incurs lead abatement costs on an eligible dwelling during a taxable year may apply to the director of health for a lead abatement tax credit certificate. The applicant shall list on the application the amount of lead abatement costs the applicant incurred for the eligible dwelling during the taxable year. The director, in consultation with the tax commissioner, shall prescribe the form of a lead abatement tax credit certificate, the manner by which an applicant shall apply for the certificate, and requirements for the submission of any record or other information an applicant must furnish with the application to verify the lead abatement costs. 25566
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(C)(1) Upon receipt of an application under division (B) of this section, the director of health shall verify all of the following: 25577
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(a) The residential unit that is the subject of the application is an eligible dwelling. 25580
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(b) The taxpayer incurred lead abatement costs during the taxable year related to the eligible dwelling. 25582
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(c) The eligible dwelling has passed a clearance examination in accordance with standards prescribed in rules adopted by the director under section 3742.03 or 3742.45 of the Revised Code. 25584
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(2) After verifying the conditions described in division (C)(1) of this section, the director shall issue a lead abatement tax credit certificate to the applicant equal to the lesser of (a) the lead abatement costs incurred by the taxpayer on the eligible dwelling during the taxable year, (b) the amount of lead abatement costs listed on the application, or (c) ten thousand dollars, subject to the limitation in division (C)(3) of this section. 25587
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(3) The director may not issue more than five million dollars in lead abatement tax credit certificates in any fiscal biennium. 25594
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(D) The director of health, in consultation with the tax commissioner, may adopt rules in accordance with Chapter 119. of the Revised Code as necessary for the administration of this section. 25596
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Sec. 3745.11. (A) Applicants for and holders of permits, licenses, variances, plan approvals, and certifications issued by the director of environmental protection pursuant to Chapters 3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee to the environmental protection agency for each such issuance and each application for an issuance as provided by this section. No fee shall be charged for any issuance for which no application has 25600
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been submitted to the director. 25607

(B) Except as otherwise provided in division (C)(2) of this 25608
section, beginning July 1, 1994, each person who owns or operates 25609
an air contaminant source and who is required to apply for and 25610
obtain a Title V permit under section 3704.036 of the Revised Code 25611
shall pay the fees set forth in this division. For the purposes of 25612
this division, total emissions of air contaminants may be 25613
calculated using engineering calculations, emissions factors, 25614
material balance calculations, or performance testing procedures, 25615
as authorized by the director. 25616

The following fees shall be assessed on the total actual 25617
emissions from a source in tons per year of the regulated 25618
pollutants particulate matter, sulfur dioxide, nitrogen oxides, 25619
organic compounds, and lead: 25620

(1) Fifteen dollars per ton on the total actual emissions of 25621
each such regulated pollutant during the period July through 25622
December 1993, to be collected no sooner than July 1, 1994; 25623

(2) Twenty dollars per ton on the total actual emissions of 25624
each such regulated pollutant during calendar year 1994, to be 25625
collected no sooner than April 15, 1995; 25626

(3) Twenty-five dollars per ton on the total actual emissions 25627
of each such regulated pollutant in calendar year 1995, and each 25628
subsequent calendar year, to be collected no sooner than the 25629
fifteenth day of April of the year next succeeding the calendar 25630
year in which the emissions occurred. 25631

The fees levied under this division do not apply to that 25632
portion of the emissions of a regulated pollutant at a facility 25633
that exceed four thousand tons during a calendar year. 25634

(C)(1) The fees assessed under division (B) of this section 25635
are for the purpose of providing funding for the Title V permit 25636
program. 25637

(2) The fees assessed under division (B) of this section do not apply to emissions from any electric generating unit designated as a Phase I unit under Title IV of the federal Clean Air Act prior to calendar year 2000. Those fees shall be assessed on the emissions from such a generating unit commencing in calendar year 2001 based upon the total actual emissions from the generating unit during calendar year 2000 and shall continue to be assessed each subsequent calendar year based on the total actual emissions from the generating unit during the preceding calendar year.

(3) The director shall issue invoices to owners or operators of air contaminant sources who are required to pay a fee assessed under division (B) or (D) of this section. Any such invoice shall be issued no sooner than the applicable date when the fee first may be collected in a year under the applicable division, shall identify the nature and amount of the fee assessed, and shall indicate that the fee is required to be paid within thirty days after the issuance of the invoice.

(D)(1) Except as provided in division (D)(3) of this section, from January 1, 1994, through December 31, 2003, each person who owns or operates an air contaminant source; who is required to apply for a permit to operate pursuant to rules adopted under division (G), or a variance pursuant to division (H), of section 3704.03 of the Revised Code; and who is not required to apply for and obtain a Title V permit under section 3704.036 of the Revised Code shall pay a single fee based upon the sum of the actual annual emissions from the facility of the regulated pollutants particulate matter, sulfur dioxide, nitrogen oxides, organic compounds, and lead in accordance with the following schedule:

Total tons per year		25667
of regulated pollutants	Annual fee	25668
emitted	per facility	25669

More than 0, but less than 50	\$ 75	25670
50 or more, but less than 100	300	25671
100 or more	700	25672

(2) Except as provided in division (D)(3) of this section, 25673
beginning January 1, 2004, each person who owns or operates an air 25674
contaminant source; who is required to apply for a permit to 25675
operate pursuant to rules adopted under division (G), or a 25676
variance pursuant to division (H), of section 3704.03 of the 25677
Revised Code; and who is not required to apply for and obtain a 25678
Title V permit under section 3704.03 of the Revised Code shall pay 25679
a single fee based upon the sum of the actual annual emissions 25680
from the facility of the regulated pollutants particulate matter, 25681
sulfur dioxide, nitrogen oxides, organic compounds, and lead in 25682
accordance with the following schedule: 25683

Total tons per year		25684
of regulated pollutants	Annual fee	25685
emitted	per facility	25686
More than 0, but less than 10	\$ 100	25687
10 or more, but less than 50	200	25688
50 or more, but less than 100	300	25689
100 or more	700	25690

(3)(a) As used in division (D) of this section, "synthetic 25691
minor facility" means a facility for which one or more permits to 25692
install or permits to operate have been issued for the air 25693
contaminant sources at the facility that include terms and 25694
conditions that lower the facility's potential to emit air 25695
contaminants below the major source thresholds established in 25696
rules adopted under section 3704.036 of the Revised Code. 25697

(b) Beginning January 1, 2000, through June 30, ~~2020~~ 2022, 25698
each person who owns or operates a synthetic minor facility shall 25699
pay an annual fee based on the sum of the actual annual emissions 25700
from the facility of particulate matter, sulfur dioxide, nitrogen 25701

dioxide, organic compounds, and lead in accordance with the	25702	
following schedule:	25703	
Combined total tons	25704	
per year of all regulated	Annual fee	25705
pollutants emitted	per facility	25706
Less than 10	\$ 170	25707
10 or more, but less than 20	340	25708
20 or more, but less than 30	670	25709
30 or more, but less than 40	1,010	25710
40 or more, but less than 50	1,340	25711
50 or more, but less than 60	1,680	25712
60 or more, but less than 70	2,010	25713
70 or more, but less than 80	2,350	25714
80 or more, but less than 90	2,680	25715
90 or more, but less than 100	3,020	25716
100 or more	3,350	25717
(4) The fees assessed under division (D)(1) of this section	25718	
shall be collected annually no sooner than the fifteenth day of	25719	
April, commencing in 1995. The fees assessed under division (D)(2)	25720	
of this section shall be collected annually no sooner than the	25721	
fifteenth day of April, commencing in 2005. The fees assessed	25722	
under division (D)(3) of this section shall be collected no sooner	25723	
than the fifteenth day of April, commencing in 2000. The fees	25724	
assessed under division (D) of this section in a calendar year	25725	
shall be based upon the sum of the actual emissions of those	25726	
regulated pollutants during the preceding calendar year. For the	25727	
purpose of division (D) of this section, emissions of air	25728	
contaminants may be calculated using engineering calculations,	25729	
emission factors, material balance calculations, or performance	25730	
testing procedures, as authorized by the director. The director,	25731	
by rule, may require persons who are required to pay the fees	25732	
assessed under division (D) of this section to pay those fees	25733	
biennially rather than annually.	25734	

(E)(1) Consistent with the need to cover the reasonable costs of the Title V permit program, the director annually shall increase the fees prescribed in division (B) of this section by the percentage, if any, by which the consumer price index for the most recent calendar year ending before the beginning of a year exceeds the consumer price index for calendar year 1989. Upon calculating an increase in fees authorized by division (E)(1) of this section, the director shall compile revised fee schedules for the purposes of division (B) of this section and shall make the revised schedules available to persons required to pay the fees assessed under that division and to the public.

(2) For the purposes of division (E)(1) of this section:

(a) The consumer price index for any year is the average of the consumer price index for all urban consumers published by the United States department of labor as of the close of the twelve-month period ending on the thirty-first day of August of that year.

(b) If the 1989 consumer price index is revised, the director shall use the revision of the consumer price index that is most consistent with that for calendar year 1989.

(F) Each person who is issued a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code on or after July 1, 2003, shall pay the fees specified in the following schedules:

(1) Fuel-burning equipment (boilers, furnaces, or process heaters used in the process of burning fuel for the primary purpose of producing heat or power by indirect heat transfer)

Input capacity (maximum)			25759
(million British thermal units per hour)	Permit to install		25760
Greater than 0, but less than 10	\$ 200		25761
10 or more, but less than 100	400		25762

100 or more, but less than 300	1000	25766
300 or more, but less than 500	2250	25767
500 or more, but less than 1000	3750	25768
1000 or more, but less than 5000	6000	25769
5000 or more	9000	25770

Units burning exclusively natural gas, number two fuel oil,
or both shall be assessed a fee that is one-half the applicable
amount shown in division (F)(1) of this section.

(2) Combustion turbines and stationary internal combustion
engines designed to generate electricity

Generating capacity (mega watts)	Permit to install	25776
0 or more, but less than 10	\$ 25	25777
10 or more, but less than 25	150	25778
25 or more, but less than 50	300	25779
50 or more, but less than 100	500	25780
100 or more, but less than 250	1000	25781
250 or more	2000	25782

(3) Incinerators 25783

Input capacity (pounds per hour)	Permit to install	25784
0 to 100	\$ 100	25785
101 to 500	500	25786
501 to 2000	1000	25787
2001 to 20,000	1500	25788
more than 20,000	3750	25789

(4)(a) Process 25790

Process weight rate (pounds per hour)	Permit to install	25791
0 to 1000	\$ 200	25792
1001 to 5000	500	25793
5001 to 10,000	750	25794
10,001 to 50,000	1000	25795
more than 50,000	1250	25796

In any process where process weight rate cannot be 25797

ascertained, the minimum fee shall be assessed. A boiler, furnace, 25798
combustion turbine, stationary internal combustion engine, or 25799
process heater designed to provide direct heat or power to a 25800
process not designed to generate electricity shall be assessed a 25801
fee established in division (F)(4)(a) of this section. A 25802
combustion turbine or stationary internal combustion engine 25803
designed to generate electricity shall be assessed a fee 25804
established in division (F)(2) of this section. 25805

(b) Notwithstanding division (F)(4)(a) of this section, any 25806
person issued a permit to install pursuant to rules adopted under 25807
division (F) of section 3704.03 of the Revised Code shall pay the 25808
fees set forth in division (F)(4)(c) of this section for a process 25809
used in any of the following industries, as identified by the 25810
applicable two-digit, three-digit, or four-digit standard 25811
industrial classification code according to the Standard 25812
Industrial Classification Manual published by the United States 25813
office of management and budget in the executive office of the 25814
president, 1987, as revised: 25815

- Major group 10, metal mining; 25816
- Major group 12, coal mining; 25817
- Major group 14, mining and quarrying of nonmetallic minerals; 25818
- Industry group 204, grain mill products; 25819
- 2873 Nitrogen fertilizers; 25820
- 2874 Phosphatic fertilizers; 25821
- 3281 Cut stone and stone products; 25822
- 3295 Minerals and earth, ground or otherwise treated; 25823
- 4221 Grain elevators (storage only); 25824
- 5159 Farm related raw materials; 25825
- 5261 Retail nurseries and lawn and garden supply stores. 25826

(c) The fees set forth in the following schedule apply to the		25827
issuance of a permit to install pursuant to rules adopted under		25828
division (F) of section 3704.03 of the Revised Code for a process		25829
identified in division (F)(4)(b) of this section:		25830
Process weight rate (pounds per	Permit to install	25831
hour)		
0 to 10,000	\$ 200	25832
10,001 to 50,000	400	25833
50,001 to 100,000	500	25834
100,001 to 200,000	600	25835
200,001 to 400,000	750	25836
400,001 or more	900	25837
(5) Storage tanks		25838
Gallons (maximum useful capacity)	Permit to install	25839
0 to 20,000	\$ 100	25840
20,001 to 40,000	150	25841
40,001 to 100,000	250	25842
100,001 to 500,000	400	25843
500,001 or greater	750	25844
(6) Gasoline/fuel dispensing facilities		25845
For each gasoline/fuel		25846
dispensing facility (includes all	Permit to install	25847
units at the facility)	\$ 100	25848
(7) Dry cleaning facilities		25849
For each dry cleaning		25850
facility (includes all units	Permit to install	25851
at the facility)	\$ 100	25852
(8) Registration status		25853
For each source covered	Permit to install	25854
by registration status	\$ 75	25855
(G) An owner or operator who is responsible for an asbestos		25856

demolition or renovation project pursuant to rules adopted under 25857
section 3704.03 of the Revised Code shall pay, upon submitting a 25858
notification pursuant to rules adopted under that section, the 25859
fees set forth in the following schedule: 25860

Action	Fee	
Each notification	\$75	25862
Asbestos removal	\$3/unit	25863
Asbestos cleanup	\$4/cubic yard	25864

For purposes of this division, "unit" means any combination of 25865
linear feet or square feet equal to fifty. 25866

(H) A person who is issued an extension of time for a permit 25867
to install an air contaminant source pursuant to rules adopted 25868
under division (F) of section 3704.03 of the Revised Code shall 25869
pay a fee equal to one-half the fee originally assessed for the 25870
permit to install under this section, except that the fee for such 25871
an extension shall not exceed two hundred dollars. 25872

(I) A person who is issued a modification to a permit to 25873
install an air contaminant source pursuant to rules adopted under 25874
section 3704.03 of the Revised Code shall pay a fee equal to 25875
one-half of the fee that would be assessed under this section to 25876
obtain a permit to install the source. The fee assessed by this 25877
division only applies to modifications that are initiated by the 25878
owner or operator of the source and shall not exceed two thousand 25879
dollars. 25880

(J) Notwithstanding division (F) of this section, a person 25881
who applies for or obtains a permit to install pursuant to rules 25882
adopted under division (F) of section 3704.03 of the Revised Code 25883
after the date actual construction of the source began shall pay a 25884
fee for the permit to install that is equal to twice the fee that 25885
otherwise would be assessed under the applicable division unless 25886
the applicant received authorization to begin construction under 25887
division (W) of section 3704.03 of the Revised Code. This division 25888

only applies to sources for which actual construction of the 25889
source begins on or after July 1, 1993. The imposition or payment 25890
of the fee established in this division does not preclude the 25891
director from taking any administrative or judicial enforcement 25892
action under this chapter, Chapter 3704., 3714., 3734., or 6111. 25893
of the Revised Code, or a rule adopted under any of them, in 25894
connection with a violation of rules adopted under division (F) of 25895
section 3704.03 of the Revised Code. 25896

As used in this division, "actual construction of the source" 25897
means the initiation of physical on-site construction activities 25898
in connection with improvements to the source that are permanent 25899
in nature, including, without limitation, the installation of 25900
building supports and foundations and the laying of underground 25901
pipework. 25902

(K)(1) Money received under division (B) of this section 25903
shall be deposited in the state treasury to the credit of the 25904
Title V clean air fund created in section 3704.035 of the Revised 25905
Code. Annually, not more than fifty cents per ton of each fee 25906
assessed under division (B) of this section on actual emissions 25907
from a source and received by the environmental protection agency 25908
pursuant to that division may be transferred by the director using 25909
an interstate transfer voucher to the state treasury to the credit 25910
of the small business assistance fund created in section 3706.19 25911
of the Revised Code. In addition, annually, the amount of money 25912
necessary for the operation of the office of ombudsperson as 25913
determined under division (B) of that section shall be transferred 25914
to the state treasury to the credit of the small business 25915
ombudsperson fund created by that section. 25916

(2) Money received by the agency pursuant to divisions (D), 25917
(F), (G), (H), (I), and (J) of this section shall be deposited in 25918
the state treasury to the credit of the non-Title V clean air fund 25919
created in section 3704.035 of the Revised Code. 25920

(L)(1) A person applying for a plan approval for a wastewater treatment works pursuant to section 6111.44, 6111.45, or 6111.46 of the Revised Code shall pay a nonrefundable fee of one hundred dollars plus sixty-five one-hundredths of one per cent of the estimated project cost through June 30, ~~2020~~ 2022, and a nonrefundable application fee of one hundred dollars plus two-tenths of one per cent of the estimated project cost on and after July 1, ~~2020~~ 2022, except that the total fee shall not exceed fifteen thousand dollars through June 30, ~~2020~~ 2022, and five thousand dollars on and after July 1, ~~2020~~ 2022. The fee shall be paid at the time the application is submitted.

(2) A person who has entered into an agreement with the director under section 6111.14 of the Revised Code shall pay an administrative service fee for each plan submitted under that section for approval that shall not exceed the minimum amount necessary to pay administrative costs directly attributable to processing plan approvals. The director annually shall calculate the fee and shall notify all persons who have entered into agreements under that section, or who have applied for agreements, of the amount of the fee.

(3)(a)(i) Not later than January 30, ~~2018~~ 2020, and January 30, ~~2019~~ 2021, a person holding an NPDES discharge permit issued pursuant to Chapter 6111. of the Revised Code with an average daily discharge flow of five thousand gallons or more shall pay a nonrefundable annual discharge fee. Any person who fails to pay the fee at that time shall pay an additional amount that equals ten per cent of the required annual discharge fee.

(ii) The billing year for the annual discharge fee established in division (L)(3)(a)(i) of this section shall consist of a twelve-month period beginning on the first day of January of the year preceding the date when the annual discharge fee is due. In the case of an existing source that permanently ceases to

discharge during a billing year, the director shall reduce the 25953
annual discharge fee, including the surcharge applicable to 25954
certain industrial facilities pursuant to division (L)(3)(c) of 25955
this section, by one-twelfth for each full month during the 25956
billing year that the source was not discharging, but only if the 25957
person holding the NPDES discharge permit for the source notifies 25958
the director in writing, not later than the first day of October 25959
of the billing year, of the circumstances causing the cessation of 25960
discharge. 25961

(iii) The annual discharge fee established in division 25962
(L)(3)(a)(i) of this section, except for the surcharge applicable 25963
to certain industrial facilities pursuant to division (L)(3)(c) of 25964
this section, shall be based upon the average daily discharge flow 25965
in gallons per day calculated using first day of May through 25966
thirty-first day of October flow data for the period two years 25967
prior to the date on which the fee is due. In the case of NPDES 25968
discharge permits for new sources, the fee shall be calculated 25969
using the average daily design flow of the facility until actual 25970
average daily discharge flow values are available for the time 25971
period specified in division (L)(3)(a)(iii) of this section. The 25972
annual discharge fee may be prorated for a new source as described 25973
in division (L)(3)(a)(ii) of this section. 25974

(b)(i) An NPDES permit holder that is a public discharger 25975
shall pay the fee specified in the following schedule: 25976

Average daily	Fee due by	
discharge flow	January 30,	
	2018 <u>2020</u> , and	
	January 30, 2019	
	<u>2021</u>	
5,000 to 49,999	\$ 200	25981
50,000 to 100,000	500	25982
100,001 to 250,000	1,050	25983

250,001 to 1,000,000	2,600	25984
1,000,001 to 5,000,000	5,200	25985
5,000,001 to 10,000,000	10,350	25986
10,000,001 to 20,000,000	15,550	25987
20,000,001 to 50,000,000	25,900	25988
50,000,001 to 100,000,000	41,400	25989
100,000,001 or more	62,100	25990

(ii) Public dischargers owning or operating two or more publicly owned treatment works serving the same political subdivision, as "treatment works" is defined in section 6111.01 of the Revised Code, and that serve exclusively political subdivisions having a population of fewer than one hundred thousand persons shall pay an annual discharge fee under division (L)(3)(b)(i) of this section that is based on the combined average daily discharge flow of the treatment works.

(c)(i) An NPDES permit holder that is an industrial discharger, other than a coal mining operator identified by P in the third character of the permittee's NPDES permit number, shall pay the fee specified in the following schedule:

Average daily discharge flow	Fee due by	
	January 30,	
	2018 <u>2020</u> , and	
	January 30, 2019	
	<u>2021</u>	
5,000 to 49,999	\$ 250	26007
50,000 to 250,000	1,200	26008
250,001 to 1,000,000	2,950	26009
1,000,001 to 5,000,000	5,850	26010
5,000,001 to 10,000,000	8,800	26011
10,000,001 to 20,000,000	11,700	26012
20,000,001 to 100,000,000	14,050	26013
100,000,001 to 250,000,000	16,400	26014

250,000,001 or more 18,700 26015

(ii) In addition to the fee specified in the above schedule, 26016
an NPDES permit holder that is an industrial discharger classified 26017
as a major discharger during all or part of the annual discharge 26018
fee billing year specified in division (L)(3)(a)(ii) of this 26019
section shall pay a nonrefundable annual surcharge of seven 26020
thousand five hundred dollars not later than January 30, ~~2018~~ 26021
2020, and not later than January 30, ~~2019~~ 2021. Any person who 26022
fails to pay the surcharge at that time shall pay an additional 26023
amount that equals ten per cent of the amount of the surcharge. 26024

(d) Notwithstanding divisions (L)(3)(b) and (c) of this 26025
section, a public discharger, that is not a separate municipal 26026
storm sewer system, identified by I in the third character of the 26027
permittee's NPDES permit number and an industrial discharger 26028
identified by I, J, L, V, W, X, Y, or Z in the third character of 26029
the permittee's NPDES permit number shall pay a nonrefundable 26030
annual discharge fee of one hundred eighty dollars not later than 26031
January 30, ~~2018~~ 2020, and not later than January 30, ~~2019~~ 2021. 26032
Any person who fails to pay the fee at that time shall pay an 26033
additional amount that equals ten per cent of the required fee. 26034

(4) Each person obtaining an NPDES permit for municipal storm 26035
water discharge shall pay a nonrefundable storm water annual 26036
discharge fee of ten dollars per one-tenth of a square mile of 26037
area permitted. The fee shall not exceed ten thousand dollars and 26038
shall be payable on or before January 30, 2004, and the thirtieth 26039
day of January of each year thereafter. Any person who fails to 26040
pay the fee on the date specified in division (L)(4) of this 26041
section shall pay an additional amount per year equal to ten per 26042
cent of the annual fee that is unpaid. 26043

(5) The director shall transmit all moneys collected under 26044
division (L) of this section to the treasurer of state for deposit 26045
into the state treasury to the credit of the surface water 26046

protection fund created in section 6111.038 of the Revised Code. 26047

(6) As used in this section: 26048

(a) "NPDES" means the federally approved national pollutant 26049
discharge elimination system individual and general program for 26050
issuing, modifying, revoking, reissuing, terminating, monitoring, 26051
and enforcing permits and imposing and enforcing pretreatment 26052
requirements under Chapter 6111. of the Revised Code and rules 26053
adopted under it. 26054

(b) "Public discharger" means any holder of an NPDES permit 26055
identified by P in the second character of the NPDES permit number 26056
assigned by the director. 26057

(c) "Industrial discharger" means any holder of an NPDES 26058
permit identified by I in the second character of the NPDES permit 26059
number assigned by the director. 26060

(d) "Major discharger" means any holder of an NPDES permit 26061
classified as major by the regional administrator of the United 26062
States environmental protection agency in conjunction with the 26063
director. 26064

(M) Through June 30, ~~2020~~ 2022, a person applying for a 26065
license or license renewal to operate a public water system under 26066
section 6109.21 of the Revised Code shall pay the appropriate fee 26067
established under this division at the time of application to the 26068
director. Any person who fails to pay the fee at that time shall 26069
pay an additional amount that equals ten per cent of the required 26070
fee. The director shall transmit all moneys collected under this 26071
division to the treasurer of state for deposit into the drinking 26072
water protection fund created in section 6109.30 of the Revised 26073
Code. 26074

Except as provided in divisions (M)(4) and (5) of this 26075
section, fees required under this division shall be calculated and 26076
paid in accordance with the following schedule: 26077

(1) For the initial license required under section 6109.21 of the Revised Code for any public water system that is a community water system as defined in section 6109.01 of the Revised Code, and for each license renewal required for such a system prior to January 31, ~~2020~~ 2022, the fee is:

Number of service connections	Fee amount	
Not more than 49	\$ 112	
50 to 99	176	
Number of service connections	Average cost per connection	
100 to 2,499	\$ 1.92	
2,500 to 4,999	1.48	
5,000 to 7,499	1.42	
7,500 to 9,999	1.34	
10,000 to 14,999	1.16	
15,000 to 24,999	1.10	
25,000 to 49,999	1.04	
50,000 to 99,999	.92	
100,000 to 149,999	.86	
150,000 to 199,999	.80	
200,000 or more	.76	

A public water system may determine how it will pay the total amount of the fee calculated under division (M)(1) of this section, including the assessment of additional user fees that may be assessed on a volumetric basis.

As used in division (M)(1) of this section, "service connection" means the number of active or inactive pipes, goosenecks, pigtails, and any other fittings connecting a water main to any building outlet.

(2) For the initial license required under section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a nontransient population, and for each license renewal required for such a system prior to

January 31, 2020 <u>2022</u> , the fee is:		26110
Population served	Fee amount	26111
Fewer than 150	\$ 112	26112
150 to 299	176	26113
300 to 749	384	26114
750 to 1,499	628	26115
1,500 to 2,999	1,268	26116
3,000 to 7,499	2,816	26117
7,500 to 14,999	5,510	26118
15,000 to 22,499	9,048	26119
22,500 to 29,999	12,430	26120
30,000 or more	16,820	26121

As used in division (M)(2) of this section, "population served" means the total number of individuals having access to the water supply during a twenty-four-hour period for at least sixty days during any calendar year. In the absence of a specific population count, that number shall be calculated at the rate of three individuals per service connection.

(3) For the initial license required under section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a transient population, and for each license renewal required for such a system prior to January 31, ~~2020~~ 2022, the fee is:

Number of wells or sources, other than surface water, supplying system	Fee amount	26133
1	\$112	26134
2	112	26135
3	176	26136
4	278	26137
5	568	26138
System designated as using a surface water source	792	26139
		26140

As used in division (M)(3) of this section, "number of wells or sources, other than surface water, supplying system" means those wells or sources that are physically connected to the plumbing system serving the public water system.

(4) A public water system designated as using a surface water source shall pay a fee of seven hundred ninety-two dollars or the amount calculated under division (M)(1) or (2) of this section, whichever is greater.

(5) An applicant for an initial license who is proposing to operate a new public water supply system shall submit a fee that equals a prorated amount of the appropriate fee for the remainder of the licensing year.

(N)(1) A person applying for a plan approval for a public water supply system under section 6109.07 of the Revised Code shall pay a fee of one hundred fifty dollars plus thirty-five hundredths of one per cent of the estimated project cost, except that the total fee shall not exceed twenty thousand dollars through June 30, ~~2020~~ 2022, and fifteen thousand dollars on and after July 1, ~~2020~~ 2022. The fee shall be paid at the time the application is submitted.

(2) A person who has entered into an agreement with the director under division (A)(2) of section 6109.07 of the Revised Code shall pay an administrative service fee for each plan submitted under that section for approval that shall not exceed the minimum amount necessary to pay administrative costs directly attributable to processing plan approvals. The director annually shall calculate the fee and shall notify all persons that have entered into agreements under that division, or who have applied for agreements, of the amount of the fee.

(3) Through June 30, ~~2020~~ 2022, the following fee, on a per survey basis, shall be charged any person for services rendered by

the state in the evaluation of laboratories and laboratory		26172
personnel for compliance with accepted analytical techniques and		26173
procedures established pursuant to Chapter 6109. of the Revised		26174
Code for determining the qualitative characteristics of water:		26175
microbiological		26176
MMO-MUG	\$2,000	26177
MF	2,100	26178
MMO-MUG and MF	2,550	26179
organic chemical	5,400	26180
trace metals	5,400	26181
standard chemistry	2,800	26182
limited chemistry	1,550	26183

On and after July 1, ~~2020~~ 2022, the following fee, on a per
survey basis, shall be charged any such person:

microbiological	\$ 1,650	26186
organic chemicals	3,500	26187
trace metals	3,500	26188
standard chemistry	1,800	26189
limited chemistry	1,000	26190

The fee for those services shall be paid at the time the request
for the survey is made. Through June 30, ~~2020~~ 2022, an individual
laboratory shall not be assessed a fee under this division more
than once in any three-year period unless the person requests the
addition of analytical methods or analysts, in which case the
person shall pay eighteen hundred dollars for each additional
survey requested.

As used in division (N)(3) of this section:

- (a) "MF" means microfiltration. 26199
- (b) "MMO" means minimal medium ONPG. 26200
- (c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide. 26201
- (d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside. 26202

The director shall transmit all moneys collected under this 26203
division to the treasurer of state for deposit into the drinking 26204
water protection fund created in section 6109.30 of the Revised 26205
Code. 26206

(O) Any person applying to the director to take an 26207
examination for certification as an operator of a water supply 26208
system or wastewater system under Chapter 6109. or 6111. of the 26209
Revised Code that is administered by the director, at the time the 26210
application is submitted, shall pay a fee in accordance with the 26211
following schedule through November 30, ~~2020~~ 2022: 26212

Class A operator	\$ 80	26213
Class I operator	105	26214
Class II operator	120	26215
Class III operator	130	26216
Class IV operator	145	26217

On and after December 1, ~~2020~~ 2022, the applicant shall pay a 26218
fee in accordance with the following schedule: 26219

Class A operator	\$ 50	26220
Class I operator	70	26221
Class II operator	80	26222
Class III operator	90	26223
Class IV operator	100	26224

Any person applying to the director for certification as an 26225
operator of a water supply system or wastewater system who has 26226
passed an examination administered by an examination provider 26227
approved by the director shall pay a certification fee of 26228
forty-five dollars. 26229

A person shall pay a biennial certification renewal fee for 26230
each applicable class of certification in accordance with the 26231
following schedule: 26232

Class A operator	\$25	26233
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Class I operator	35	26234
Class II operator	45	26235
Class III operator	55	26236
Class IV operator	65	26237

If a certification renewal fee is received by the director 26238
more than thirty days, but not more than one year, after the 26239
expiration date of the certification, the person shall pay a 26240
certification renewal fee in accordance with the following 26241
schedule: 26242

Class A operator	\$45	26243
Class I operator	55	26244
Class II operator	65	26245
Class III operator	75	26246
Class IV operator	85	26247

A person who requests a replacement certificate shall pay a 26248
fee of twenty-five dollars at the time the request is made. 26249

Any person applying to be a water supply system or wastewater 26250
treatment system examination provider shall pay an application fee 26251
of five hundred dollars. Any person approved by the director as a 26252
water supply system or wastewater treatment system examination 26253
provider shall pay an annual fee that is equal to ten per cent of 26254
the fees that the provider assesses and collects for administering 26255
water supply system or wastewater treatment system certification 26256
examinations in this state for the calendar year. The fee shall be 26257
paid not later than forty-five days after the end of a calendar 26258
year. 26259

The director shall transmit all moneys collected under this 26260
division to the treasurer of state for deposit into the drinking 26261
water protection fund created in section 6109.30 of the Revised 26262
Code. 26263

(P) Any person submitting an application for an industrial 26264
water pollution control certificate under section 6111.31 of the 26265

Revised Code, as that section existed before its repeal by H.B. 95 26266
of the 125th general assembly, shall pay a nonrefundable fee of 26267
five hundred dollars at the time the application is submitted. The 26268
director shall transmit all moneys collected under this division 26269
to the treasurer of state for deposit into the surface water 26270
protection fund created in section 6111.038 of the Revised Code. A 26271
person paying a certificate fee under this division shall not pay 26272
an application fee under division (S)(1) of this section. On and 26273
after June 26, 2003, persons shall file such applications and pay 26274
the fee as required under sections 5709.20 to 5709.27 of the 26275
Revised Code, and proceeds from the fee shall be credited as 26276
provided in section 5709.212 of the Revised Code. 26277

(Q) Except as otherwise provided in division (R) of this 26278
section, a person issued a permit by the director for a new solid 26279
waste disposal facility other than an incineration or composting 26280
facility, a new infectious waste treatment facility other than an 26281
incineration facility, or a modification of such an existing 26282
facility that includes an increase in the total disposal or 26283
treatment capacity of the facility pursuant to Chapter 3734. of 26284
the Revised Code shall pay a fee of ten dollars per thousand cubic 26285
yards of disposal or treatment capacity, or one thousand dollars, 26286
whichever is greater, except that the total fee for any such 26287
permit shall not exceed eighty thousand dollars. A person issued a 26288
modification of a permit for a solid waste disposal facility or an 26289
infectious waste treatment facility that does not involve an 26290
increase in the total disposal or treatment capacity of the 26291
facility shall pay a fee of one thousand dollars. A person issued 26292
a permit to install a new, or modify an existing, solid waste 26293
transfer facility under that chapter shall pay a fee of two 26294
thousand five hundred dollars. A person issued a permit to install 26295
a new or to modify an existing solid waste incineration or 26296
composting facility, or an existing infectious waste treatment 26297
facility using incineration as its principal method of treatment, 26298

under that chapter shall pay a fee of one thousand dollars. The 26299
increases in the permit fees under this division resulting from 26300
the amendments made by Amended Substitute House Bill 592 of the 26301
117th general assembly do not apply to any person who submitted an 26302
application for a permit to install a new, or modify an existing, 26303
solid waste disposal facility under that chapter prior to 26304
September 1, 1987; any such person shall pay the permit fee 26305
established in this division as it existed prior to June 24, 1988. 26306
In addition to the applicable permit fee under this division, a 26307
person issued a permit to install or modify a solid waste facility 26308
or an infectious waste treatment facility under that chapter who 26309
fails to pay the permit fee to the director in compliance with 26310
division (V) of this section shall pay an additional ten per cent 26311
of the amount of the fee for each week that the permit fee is 26312
late. 26313

Permit and late payment fees paid to the director under this 26314
division shall be credited to the general revenue fund. 26315

(R)(1) A person issued a registration certificate for a scrap 26316
tire collection facility under section 3734.75 of the Revised Code 26317
shall pay a fee of two hundred dollars, except that if the 26318
facility is owned or operated by a motor vehicle salvage dealer 26319
licensed under Chapter 4738. of the Revised Code, the person shall 26320
pay a fee of twenty-five dollars. 26321

(2) A person issued a registration certificate for a new 26322
scrap tire storage facility under section 3734.76 of the Revised 26323
Code shall pay a fee of three hundred dollars, except that if the 26324
facility is owned or operated by a motor vehicle salvage dealer 26325
licensed under Chapter 4738. of the Revised Code, the person shall 26326
pay a fee of twenty-five dollars. 26327

(3) A person issued a permit for a scrap tire storage 26328
facility under section 3734.76 of the Revised Code shall pay a fee 26329
of one thousand dollars, except that if the facility is owned or 26330

operated by a motor vehicle salvage dealer licensed under Chapter 26331
4738. of the Revised Code, the person shall pay a fee of fifty 26332
dollars. 26333

(4) A person issued a permit for a scrap tire monocell or 26334
monofill facility under section 3734.77 of the Revised Code shall 26335
pay a fee of ten dollars per thousand cubic yards of disposal 26336
capacity or one thousand dollars, whichever is greater, except 26337
that the total fee for any such permit shall not exceed eighty 26338
thousand dollars. 26339

(5) A person issued a registration certificate for a scrap 26340
tire recovery facility under section 3734.78 of the Revised Code 26341
shall pay a fee of one hundred dollars. 26342

(6) A person issued a permit for a scrap tire recovery 26343
facility under section 3734.78 of the Revised Code shall pay a fee 26344
of one thousand dollars. 26345

(7) In addition to the applicable registration certificate or 26346
permit fee under divisions (R)(1) to (6) of this section, a person 26347
issued a registration certificate or permit for any such scrap 26348
tire facility who fails to pay the registration certificate or 26349
permit fee to the director in compliance with division (V) of this 26350
section shall pay an additional ten per cent of the amount of the 26351
fee for each week that the fee is late. 26352

(8) The registration certificate, permit, and late payment 26353
fees paid to the director under divisions (R)(1) to (7) of this 26354
section shall be credited to the scrap tire management fund 26355
created in section 3734.82 of the Revised Code. 26356

(S)(1)(a) Except as provided by divisions (L), (M), (N), (O), 26357
(P), and (S)(2) of this section, division (A)(2) of section 26358
3734.05 of the Revised Code, section 3734.79 of the Revised Code, 26359
and rules adopted under division (T)(1) of this section, any 26360
person applying for a registration certificate under section 26361

3734.75, 3734.76, or 3734.78 of the Revised Code or a permit, 26362
variance, or plan approval under Chapter 3734. of the Revised Code 26363
shall pay a nonrefundable fee of fifteen dollars at the time the 26364
application is submitted. 26365

(b) Except as otherwise provided, any person applying for a 26366
permit, variance, or plan approval under Chapter 6109. or 6111. of 26367
the Revised Code shall pay a nonrefundable application fee of one 26368
hundred dollars at the time the application is submitted through 26369
June 30, ~~2020~~ 2022, and a nonrefundable application fee of fifteen 26370
dollars at the time the application is submitted on and after July 26371
1, ~~2020~~ 2022. 26372

(c)(i) Except as otherwise provided in divisions 26373
(S)(1)(c)(iii) and (iv) of this section, through June 30, ~~2020~~ 26374
2022, any person applying for an NPDES permit under Chapter 6111. 26375
of the Revised Code shall pay a nonrefundable application fee of 26376
two hundred dollars at the time of application for the permit. On 26377
and after July 1, ~~2020~~ 2022, such a person shall pay a 26378
nonrefundable application fee of fifteen dollars at the time of 26379
application. 26380

(ii) In addition to the nonrefundable application fee, any 26381
person applying for an NPDES permit under Chapter 6111. of the 26382
Revised Code shall pay a design flow discharge fee based on each 26383
point source to which the issuance is applicable in accordance 26384
with the following schedule: 26385

Design flow discharge (gallons per day)	Fee	
0 to 1000 <u>1,000</u>	\$ 0	26387
1,001 to 5000 <u>5,000</u>	100	26388
5,001 to 50,000	200	26389
50,001 to 100,000	300	26390
100,001 to 300,000	525	26391
over 300,000	750	26392

(iii) Notwithstanding divisions (S)(1)(c)(i) and (ii) of this 26393

section, the application and design flow discharge fee for an 26394
NPDES permit for a public discharger identified by the letter I in 26395
the third character of the NPDES permit number shall not exceed 26396
nine hundred fifty dollars. 26397

(iv) Notwithstanding divisions (S)(1)(c)(i) and (ii) of this 26398
section, the application and design flow discharge fee for an 26399
NPDES permit for a coal mining operation regulated under Chapter 26400
1513. of the Revised Code shall not exceed four hundred fifty 26401
dollars per mine. 26402

(v) A person issued a modification of an NPDES permit shall 26403
pay a nonrefundable modification fee equal to the application fee 26404
and one-half the design flow discharge fee based on each point 26405
source, if applicable, that would be charged for an NPDES permit, 26406
except that the modification fee shall not exceed six hundred 26407
dollars. 26408

(d) In addition to the application fee established under 26409
division (S)(1)(c)(i) of this section, any person applying for an 26410
NPDES general storm water construction permit shall pay a 26411
nonrefundable fee of twenty dollars per acre for each acre that is 26412
permitted above five acres at the time the application is 26413
submitted. However, the per acreage fee shall not exceed three 26414
hundred dollars. In addition to the application fee established 26415
under division (S)(1)(c)(i) of this section, any person applying 26416
for an NPDES general storm water industrial permit shall pay a 26417
nonrefundable fee of one hundred fifty dollars at the time the 26418
application is submitted. 26419

(e) The director shall transmit all moneys collected under 26420
division (S)(1) of this section pursuant to Chapter 6109. of the 26421
Revised Code to the treasurer of state for deposit into the 26422
drinking water protection fund created in section 6109.30 of the 26423
Revised Code. 26424

(f) The director shall transmit all moneys collected under division (S)(1) of this section pursuant to Chapter 6111. of the Revised Code and under division (S)(3) of this section to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code.

(g) If a registration certificate is issued under section 3734.75, 3734.76, or 3734.78 of the Revised Code, the amount of the application fee paid shall be deducted from the amount of the registration certificate fee due under division (R)(1), (2), or (5) of this section, as applicable.

(h) If a person submits an electronic application for a registration certificate, permit, variance, or plan approval for which an application fee is established under division (S)(1) of this section, the person shall pay all applicable fees as expeditiously as possible after the submission of the electronic application. An application for a registration certificate, permit, variance, or plan approval for which an application fee is established under division (S)(1) of this section shall not be reviewed or processed until the applicable application fee, and any other fees established under this division, are paid.

(2) Division (S)(1) of this section does not apply to an application for a registration certificate for a scrap tire collection or storage facility submitted under section 3734.75 or 3734.76 of the Revised Code, as applicable, if the owner or operator of the facility or proposed facility is a motor vehicle salvage dealer licensed under Chapter 4738. of the Revised Code.

(3) A person applying for coverage under an NPDES general discharge permit for household sewage treatment systems shall pay the following fees:

(a) A nonrefundable fee of two hundred dollars at the time of application for initial permit coverage;

(b) A nonrefundable fee of one hundred dollars at the time of application for a renewal of permit coverage. 26456
26457

(T) The director may adopt, amend, and rescind rules in accordance with Chapter 119. of the Revised Code that do all of the following: 26458
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(1) Prescribe fees to be paid by applicants for and holders of any license, permit, variance, plan approval, or certification required or authorized by Chapter 3704., 3734., 6109., or 6111. of the Revised Code that are not specifically established in this section. The fees shall be designed to defray the cost of processing, issuing, revoking, modifying, denying, and enforcing the licenses, permits, variances, plan approvals, and certifications. 26461
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The director shall transmit all moneys collected under rules adopted under division (T)(1) of this section pursuant to Chapter 6109. of the Revised Code to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code. 26469
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The director shall transmit all moneys collected under rules adopted under division (T)(1) of this section pursuant to Chapter 6111. of the Revised Code to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code. 26474
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(2) Exempt the state and political subdivisions thereof, including education facilities or medical facilities owned by the state or a political subdivision, or any person exempted from taxation by section 5709.07 or 5709.12 of the Revised Code, from any fee required by this section; 26479
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(3) Provide for the waiver of any fee, or any part thereof, otherwise required by this section whenever the director determines that the imposition of the fee would constitute an 26484
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unreasonable cost of doing business for any applicant, class of applicants, or other person subject to the fee; 26487
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(4) Prescribe measures that the director considers necessary to carry out this section. 26489
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(U) When the director reasonably demonstrates that the direct cost to the state associated with the issuance of a permit, license, variance, plan approval, or certification exceeds the fee for the issuance or review specified by this section, the director may condition the issuance or review on the payment by the person receiving the issuance or review of, in addition to the fee specified by this section, the amount, or any portion thereof, in excess of the fee specified under this section. The director shall not so condition issuances for which a fee is prescribed in division (S)(1)(c)(iii) of this section. 26491
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(V) Except as provided in divisions (L), (M), (P), and (S) of this section or unless otherwise prescribed by a rule of the director adopted pursuant to Chapter 119. of the Revised Code, all fees required by this section are payable within thirty days after the issuance of an invoice for the fee by the director or the effective date of the issuance of the license, permit, variance, plan approval, or certification. If payment is late, the person responsible for payment of the fee shall pay an additional ten per cent of the amount due for each month that it is late. 26501
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(W) As used in this section, "fuel-burning equipment," "fuel-burning equipment input capacity," "incinerator," "incinerator input capacity," "process," "process weight rate," "storage tank," "gasoline dispensing facility," "dry cleaning facility," "design flow discharge," and "new source treatment works" have the meanings ascribed to those terms by applicable rules or standards adopted by the director under Chapter 3704. or 6111. of the Revised Code. 26510
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(X) As used in divisions (B), (D), (E), (F), (H), (I), and 26518
(J) of this section, and in any other provision of this section 26519
pertaining to fees paid pursuant to Chapter 3704. of the Revised 26520
Code: 26521

(1) "Facility," "federal Clean Air Act," "person," and "Title 26522
V permit" have the same meanings as in section 3704.01 of the 26523
Revised Code. 26524

(2) "Title V permit program" means the following activities 26525
as necessary to meet the requirements of Title V of the federal 26526
Clean Air Act and 40 C.F.R. part 70, including at least: 26527

(a) Preparing and adopting, if applicable, generally 26528
applicable rules or guidance regarding the permit program or its 26529
implementation or enforcement; 26530

(b) Reviewing and acting on any application for a Title V 26531
permit, permit revision, or permit renewal, including the 26532
development of an applicable requirement as part of the processing 26533
of a permit, permit revision, or permit renewal; 26534

(c) Administering the permit program, including the 26535
supporting and tracking of permit applications, compliance 26536
certification, and related data entry; 26537

(d) Determining which sources are subject to the program and 26538
implementing and enforcing the terms of any Title V permit, not 26539
including any court actions or other formal enforcement actions; 26540

(e) Emission and ambient monitoring; 26541

(f) Modeling, analyses, or demonstrations; 26542

(g) Preparing inventories and tracking emissions; 26543

(h) Providing direct and indirect support to small business 26544
stationary sources to determine and meet their obligations under 26545
the federal Clean Air Act pursuant to the small business 26546
stationary source technical and environmental compliance 26547

assistance program required by section 507 of that act and 26548
established in sections 3704.18, 3704.19, and 3706.19 of the 26549
Revised Code. 26550

(3) "Organic compound" means any chemical compound of carbon, 26551
excluding carbon monoxide, carbon dioxide, carbonic acid, metallic 26552
carbides or carbonates, and ammonium carbonate. 26553

(Y)(1) Except as provided in divisions (Y)(2), (3), and (4) 26554
of this section, each sewage sludge facility shall pay a 26555
nonrefundable annual sludge fee equal to three dollars and fifty 26556
cents per dry ton of sewage sludge, including the dry tons of 26557
sewage sludge in materials derived from sewage sludge, that the 26558
sewage sludge facility treats or disposes of in this state. The 26559
annual volume of sewage sludge treated or disposed of by a sewage 26560
sludge facility shall be calculated using the first day of January 26561
through the thirty-first day of December of the calendar year 26562
preceding the date on which payment of the fee is due. 26563

(2)(a) Except as provided in division (Y)(2)(d) of this 26564
section, each sewage sludge facility shall pay a minimum annual 26565
sewage sludge fee of one hundred dollars. 26566

(b) The annual sludge fee required to be paid by a sewage 26567
sludge facility that treats or disposes of exceptional quality 26568
sludge in this state shall be thirty-five per cent less per dry 26569
ton of exceptional quality sludge than the fee assessed under 26570
division (Y)(1) of this section, subject to the following 26571
exceptions: 26572

(i) Except as provided in division (Y)(2)(d) of this section, 26573
a sewage sludge facility that treats or disposes of exceptional 26574
quality sludge shall pay a minimum annual sewage sludge fee of one 26575
hundred dollars. 26576

(ii) A sewage sludge facility that treats or disposes of 26577
exceptional quality sludge shall not be required to pay the annual 26578

sludge fee for treatment or disposal in this state of exceptional 26579
quality sludge generated outside of this state and contained in 26580
bags or other containers not greater than one hundred pounds in 26581
capacity. 26582

A thirty-five per cent reduction for exceptional quality 26583
sludge applies to the maximum annual fees established under 26584
division (Y)(3) of this section. 26585

(c) A sewage sludge facility that transfers sewage sludge to 26586
another sewage sludge facility in this state for further treatment 26587
prior to disposal in this state shall not be required to pay the 26588
annual sludge fee for the tons of sewage sludge that have been 26589
transferred. In such a case, the sewage sludge facility that 26590
disposes of the sewage sludge shall pay the annual sludge fee. 26591
However, the facility transferring the sewage sludge shall pay the 26592
one-hundred-dollar minimum fee required under division (Y)(2)(a) 26593
of this section. 26594

In the case of a sewage sludge facility that treats sewage 26595
sludge in this state and transfers it out of this state to another 26596
entity for disposal, the sewage sludge facility in this state 26597
shall be required to pay the annual sludge fee for the tons of 26598
sewage sludge that have been transferred. 26599

(d) A sewage sludge facility that generates sewage sludge 26600
resulting from an average daily discharge flow of less than five 26601
thousand gallons per day is not subject to the fees assessed under 26602
division (Y) of this section. 26603

(3) No sewage sludge facility required to pay the annual 26604
sludge fee shall be required to pay more than the maximum annual 26605
fee for each disposal method that the sewage sludge facility uses. 26606
The maximum annual fee does not include the additional amount that 26607
may be charged under division (Y)(5) of this section for late 26608
payment of the annual sludge fee. The maximum annual fee for the 26609

following methods of disposal of sewage sludge is as follows: 26610

(a) Incineration: five thousand dollars; 26611

(b) Preexisting land reclamation project or disposal in a 26612
landfill: five thousand dollars; 26613

(c) Land application, land reclamation, surface disposal, or 26614
any other disposal method not specified in division (Y)(3)(a) or 26615
(b) of this section: twenty thousand dollars. 26616

(4)(a) In the case of an entity that generates sewage sludge 26617
or a sewage sludge facility that treats sewage sludge and 26618
transfers the sewage sludge to an incineration facility for 26619
disposal, the incineration facility, and not the entity generating 26620
the sewage sludge or the sewage sludge facility treating the 26621
sewage sludge, shall pay the annual sludge fee for the tons of 26622
sewage sludge that are transferred. However, the entity or 26623
facility generating or treating the sewage sludge shall pay the 26624
one-hundred-dollar minimum fee required under division (Y)(2)(a) 26625
of this section. 26626

(b) In the case of an entity that generates sewage sludge and 26627
transfers the sewage sludge to a landfill for disposal or to a 26628
sewage sludge facility for land reclamation or surface disposal, 26629
the entity generating the sewage sludge, and not the landfill or 26630
sewage sludge facility, shall pay the annual sludge fee for the 26631
tons of sewage sludge that are transferred. 26632

(5) Not later than the first day of April of the calendar 26633
year following March 17, 2000, and each first day of April 26634
thereafter, the director shall issue invoices to persons who are 26635
required to pay the annual sludge fee. The invoice shall identify 26636
the nature and amount of the annual sludge fee assessed and state 26637
the first day of May as the deadline for receipt by the director 26638
of objections regarding the amount of the fee and the first day of 26639
July as the deadline for payment of the fee. 26640

Not later than the first day of May following receipt of an invoice, a person required to pay the annual sludge fee may submit objections to the director concerning the accuracy of information regarding the number of dry tons of sewage sludge used to calculate the amount of the annual sludge fee or regarding whether the sewage sludge qualifies for the exceptional quality sludge discount established in division (Y)(2)(b) of this section. The director may consider the objections and adjust the amount of the fee to ensure that it is accurate.

If the director does not adjust the amount of the annual sludge fee in response to a person's objections, the person may appeal the director's determination in accordance with Chapter 119. of the Revised Code.

Not later than the first day of June, the director shall notify the objecting person regarding whether the director has found the objections to be valid and the reasons for the finding. If the director finds the objections to be valid and adjusts the amount of the annual sludge fee accordingly, the director shall issue with the notification a new invoice to the person identifying the amount of the annual sludge fee assessed and stating the first day of July as the deadline for payment.

Not later than the first day of July, any person who is required to do so shall pay the annual sludge fee. Any person who is required to pay the fee, but who fails to do so on or before that date shall pay an additional amount that equals ten per cent of the required annual sludge fee.

(6) The director shall transmit all moneys collected under division (Y) of this section to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code. The moneys shall be used to defray the costs of administering and enforcing provisions in Chapter 6111. of the Revised Code and rules adopted under it that govern the use,

storage, treatment, or disposal of sewage sludge. 26673

(7) Beginning in fiscal year 2001, and every two years 26674
thereafter, the director shall review the total amount of moneys 26675
generated by the annual sludge fees to determine if that amount 26676
exceeded six hundred thousand dollars in either of the two 26677
preceding fiscal years. If the total amount of moneys in the fund 26678
exceeded six hundred thousand dollars in either fiscal year, the 26679
director, after review of the fee structure and consultation with 26680
affected persons, shall issue an order reducing the amount of the 26681
fees levied under division (Y) of this section so that the 26682
estimated amount of moneys resulting from the fees will not exceed 26683
six hundred thousand dollars in any fiscal year. 26684

If, upon review of the fees under division (Y)(7) of this 26685
section and after the fees have been reduced, the director 26686
determines that the total amount of moneys collected and 26687
accumulated is less than six hundred thousand dollars, the 26688
director, after review of the fee structure and consultation with 26689
affected persons, may issue an order increasing the amount of the 26690
fees levied under division (Y) of this section so that the 26691
estimated amount of moneys resulting from the fees will be 26692
approximately six hundred thousand dollars. Fees shall never be 26693
increased to an amount exceeding the amount specified in division 26694
(Y)(7) of this section. 26695

Notwithstanding section 119.06 of the Revised Code, the 26696
director may issue an order under division (Y)(7) of this section 26697
without the necessity to hold an adjudicatory hearing in 26698
connection with the order. The issuance of an order under this 26699
division is not an act or action for purposes of section 3745.04 26700
of the Revised Code. 26701

(8) As used in division (Y) of this section: 26702

(a) "Sewage sludge facility" means an entity that performs 26703

treatment on or is responsible for the disposal of sewage sludge. 26704

(b) "Sewage sludge" means a solid, semi-solid, or liquid 26705
residue generated during the treatment of domestic sewage in a 26706
treatment works as defined in section 6111.01 of the Revised Code. 26707
"Sewage sludge" includes, but is not limited to, scum or solids 26708
removed in primary, secondary, or advanced wastewater treatment 26709
processes. "Sewage sludge" does not include ash generated during 26710
the firing of sewage sludge in a sewage sludge incinerator, grit 26711
and screenings generated during preliminary treatment of domestic 26712
sewage in a treatment works, animal manure, residue generated 26713
during treatment of animal manure, or domestic septage. 26714

(c) "Exceptional quality sludge" means sewage sludge that 26715
meets all of the following qualifications: 26716

(i) Satisfies the class A pathogen standards in 40 C.F.R. 26717
503.32(a); 26718

(ii) Satisfies one of the vector attraction reduction 26719
requirements in 40 C.F.R. 503.33(b)(1) to (b)(8); 26720

(iii) Does not exceed the ceiling concentration limitations 26721
for metals listed in table one of 40 C.F.R. 503.13; 26722

(iv) Does not exceed the concentration limitations for metals 26723
listed in table three of 40 C.F.R. 503.13. 26724

(d) "Treatment" means the preparation of sewage sludge for 26725
final use or disposal and includes, but is not limited to, 26726
thickening, stabilization, and dewatering of sewage sludge. 26727

(e) "Disposal" means the final use of sewage sludge, 26728
including, but not limited to, land application, land reclamation, 26729
surface disposal, or disposal in a landfill or an incinerator. 26730

(f) "Land application" means the spraying or spreading of 26731
sewage sludge onto the land surface, the injection of sewage 26732
sludge below the land surface, or the incorporation of sewage 26733

sludge into the soil for the purposes of conditioning the soil or 26734
fertilizing crops or vegetation grown in the soil. 26735

(g) "Land reclamation" means the returning of disturbed land 26736
to productive use. 26737

(h) "Surface disposal" means the placement of sludge on an 26738
area of land for disposal, including, but not limited to, 26739
monofills, surface impoundments, lagoons, waste piles, or 26740
dedicated disposal sites. 26741

(i) "Incinerator" means an entity that disposes of sewage 26742
sludge through the combustion of organic matter and inorganic 26743
matter in sewage sludge by high temperatures in an enclosed 26744
device. 26745

(j) "Incineration facility" includes all incinerators owned 26746
or operated by the same entity and located on a contiguous tract 26747
of land. Areas of land are considered to be contiguous even if 26748
they are separated by a public road or highway. 26749

(k) "Annual sludge fee" means the fee assessed under division 26750
(Y)(1) of this section. 26751

(l) "Landfill" means a sanitary landfill facility, as defined 26752
in rules adopted under section 3734.02 of the Revised Code, that 26753
is licensed under section 3734.05 of the Revised Code. 26754

(m) "Preexisting land reclamation project" means a 26755
property-specific land reclamation project that has been in 26756
continuous operation for not less than five years pursuant to 26757
approval of the activity by the director and includes the 26758
implementation of a community outreach program concerning the 26759
activity. 26760

Sec. 3770.06. (A) There is hereby created the state lottery 26761
gross revenue fund, which shall be in the custody of the treasurer 26762
of state but shall not be part of the state treasury. All gross 26763

revenues received from sales of lottery tickets, fines, fees, and 26764
related proceeds in connection with the statewide lottery and all 26765
gross proceeds from statewide joint lottery games shall be 26766
deposited into the fund. The treasurer of state shall invest any 26767
portion of the fund not needed for immediate use in the same 26768
manner as, and subject to all provisions of law with respect to 26769
the investment of, state funds. The treasurer of state shall 26770
disburse money from the fund on order of the director of the state 26771
lottery commission or the director's designee. 26772

Except for gross proceeds from statewide joint lottery games, 26773
all revenues of the state lottery gross revenue fund that are not 26774
paid to holders of winning lottery tickets, that are not required 26775
to meet short-term prize liabilities, that are not credited to 26776
lottery sales agents in the form of bonuses, commissions, or 26777
reimbursements, that are not paid to financial institutions to 26778
reimburse those institutions for sales agent nonsufficient funds, 26779
and that are collected from sales agents for remittance to 26780
insurers under contract to provide sales agent bonding services 26781
shall be transferred to the state lottery fund, which is hereby 26782
created in the state treasury. In addition, all revenues of the 26783
state lottery gross revenue fund that represent the gross proceeds 26784
from the statewide joint lottery games and that are not paid to 26785
holders of winning lottery tickets, that are not required to meet 26786
short-term prize liabilities, that are not credited to lottery 26787
sales agents in the form of bonuses, commissions, or 26788
reimbursements, and that are not necessary to cover operating 26789
expenses associated with those games or to otherwise comply with 26790
the agreements signed by the governor that the director enters 26791
into under division (J) of section 3770.02 of the Revised Code or 26792
the rules the commission adopts under division (B)(5) of section 26793
3770.03 of the Revised Code shall be transferred to the state 26794
lottery fund. All investment earnings of the fund shall be 26795
credited to the fund. Moneys shall be disbursed from the fund 26796

pursuant to vouchers approved by the director. Total disbursements 26797
for monetary prize awards to holders of winning lottery tickets in 26798
connection with the statewide lottery and purchases of goods and 26799
services awarded as prizes to holders of winning lottery tickets 26800
shall be of an amount equal to at least fifty per cent of the 26801
total revenue accruing from the sale of lottery tickets. 26802

(B) Pursuant to Section 6 of Article XV, Ohio Constitution, 26803
there is hereby established in the state treasury the lottery 26804
profits education fund. Whenever, in the judgment of the director 26805
of the state lottery commission, the amount to the credit of the 26806
state lottery fund that does not represent proceeds from statewide 26807
joint lottery games is in excess of that needed to meet the 26808
maturing obligations of the commission and as working capital for 26809
its further operations, the director of the state lottery 26810
commission shall recommend the amount of the excess to be 26811
transferred to the lottery profits education fund, and the 26812
director of budget and management may transfer the excess to the 26813
lottery profits education fund in connection with the statewide 26814
lottery. In addition, whenever, in the judgment of the director of 26815
the state lottery commission, the amount to the credit of the 26816
state lottery fund that represents proceeds from statewide joint 26817
lottery games equals the entire net proceeds of those games as 26818
described in division (B)(5) of section 3770.03 of the Revised 26819
Code and the rules adopted under that division, the director of 26820
the state lottery commission shall recommend the amount of the 26821
proceeds to be transferred to the lottery profits education fund, 26822
and the director of budget and management may transfer those 26823
proceeds to the lottery profits education fund. Investment 26824
earnings of the lottery profits education fund shall be credited 26825
to the fund. 26826

The lottery profits education fund shall be used solely for 26827
the support of elementary, secondary, vocational, and special 26828

education programs as determined in appropriations made by the 26829
general assembly, or as provided in applicable bond proceedings 26830
for the payment of debt service on obligations issued to pay costs 26831
of capital facilities, including those for a system of common 26832
schools throughout the state pursuant to section 2n of Article 26833
VIII, Ohio Constitution. When determining the availability of 26834
money in the lottery profits education fund, the director of 26835
budget and management may consider all balances and estimated 26836
revenues of the fund. 26837

(C) There is hereby established in the state treasury the 26838
deferred prizes trust fund. With the approval of the director of 26839
budget and management, an amount sufficient to fund annuity prizes 26840
shall be transferred from the state lottery fund and credited to 26841
the trust fund. The treasurer of state shall credit all earnings 26842
arising from investments purchased under this division to the 26843
trust fund. Within sixty days after the end of each fiscal year, 26844
the treasurer of state shall certify to the director of budget and 26845
management whether the actuarial amount of the trust fund is 26846
sufficient over the fund's life for continued funding of all 26847
remaining deferred prize liabilities as of the last day of the 26848
fiscal year just ended. Also, within that sixty days, the director 26849
of budget and management shall certify the amount of investment 26850
earnings necessary to have been credited to the trust fund during 26851
the fiscal year just ending to provide for such continued funding 26852
of deferred prizes. Any earnings credited in excess of the latter 26853
certified amount shall be transferred to the lottery profits 26854
education fund. 26855

To provide all or a part of the amounts necessary to fund 26856
deferred prizes awarded by the commission in connection with the 26857
statewide lottery, the treasurer of state, in consultation with 26858
the commission, may invest moneys contained in the deferred prizes 26859
trust fund which represents proceeds from the statewide lottery in 26860

obligations of the type permitted for the investment of state 26861
funds but whose maturities are thirty years or less. 26862

Notwithstanding the requirements of any other section of the 26863
Revised Code, to provide all or part of the amounts necessary to 26864
fund deferred prizes awarded by the commission in connection with 26865
statewide joint lottery games, the treasurer of state, in 26866
consultation with the commission, may invest moneys in the trust 26867
fund which represent proceeds derived from the statewide joint 26868
lottery games in accordance with the rules the commission adopts 26869
under division (B)(5) of section 3770.03 of the Revised Code. 26870

Investments of the trust fund are not subject to the provisions of 26871
division (A)(10) of section 135.143 of the Revised Code limiting 26872
to twenty-five per cent the amount of the state's total average 26873
portfolio that may be invested in debt interests other than 26874
commercial paper and limiting to five per cent the amount that may 26875
be invested in debt interests, including commercial paper, of a 26876
single issuer. 26877

All purchases made under this division shall be effected on a 26878
delivery versus payment method and shall be in the custody of the 26879
treasurer of state. 26880

The treasurer of state may retain an investment advisor, if 26881
necessary. The commission shall pay any costs incurred by the 26882
treasurer of state in retaining an investment advisor. 26883

(D) The auditor of state shall conduct annual audits of all 26884
funds and any other audits as the auditor of state or the general 26885
assembly considers necessary. The auditor of state may examine all 26886
records, files, and other documents of the commission, and records 26887
of lottery sales agents that pertain to their activities as 26888
agents, for purposes of conducting authorized audits. 26889

(E) The state lottery commission shall establish an internal 26890
audit plan before the beginning of each fiscal year, subject to 26891
the approval of the office of internal audit in the office of 26892

budget and management. At the end of each fiscal year, the 26893
commission shall prepare and submit an annual report to the office 26894
of internal audit for the office's review and approval, specifying 26895
the internal audit work completed by the end of that fiscal year 26896
and reporting on compliance with the annual internal audit plan. 26897

(1) Except as provided in division (E)(2) of this section, 26898
any internal audit report and all work papers of the internal 26899
audit produced by commission staff are confidential and are not 26900
public records under section 149.43 of the Revised Code until the 26901
final report is submitted to the director and the chairperson of 26902
the commission. 26903

(2) Any internal audit report or work paper that meets the 26904
definition of a security record or infrastructure record under 26905
section 149.433 of the Revised Code is not a public record under 26906
section 149.43 of the Revised Code. 26907

(F) Whenever, in the judgment of the director of budget and 26908
management, an amount of net state lottery proceeds is necessary 26909
to be applied to the payment of debt service on obligations, all 26910
as defined in sections 151.01 and 151.03 of the Revised Code, the 26911
director shall transfer that amount directly from the state 26912
lottery fund or from the lottery profits education fund to the 26913
bond service fund defined in those sections. The provisions of 26914
this division are subject to any prior pledges or obligation of 26915
those amounts to the payment of bond service charges as defined in 26916
division (C) of section 3318.21 of the Revised Code, as referred 26917
to in division (B) of this section. 26918

Sec. 3781.10. (A)(1) The board of building standards shall 26919
formulate and adopt rules governing the erection, construction, 26920
repair, alteration, and maintenance of all buildings or classes of 26921
buildings specified in section 3781.06 of the Revised Code, 26922
including land area incidental to those buildings, the 26923

construction of industrialized units, the installation of 26924
equipment, and the standards or requirements for materials used in 26925
connection with those buildings. The board shall incorporate those 26926
rules into separate residential and nonresidential building codes. 26927
The standards shall relate to the conservation of energy and the 26928
safety and sanitation of those buildings. 26929

(2) The rules governing nonresidential buildings are the 26930
lawful minimum requirements specified for those buildings and 26931
industrialized units, except that no rule other than as provided 26932
in division (C) of section 3781.108 of the Revised Code that 26933
specifies a higher requirement than is imposed by any section of 26934
the Revised Code is enforceable. The rules governing residential 26935
buildings are uniform requirements for residential buildings in 26936
any area with a building department certified to enforce the state 26937
residential building code. In no case shall any local code or 26938
regulation differ from the state residential building code unless 26939
that code or regulation addresses subject matter not addressed by 26940
the state residential building code or is adopted pursuant to 26941
section 3781.01 of the Revised Code. 26942

(3) The rules adopted pursuant to this section are complete, 26943
lawful alternatives to any requirements specified for buildings or 26944
industrialized units in any section of the Revised Code. Except as 26945
otherwise provided in division (I) of this section, the board 26946
shall, on its own motion or on application made under sections 26947
3781.12 and 3781.13 of the Revised Code, formulate, propose, 26948
adopt, modify, amend, or repeal the rules to the extent necessary 26949
or desirable to effectuate the purposes of sections 3781.06 to 26950
3781.18 of the Revised Code. 26951

(B) The board shall report to the general assembly proposals 26952
for amendments to existing statutes relating to the purposes 26953
declared in section 3781.06 of the Revised Code that public health 26954
and safety and the development of the arts require and shall 26955

recommend any additional legislation to assist in carrying out 26956
fully, in statutory form, the purposes declared in that section. 26957
The board shall prepare and submit to the general assembly a 26958
summary report of the number, nature, and disposition of the 26959
petitions filed under sections 3781.13 and 3781.14 of the Revised 26960
Code. 26961

(C) On its own motion or on application made under sections 26962
3781.12 and 3781.13 of the Revised Code, and after thorough 26963
testing and evaluation, the board shall determine by rule that any 26964
particular fixture, device, material, process of manufacture, 26965
manufactured unit or component, method of manufacture, system, or 26966
method of construction complies with performance standards adopted 26967
pursuant to section 3781.11 of the Revised Code. The board shall 26968
make its determination with regard to adaptability for safe and 26969
sanitary erection, use, or construction, to that described in any 26970
section of the Revised Code, wherever the use of a fixture, 26971
device, material, method of manufacture, system, or method of 26972
construction described in that section of the Revised Code is 26973
permitted by law. The board shall amend or annul any rule or issue 26974
an authorization for the use of a new material or manufactured 26975
unit on any like application. No department, officer, board, or 26976
commission of the state other than the board of building standards 26977
or the board of building appeals shall permit the use of any 26978
fixture, device, material, method of manufacture, newly designed 26979
product, system, or method of construction at variance with what 26980
is described in any rule the board of building standards adopts or 26981
issues or that is authorized by any section of the Revised Code. 26982
Nothing in this section shall be construed as requiring approval, 26983
by rule, of plans for an industrialized unit that conforms with 26984
the rules the board of building standards adopts pursuant to 26985
section 3781.11 of the Revised Code. 26986

(D) The board shall recommend rules, codes, and standards to 26987

help carry out the purposes of section 3781.06 of the Revised Code 26988
and to help secure uniformity of state administrative rulings and 26989
local legislation and administrative action to the bureau of 26990
workers' compensation, the director of commerce, any other 26991
department, officer, board, or commission of the state, and to 26992
legislative authorities and building departments of counties, 26993
townships, and municipal corporations, and shall recommend that 26994
they audit those recommended rules, codes, and standards by any 26995
appropriate action that they are allowed pursuant to law or the 26996
constitution. 26997

(E)(1) The board shall certify municipal, township, and 26998
county building departments ~~and~~, the personnel of those building 26999
departments, ~~and~~ persons described in division (E)(7) of this 27000
section, and employees of individuals, firms, the state, or 27001
corporations ~~as~~ described in division (E)(7) of this section to 27002
exercise enforcement authority, to accept and approve plans and 27003
specifications, and to make inspections, pursuant to sections 27004
3781.03, 3791.04, and 4104.43 of the Revised Code. 27005

(2) The board shall certify departments, personnel, and 27006
persons to enforce the state residential building code, to enforce 27007
the nonresidential building code, or to enforce both the 27008
residential and the nonresidential building codes. Any department, 27009
personnel, or person may enforce only the type of building code 27010
for which certified. 27011

(3) The board shall not require a building department, its 27012
personnel, or any persons that it employs to be certified for 27013
residential building code enforcement if that building department 27014
does not enforce the state residential building code. The board 27015
shall specify, in rules adopted pursuant to Chapter 119. of the 27016
Revised Code, the requirements for certification for residential 27017
and nonresidential building code enforcement, which shall be 27018
consistent with this division. The requirements for residential 27019

and nonresidential certification may differ. Except as otherwise 27020
provided in this division, the requirements shall include, but are 27021
not limited to, the satisfactory completion of an initial 27022
examination and, to remain certified, the completion of a 27023
specified number of hours of continuing building code education 27024
within each three-year period following the date of certification 27025
which shall be not less than thirty hours. The rules shall provide 27026
that continuing education credits and certification issued by the 27027
council of American building officials, national model code 27028
organizations, and agencies or entities the board recognizes are 27029
acceptable for purposes of this division. The rules shall specify 27030
requirements that are consistent with the provisions of section 27031
5903.12 of the Revised Code relating to active duty military 27032
service and are compatible, to the extent possible, with 27033
requirements the council of American building officials and 27034
national model code organizations establish. 27035

(4) The board shall establish and collect a certification and 27036
renewal fee for building department personnel, and persons and 27037
employees of persons, firms, or corporations as described in this 27038
section, who are certified pursuant to this division. 27039

(5) Any individual certified pursuant to this division shall 27040
complete the number of hours of continuing building code education 27041
that the board requires or, for failure to do so, forfeit 27042
certification. 27043

(6) This division does not require or authorize the board to 27044
certify personnel of municipal, township, and county building 27045
departments, and persons and employees of persons, firms, or 27046
corporations as described in this section, whose responsibilities 27047
do not include the exercise of enforcement authority, the approval 27048
of plans and specifications, or making inspections under the state 27049
residential and nonresidential building codes. 27050

(7) Enforcement authority for approval of plans and 27051

specifications and enforcement authority for inspections may be 27052
exercised, and plans and specifications may be approved and 27053
inspections may be made on behalf of a municipal corporation, 27054
township, or county, by any of the following who the board of 27055
building standards certifies: 27056

(a) Officers or employees of the municipal corporation, 27057
township, or county; 27058

(b) Persons, or employees of persons, firms, or corporations, 27059
pursuant to a contract to furnish architectural, engineering, or 27060
other services to the municipal corporation, township, or county; 27061

(c) Officers or employees of, and persons under contract 27062
with, a municipal corporation, township, county, health district, 27063
or other political subdivision, pursuant to a contract to furnish 27064
architectural, engineering, or other services; 27065

(d) Officers or employees of the division of industrial 27066
compliance in the department of commerce pursuant to a contract 27067
authorized by division (B) of section 121.083 of the Revised Code. 27068

(8) Municipal, township, and county building departments have 27069
jurisdiction within the meaning of sections 3781.03, 3791.04, and 27070
4104.43 of the Revised Code, only with respect to the types of 27071
buildings and subject matters for which they are certified under 27072
this section. 27073

(9) A certified municipal, township, or county building 27074
department may exercise enforcement authority, accept and approve 27075
plans and specifications, and make inspections pursuant to 27076
sections 3781.03, 3791.04, and 4104.43 of the Revised Code for a 27077
park district created pursuant to Chapter 1545. of the Revised 27078
Code upon the approval, by resolution, of the board of park 27079
commissioners of the park district requesting the department to 27080
exercise that authority and conduct those activities, as 27081
applicable. 27082

(10) Certification shall be granted upon application by the municipal corporation, the board of township trustees, or the board of county commissioners and approval of that application by the board of building standards. The application shall set forth:

(a) Whether the certification is requested for residential or nonresidential buildings, or both;

(b) The number and qualifications of the staff composing the building department;

(c) The names, addresses, and qualifications of persons, firms, or corporations contracting to furnish work or services pursuant to division (E)(7)(b) of this section;

(d) The names of any other municipal corporation, township, county, health district, or political subdivision under contract to furnish work or services pursuant to division (E)(7) of this section;

(e) The proposed budget for the operation of the building department.

(11) The board of building standards shall adopt rules governing all of the following:

(a) The certification of building department personnel and persons and employees of persons, firms, or corporations exercising authority pursuant to division (E)(7) of this section. The rules shall disqualify any employee of the department or person who contracts for services with the department from performing services for the department when that employee or person would have to pass upon, inspect, or otherwise exercise authority over any labor, material, or equipment the employee or person furnishes for the construction, alteration, or maintenance of a building or the preparation of working drawings or specifications for work within the jurisdictional area of the department. The department shall provide other similarly qualified

personnel to enforce the residential and nonresidential building codes as they pertain to that work. 27114
27115

(b) The minimum services to be provided by a certified building department. 27116
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(12) The board of building standards may revoke or suspend certification to enforce the residential and nonresidential building codes, on petition to the board by any person affected by that enforcement or approval of plans, or by the board on its own motion. Hearings shall be held and appeals permitted on any proceedings for certification or revocation or suspension of certification in the same manner as provided in section 3781.101 of the Revised Code for other proceedings of the board of building standards. 27118
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(13) Upon certification, and until that authority is revoked, any county or township building department shall enforce the residential and nonresidential building codes for which it is certified without regard to limitation upon the authority of boards of county commissioners under Chapter 307. of the Revised Code or boards of township trustees under Chapter 505. of the Revised Code. 27127
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(F) In addition to hearings sections 3781.06 to 3781.18 and 3791.04 of the Revised Code require, the board of building standards shall make investigations and tests, and require from other state departments, officers, boards, and commissions information the board considers necessary or desirable to assist it in the discharge of any duty or the exercise of any power mentioned in this section or in sections 3781.06 to 3781.18, 3791.04, and 4104.43 of the Revised Code. 27134
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(G) The board shall adopt rules and establish reasonable fees for the review of all applications submitted where the applicant applies for authority to use a new material, assembly, or product 27142
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of a manufacturing process. The fee shall bear some reasonable 27145
relationship to the cost of the review or testing of the 27146
materials, assembly, or products and for the notification of 27147
approval or disapproval as provided in section 3781.12 of the 27148
Revised Code. 27149

(H) The residential construction advisory committee shall 27150
provide the board with a proposal for a state residential building 27151
code that the committee recommends pursuant to division (D)(1) of 27152
section 4740.14 of the Revised Code. Upon receiving a 27153
recommendation from the committee that is acceptable to the board, 27154
the board shall adopt rules establishing that code as the state 27155
residential building code. 27156

(I)(1) The committee may provide the board with proposed 27157
rules to update or amend the state residential building code that 27158
the committee recommends pursuant to division (E) of section 27159
4740.14 of the Revised Code. 27160

(2) If the board receives a proposed rule to update or amend 27161
the state residential building code as provided in division (I)(1) 27162
of this section, the board either may accept or reject the 27163
proposed rule for incorporation into the residential building 27164
code. If the board does not act to either accept or reject the 27165
proposed rule within ninety days after receiving the proposed rule 27166
from the committee as described in division (I)(1) of this 27167
section, the proposed rule shall become part of the residential 27168
building code. 27169

(J) The board shall cooperate with the director of job and 27170
family services when the director promulgates rules pursuant to 27171
section 5104.05 of the Revised Code regarding safety and 27172
sanitation in type A family day-care homes. 27173

(K) The board shall adopt rules to implement the requirements 27174
of section 3781.108 of the Revised Code. 27175

Sec. 3798.01. As used in this chapter:	27176
(A) "Administrative safeguards," "physical safeguards," and "technical safeguards" have the same meanings as in 45 C.F.R. 164.304.	27177 27178 27179
(B) "Approved health information exchange" means a health information exchange that has been approved or reapproved by the medicaid director pursuant to the approval or reapproval process, as applicable, the director establishes in rules adopted under division (A) of section 3798.15 of the Revised Code or that has been certified by the office of the national coordinator for health information technology in the United States department of health and human services.	27180 27181 27182 27183 27184 27185 27186 27187
(C) "Covered entity," "disclosure," "health care provider," "health information," "individually identifiable health information," "protected health information," and "use" have the same meanings as in 45 C.F.R. 160.103.	27188 27189 27190 27191
(D) <u>(C)</u> "Designated record set" has the same meaning as in 45 C.F.R. 164.501.	27192 27193
(E) <u>(D)</u> "Direct exchange" means the activity of electronic transmission of health information through a direct connection between the electronic recordsystems of health care providers without the use of a health information exchange.	27194 27195 27196 27197
(F) <u>(E)</u> "Health care component" and "hybrid entity" have the same meanings as in 45 C.F.R. 164.103.	27198 27199
(G) <u>(F)</u> "Health information exchange" means any person or governmental entity that provides in this state a technical infrastructure to connect computer systems or other electronic devices used by covered entities to facilitate the secure transmission of health information. "Health information exchange" excludes health care providers engaged in direct exchange,	27200 27201 27202 27203 27204 27205

including direct exchange through the use of a health information 27206
service provider. 27207

~~(H)~~(G) "HIPAA privacy rule" means the standards for privacy 27208
of individually identifiable health information in 45 C.F.R. part 27209
160 and in 45 C.F.R. part 164, subparts A and E. 27210

~~(I)~~(H) "Interoperability" means the capacity of two or more 27211
information systems to exchange information in an accurate, 27212
effective, secure, and consistent manner. 27213

~~(J)~~(I) "Minor" means an unemancipated person under eighteen 27214
years of age or a mentally or physically disabled person under 27215
twenty-one years of age who meets criteria specified in rules 27216
adopted by the medicaid director under section 3798.13 of the 27217
Revised Code. 27218

~~(K)~~(J) "More stringent" has the same meaning as in 45 C.F.R. 27219
160.202. 27220

~~(L)~~ "Office of health transformation" means the office of 27221
health transformation created by executive order 2011-02K or a 27222
successor governmental entity responsible for health system 27223
oversight in this state. 27224

~~(M)~~(K) "Personal representative" means a person who has 27225
authority under applicable law to make decisions related to health 27226
care on behalf of an adult or emancipated minor, or the parent, 27227
legal guardian, or other person acting in loco parentis who is 27228
authorized under law to make health care decisions on behalf of an 27229
unemancipated minor. "Personal representative" does not include 27230
the parent or legal guardian of, or another person acting in loco 27231
parentis to, a minor who consents to the minor's own receipt of 27232
health care or a minor who makes medical decisions on the minor's 27233
own behalf pursuant to law, court approval, or because the minor's 27234
parent, legal guardian, or other person acting in loco parentis 27235
has assented to an agreement of confidentiality between the 27236

provider and the minor. 27237

~~(N)~~(L) "Political subdivision" means a municipal corporation, 27238
township, county, school district, or other body corporate and 27239
politic responsible for governmental activities in a geographic 27240
area smaller than that of the state. 27241

~~(O)~~(M) "State agency" means any one or more of the following: 27242

(1) The department of administrative services; 27243

(2) The department of aging; 27244

(3) The department of mental health and addiction services; 27245

(4) The department of developmental disabilities; 27246

(5) The department of education; 27247

(6) The department of health; 27248

(7) The department of insurance; 27249

(8) The department of job and family services; 27250

(9) The department of medicaid; 27251

(10) The department of rehabilitation and correction; 27252

(11) The department of youth services; 27253

(12) The bureau of workers' compensation; 27254

(13) The opportunities for Ohioans with disabilities agency; 27255

(14) The office of the attorney general; 27256

(15) A health care licensing board created under Title XLVII 27257
of the Revised Code that possesses individually identifiable 27258
health information. 27259

Sec. 3798.07. (A) ~~In addition to a covered entity generally 27260
being subject to the conditions specified in divisions (A) to (D) 27261
of section 3798.06 of the Revised Code when the covered entity 27262
discloses protected health information to a health information 27263~~

~~exchange without a valid authorization, the~~ A covered entity shall 27264
~~also~~ be subject to the following conditions when it discloses 27265
protected health information to a health information exchange: 27266

(1) The covered entity shall restrict disclosure consistent 27267
with all applicable federal laws governing the disclosure~~+~~. 27268

(2) If the protected health information concerns a minor, the 27269
covered entity shall restrict disclosure in a manner that complies 27270
with laws of this state pertaining to the circumstances under 27271
which a minor may consent to the minor's own receipt of health 27272
care or make medical decisions on the minor's own behalf, 27273
including sections 2907.29, 3709.241, 3719.012, 5120.172, 5122.04, 27274
and 5126.043 of the Revised Code unless the minor authorizes the 27275
disclosure. 27276

(3) The covered entity shall restrict disclosure in a manner 27277
that is consistent with a written request from the individual or 27278
the individual's personal representative to restrict disclosure of 27279
all of the individual's protected health information. 27280

~~(4) The covered entity shall restrict disclosure in a manner 27281
that is consistent with a written request from the individual or 27282
the individual's personal representative concerning specific 27283
categories of protected health information to the extent that 27284
rules adopted pursuant to section 3798.16 of the Revised Code 27285
require the covered entity to comply with such a request. 27286~~

(B) The conditions in division (A) of this section on a 27287
covered entity's disclosure of protected health information to a 27288
health information exchange do not render unenforceable or 27289
restrict in any manner any of the following: 27290

(1) A provision of the Revised Code that on ~~the effective~~ 27291
~~date of this section~~ September 10, 2012, requires a person or 27292
governmental entity to disclose protected health information to a 27293

state agency, political subdivision, or other governmental entity;	27294
(2) The confidential status of proceedings and records within the scope of a peer review committee of a health care entity as described in section 2305.252 of the Revised Code;	27295 27296 27297
(3) The confidential status of quality assurance program activities and quality assurance records as described in section 5122.32 of the Revised Code;	27298 27299 27300
(4) The testimonial privilege established by division (B) of section 2317.02 of the Revised Code;	27301 27302
(5) Any of the following items that govern the confidentiality, privacy, security, or privileged status of protected health information in the possession or custody of an agency as defined in section 111.15 of the Revised Code; govern the process for obtaining from a patient consent to the provision of health care or consent for participation in medical or other scientific research; govern the process for determining whether an adult has a physical or mental impairment or an adult's capacity to make health care decisions for purposes of Chapter 5126. of the Revised Code; or govern the process for determining whether a minor has been emancipated:	27303 27304 27305 27306 27307 27308 27309 27310 27311 27312 27313
(a) A section of the Revised Code that is not in this chapter;	27314 27315
(b) A rule as defined in section 119.01 of the Revised Code;	27316
(c) An internal management rule as defined in section 111.15 of the Revised Code;	27317 27318
(d) Guidance issued by an agency as defined in section 111.15 of the Revised Code;	27319 27320
(e) Orders or regulations of a board of health of a city health district made under section 3709.20 of the Revised Code;	27321 27322
(f) Orders or regulations of a board of health of a general	27323

health district made under section 3709.21 of the Revised Code; 27324

(g) An ordinance or resolution adopted by a political 27325
subdivision; 27326

(h) A professional code of ethics; 27327

(i) When a minor is authorized to consent to the minor's own 27328
receipt of health care or make medical decisions on the minor's 27329
own behalf, including the circumstances described in sections 27330
2907.29, 3709.241, 3719.012, 5120.172, 5122.04, and 5126.043 of 27331
the Revised Code. 27332

Sec. 3798.10. (A) ~~Not later than six months after September~~ 27333
~~10, 2012, the~~ The medicaid director, ~~in consultation with the~~ 27334
~~office of health transformation,~~ shall prescribe by rules adopted 27335
in accordance with Chapter 119. of the Revised Code a standard 27336
authorization form for the use and disclosure of protected health 27337
information by covered entities in this state. The form shall meet 27338
all requirements specified in 45 C.F.R. 164.508 and, where 27339
applicable, 42 C.F.R. part 2. 27340

(B) If a form the medicaid director prescribes under division 27341
(A) of this section is properly executed by an individual or the 27342
individual's personal representative, it shall be accepted by any 27343
person or governmental entity in this state as valid authorization 27344
for the use or disclosure of the individual's protected health 27345
information to the persons or governmental entities specified in 27346
the form. 27347

(C) This section does not preclude a person or governmental 27348
entity from accepting as valid authorization for the use or 27349
disclosure of protected health information a form other than the 27350
form prescribed under division (A) of this section if the other 27351
form meets all requirements specified in 45 C.F.R. 164.508 and, if 27352
applicable, 42 C.F.R. part 2. 27353

Sec. 3901.381. (A) Except as provided in sections 3901.382, 27354
3901.383, 3901.384, and 3901.386 of the Revised Code, a 27355
third-party payer shall process a claim for payment for health 27356
care services rendered by a provider to a beneficiary in 27357
accordance with this section. 27358

(B)(1) Unless division (B)(2) or (3) of this section applies, 27359
when a third-party payer receives from a provider or beneficiary a 27360
claim on the standard claim form prescribed in rules adopted by 27361
the superintendent of insurance under section 3902.22 of the 27362
Revised Code, the third-party payer shall pay or deny the claim 27363
not later than thirty days after receipt of the claim. When a 27364
third-party payer denies a claim, the third-party payer shall 27365
notify the provider and the beneficiary. The notice shall state, 27366
with specificity, why the third-party payer denied the claim. 27367

(2)(a) Unless division (B)(3) of this section applies, when a 27368
provider or beneficiary has used the standard claim form, but the 27369
third-party payer determines that reasonable supporting 27370
documentation is needed to establish the third-party payer's 27371
responsibility to make payment, the third-party payer shall pay or 27372
deny the claim not later than forty-five days after receipt of the 27373
claim. Supporting documentation includes the verification of 27374
employer and beneficiary coverage under a benefits contract, 27375
confirmation of premium payment, medical information regarding the 27376
beneficiary and the services provided, information on the 27377
responsibility of another third-party payer to make payment or 27378
confirmation of the amount of payment by another third-party 27379
payer, and information that is needed to correct material 27380
deficiencies in the claim related to a diagnosis or treatment or 27381
the provider's identification. 27382

Not later than thirty days after receipt of the claim, the 27383
third-party payer shall notify all relevant external sources that 27384

the supporting documentation is needed. All such notices shall 27385
state, with specificity, the supporting documentation needed. If 27386
the notice was not provided in writing, the provider, beneficiary, 27387
or third-party payer may request the third-party payer to provide 27388
the notice in writing, and the third-party payer shall then 27389
provide the notice in writing. If any of the supporting 27390
documentation is under the control of the beneficiary, the 27391
beneficiary shall provide the supporting documentation to the 27392
third-party payer. 27393

The number of days that elapse between the third-party 27394
payer's last request for supporting documentation within the 27395
thirty-day period and the third-party payer's receipt of all of 27396
the supporting documentation that was requested shall not be 27397
counted for purposes of determining the third-party payer's 27398
compliance with the time period of not more than forty-five days 27399
for payment or denial of a claim. Except as provided in division 27400
(B)(2)(b) of this section, if the third-party payer requests 27401
additional supporting documentation after receiving the initially 27402
requested documentation, the number of days that elapse between 27403
making the request and receiving the additional supporting 27404
documentation shall be counted for purposes of determining the 27405
third-party payer's compliance with the time period of not more 27406
than forty-five days. 27407

(b) If a third-party payer determines, after receiving 27408
initially requested documentation, that it needs additional 27409
supporting documentation pertaining to a beneficiary's preexisting 27410
condition, which condition was unknown to the third-party payer 27411
and about which it was reasonable for the third-party payer to 27412
have no knowledge at the time of its initial request for 27413
documentation, and the third-party payer subsequently requests 27414
this additional supporting documentation, the number of days that 27415
elapse between making the request and receiving the additional 27416

supporting documentation shall not be counted for purposes of 27417
determining the third-party payer's compliance with the time 27418
period of not more than forty-five days. 27419

(c) When a third-party payer denies a claim, the third-party 27420
payer shall notify the provider and the beneficiary. The notice 27421
shall state, with specificity, why the third-party payer denied 27422
the claim. 27423

(d) If a third-party payer determines that supporting 27424
documentation related to medical information is routinely 27425
necessary to process a claim for payment of a particular health 27426
care service, the third-party payer shall establish a description 27427
of the supporting documentation that is routinely necessary and 27428
make the description available to providers in a readily 27429
accessible format. 27430

Third-party payers and providers shall, in connection with a 27431
claim, use the most current CPT code in effect, as published by 27432
the American medical association, the most current ICD-10 code in 27433
effect, as published by the United States department of health and 27434
human services, the most current CDT code in effect, as published 27435
by the American dental association, or the most current HCPCS code 27436
in effect, as published by the United States ~~health care financing~~ 27437
~~administration~~ centers for medicare and medicaid services. 27438

(3) When a provider or beneficiary submits a claim by using 27439
the standard claim form prescribed in the superintendent's rules, 27440
but the information provided in the claim is materially deficient, 27441
the third-party payer shall notify the provider or beneficiary not 27442
later than fifteen days after receipt of the claim. The notice 27443
shall state, with specificity, the information needed to correct 27444
all material deficiencies. Once the material deficiencies are 27445
corrected, the third-party payer shall proceed in accordance with 27446
division (B)(1) or (2) of this section. 27447

It is not a violation of the notification time period of not 27448
more than fifteen days if a third-party payer fails to notify a 27449
provider or beneficiary of material deficiencies in the claim 27450
related to a diagnosis or treatment or the provider's 27451
identification. A third-party payer may request the information 27452
necessary to correct these deficiencies after the end of the 27453
notification time period. Requests for such information shall be 27454
made as requests for supporting documentation under division 27455
(B)(2) of this section, and payment or denial of the claim is 27456
subject to the time periods specified in that division. 27457

(C) For purposes of this section, if a dispute exists between 27458
a provider and a third-party payer as to the day a claim form was 27459
received by the third-party payer, both of the following apply: 27460

(1) If the provider or a person acting on behalf of the 27461
provider submits a claim directly to a third-party payer by mail 27462
and retains a record of the day the claim was mailed, there exists 27463
a rebuttable presumption that the claim was received by the 27464
third-party payer on the fifth business day after the day the 27465
claim was mailed, unless it can be proven otherwise. 27466

(2) If the provider or a person acting on behalf of the 27467
provider submits a claim directly to a third-party payer 27468
electronically, there exists a rebuttable presumption that the 27469
claim was received by the third-party payer twenty-four hours 27470
after the claim was submitted, unless it can be proven otherwise. 27471

(D) Nothing in this section requires a third-party payer to 27472
provide more than one notice to an employer whose premium for 27473
coverage of employees under a benefits contract has not been 27474
received by the third-party payer. 27475

(E) Compliance with the provisions of division (B)(3) of this 27476
section shall be determined separately from compliance with the 27477
provisions of divisions (B)(1) and (2) of this section. 27478

(F) A third-party payer shall transmit electronically any 27479
payment with respect to claims that the third-party payer receives 27480
electronically and pays to a contracted provider under this 27481
section and under sections 3901.383, 3901.384, and 3901.386 of the 27482
Revised Code. A provider shall not refuse to accept a payment made 27483
under this section or sections 3901.383, 3901.384, and 3901.386 of 27484
the Revised Code on the basis that the payment was transmitted 27485
electronically. 27486

Sec. 3901.3814. Sections 3901.38 and 3901.381 to 3901.3813 of 27487
the Revised Code do not apply to the following: 27488

(A) Policies offering coverage that is regulated under 27489
Chapters 3935. and 3937. of the Revised Code; 27490

(B) An employer's self-insurance plan and any of its 27491
administrators, as defined in section 3959.01 of the Revised Code, 27492
to the extent that federal law supersedes, preempts, prohibits, or 27493
otherwise precludes the application of any provisions of those 27494
sections to the plan and its administrators; 27495

(C) A third-party payer for coverage provided under the 27496
medicare advantage program operated under Title XVIII of the 27497
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as 27498
amended; 27499

(D) A third-party payer for coverage provided under the 27500
medicaid program, ~~except that if a federal waiver applied for~~ 27501
~~under section 5167.25 of the Revised Code is granted or the~~ 27502
~~medicaid director determines that this provision can be~~ 27503
~~implemented without a waiver, sections 3901.38 and 3901.381 to~~ 27504
~~3901.3813 of the Revised Code apply to claims submitted~~ 27505
~~electronically or non-electronically that are made with respect to~~ 27506
~~coverage of medicaid recipients by health insuring corporations~~ 27507
~~licensed under Chapter 1751. of the Revised Code, instead of the~~ 27508
~~prompt payment requirements of 42 C.F.R. 447.46;~~ 27509

(E) A third-party payer for coverage provided under the 27510
tricare program offered by the United States department of 27511
defense. 27512

Sec. 3902.30. (A) As used in this section: 27513

(1) "Health benefit plan," "health care services," and 27514
"health plan issuer" have the same meanings as in section 3922.01 27515
of the Revised Code. 27516

(2) "Health care professional" means any of the following: 27517

(a) A physician licensed under Chapter 4731. of the Revised 27518
Code to practice medicine and surgery, osteopathic medicine and 27519
surgery, or podiatric medicine and surgery; 27520

(b) The holder of a telemedicine certificate issued under 27521
section 4731.296 of the Revised Code; 27522

(c) A physician assistant licensed under Chapter 4731. of the 27523
Revised Code; 27524

(d) An advanced practice registered nurse as defined in 27525
section 4723.01 of the Revised Code. 27526

(3) "In-person health care services" means health care 27527
services delivered by a health care professional through the use 27528
of any communication method where the professional and patient are 27529
simultaneously present in the same geographic location. 27530

(4) "Recipient" means a patient receiving health care 27531
services or a health care professional with whom the provider of 27532
health care services is consulting regarding the patient. 27533

(5) "Telemedicine services" means a mode of providing health 27534
care services through synchronous or asynchronous information and 27535
communication technology by a health care professional, within the 27536
professional's scope of practice, who is located at a site other 27537
than the site where the recipient is located. 27538

(B)(1) A health benefit plan shall provide coverage for 27539
telemedicine services on the same basis and to the same extent 27540
that the plan provides coverage for the provision of in-person 27541
health care services. 27542

(2) A health benefit plan shall not exclude coverage for a 27543
service solely because it is provided as a telemedicine service. 27544

(C) A health benefit plan shall not impose any annual or 27545
lifetime benefit maximum in relation to telemedicine services 27546
other than such a benefit maximum imposed on all benefits offered 27547
under the plan. 27548

(D) This section shall not be construed as prohibiting a 27549
health benefit plan from assessing cost-sharing requirements to a 27550
covered individual for telemedicine services, provided that such 27551
cost-sharing requirements for telemedicine services are not 27552
greater than those for comparable in-person health care services. 27553

(E) This section shall not be construed as requiring a health 27554
plan issuer to reimburse a physician for any costs or fees 27555
associated with the provision of telemedicine services that would 27556
be in addition to or greater than the standard reimbursement for 27557
comparable in-person health care services. 27558

(F) This section applies to all health benefit plans issued, 27559
offered, or renewed on or after January 1, 2020. 27560

Sec. 4109.05. (A) The director of commerce, after 27561
consultation with the director of health, shall adopt rules, in 27562
accordance with Chapter 119. of the Revised Code, prohibiting the 27563
employment of minors in occupations which are hazardous or 27564
detrimental to the health and well-being of minors. 27565

In adopting the rules, the director of commerce shall 27566
consider the orders issued pursuant to the "Fair Labor Standards 27567
Act of 1938," 52 Stat. 1060, 29 U.S.C. 201, as amended. 27568

The director of commerce shall not adopt any rule that 27569
prohibits a minor who is sixteen or seventeen years of age and who 27570
is employed by an employer under the construction and 27571
manufacturing mentorship program created in section 4109.22 of the 27572
Revised Code from being employed in a construction occupation or 27573
manufacturing occupation if the orders issued pursuant to the 27574
"Fair Labor Standards Act of 1938," 29 U.S.C. 201, et seq., permit 27575
the employment of the minor in the construction occupation or 27576
manufacturing occupation. As used in this division, "construction 27577
occupation" and "manufacturing occupation" have the same meanings 27578
as in section 4109.22 of the Revised Code. 27579

(B) No minor may be employed in any occupation found 27580
hazardous or detrimental to the health and well-being of minors 27581
under the rules adopted pursuant to division (A) of this section. 27582

Sec. 4109.22. (A) As used in this section: 27583

(1) "Construction occupation" means employment that consists 27584
of the construction, reconstruction, enlargement, alteration, 27585
repair, remodeling, renovation, demolition, or painting of a 27586
building or other structure, including preparation of a site for 27587
new construction. 27588

(2) "Manufacturing occupation" means employment that consists 27589
of the mechanical, physical, or chemical transformation of 27590
materials, substances, or components into new products for sale, 27591
including the assembling of component parts into a finished 27592
product. 27593

(3) Notwithstanding the definition of "employer" in section 27594
4109.01 of the Revised Code, "employer" means every person who 27595
employs any individual in a construction occupation or 27596
manufacturing occupation. 27597

(B)(1) There is hereby created the construction and 27598

manufacturing mentorship program to expose minors who are sixteen 27599
or seventeen years of age to construction occupations and 27600
manufacturing occupations in this state through temporary 27601
employment with an employer. An employer employing a minor under 27602
the mentorship program shall do all of the following: 27603

(a) Determine the duration of the minor's employment; 27604

(b) Assign the minor a mentor to provide direct and close 27605
supervision while the minor is engaged in any workplace activity; 27606

(c) Provide the minor with the training described in division 27607
(C) of this section; 27608

(d) Encourage the minor to participate in a career-technical 27609
education program approved by the department of education after 27610
the minor's employment ends, if the minor is not participating in 27611
a career-technical education program when the minor begins 27612
employment; 27613

(e) Comply with all applicable state and federal laws and 27614
regulations relating to the employment of minors. 27615

(2) The mentor assigned under division (B)(1)(b) of this 27616
section is liable for the minor while the minor is employed by the 27617
employer. 27618

(C)(1) An employer employing a minor who is sixteen or 27619
seventeen years of age in a construction occupation or 27620
manufacturing occupation under the mentorship program shall 27621
provide the minor with training that includes all of the 27622
following: 27623

(a) A ten-hour course in construction or general industry 27624
safety and health hazard recognition and prevention approved by 27625
the occupational safety and health administration of the United 27626
States department of labor; 27627

(b) Instructions on how to operate the specific tools the 27628

minor will use during the minor's employment; 27629

(c) The general safety and health hazards to which the minor 27630
may be exposed at the minor's workplace; 27631

(d) The value of safety and management commitment; 27632

(e) Information on the employer's drug testing policy. 27633

(2) For purposes of division (C)(1)(a) of this section, a 27634
minor may participate in a thirty-hour course in construction or 27635
general industry safety and health hazard recognition and 27636
prevention approved by the occupational safety and health 27637
administration if the minor has already successfully completed a 27638
ten-hour course. 27639

(3) The employer shall pay any costs associated with 27640
providing the training required by division (C)(1) or permitted 27641
under division (C)(2) of this section. 27642

(D) The director of commerce, in consultation with employers, 27643
shall adopt rules in accordance with Chapter 119. of the Revised 27644
Code specifying a list of the tools that a minor who is sixteen or 27645
seventeen years of age who is employed under the mentorship 27646
program may operate during the minor's employment in a 27647
construction occupation or manufacturing occupation. The director 27648
shall use the manual issued by the wage and hour division of the 27649
United States department of labor titled "field operations 27650
handbook" or its successor for guidance in developing the list. 27651
Nothing in this division requires the director to include a tool 27652
on the list if the orders issued pursuant to the "Fair Labor 27653
Standards Act of 1938," 29 U.S.C. 201, et seq., and section 27654
4109.05 of the Revised Code or rules adopted under that section 27655
specifically permit minors of that age to operate the tool. 27656

(E) A minor who is sixteen or seventeen years of age who is 27657
employed by an employer under the mentorship program may work in 27658
any construction occupation or manufacturing occupation not denied 27659

by law to minors of that age under section 4109.05 of the Revised Code or rules adopted under that section. 27660
27661

(F) No employer shall do either of the following: 27662

(1) Permit a minor who is sixteen or seventeen years of age to operate a tool minors of that age are permitted to operate pursuant to the rules adopted under division (D) of this section unless the minor is employed by the employer under the mentorship program; 27663
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(2) Permit a minor who is sixteen or seventeen years of age who is employed by the employer under the mentorship program to operate a tool prohibited for use by minors of that age pursuant to the "Fair Labor Standards Act of 1938," 29 U.S.C. 201, et seq., and section 4109.05 of the Revised Code or rules adopted under that section. 27668
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Sec. 4109.99. (A) Whoever violates section 4109.04, division (C) of section 4109.07, division (A), (B), or (D) of section 4109.08, section 4109.11, or division (B) of section 4109.12 of the Revised Code is guilty of a minor misdemeanor. 27674
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(B) Whoever violates section 4109.05 of the Revised Code is guilty of a misdemeanor of the third degree. 27678
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(C) Whoever violates section 4109.03, division (A), (B), or (D) of section 4109.07, or section 4109.10 of the Revised Code is guilty of a minor misdemeanor on a first offense and a misdemeanor of the third degree on each subsequent offense. 27680
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(D) Whoever violates division (A) of section 4109.12 of the Revised Code is guilty of a minor misdemeanor for each day the violation continues. 27684
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(E) Whoever violates division (A) of section 4109.21 of the Revised Code is guilty of a misdemeanor of the fourth degree on a first offense and a first degree misdemeanor on each subsequent 27687
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offense. If, however, the violation on a first offense contains 27690
aggravating circumstances, including, but not limited to, threats 27691
to a minor, reckless operation of a motor vehicle, or abandonment 27692
of or endangerment to a minor but not including circumstances that 27693
are the basis of a felony violation of section 2919.22 of the 27694
Revised Code, then the person is guilty of a misdemeanor of the 27695
first degree. If the offender previously has been convicted under 27696
this section and if the subsequent offense contains aggravating 27697
circumstances other than circumstances that are the basis of a 27698
felony violation of section 2919.22 of the Revised Code, then the 27699
person is guilty of a felony of the fourth degree. 27700

(F) Whoever violates division (F) of section 4109.22 of the 27701
Revised Code shall be assessed a civil penalty of up to one 27702
thousand seven hundred thirty dollars for each violation. 27703

Sec. 4141.35. (A) If the director of job and family services 27704
finds that any fraudulent misrepresentation has been made by an 27705
applicant for or a recipient of benefits with the object of 27706
obtaining benefits to which the applicant or recipient was not 27707
entitled, and in addition to any other penalty or forfeiture under 27708
this chapter, then the director: 27709

(1) Shall within four years after the end of the benefit year 27710
in which the fraudulent misrepresentation was made reject or 27711
cancel such person's entire weekly claim for benefits that was 27712
fraudulently claimed, or the person's entire benefit rights if the 27713
misrepresentation was in connection with the filing of the 27714
claimant's application for determination of benefit rights; 27715

(2) Shall by order declare that, for each application for 27716
benefit rights and for each weekly claim canceled, such person 27717
shall be ineligible for two otherwise valid weekly claims for 27718
benefits, claimed within six years subsequent to the discovery of 27719
such misrepresentation; 27720

(3) By order shall require that the total amount of benefits 27721
rejected or canceled under division (A)(1) of this section be 27722
repaid to the director before such person may become eligible for 27723
further benefits, and shall withhold such unpaid sums from future 27724
benefit payments accruing and otherwise payable to such claimant. 27725
Effective with orders issued on or after January 1, 1993, if such 27726
benefits are not repaid within thirty days after the director's 27727
order becomes final, interest on the amount remaining unpaid shall 27728
be charged to the person at a rate and calculated in the same 27729
manner as provided under section 4141.23 of the Revised Code. When 27730
a person ordered to repay benefits has repaid all overpaid 27731
benefits according to a plan approved by the director, the 27732
director may cancel the amount of interest that accrued during the 27733
period of the repayment plan. The director may take action in any 27734
court of competent jurisdiction to collect benefits and interest 27735
as provided in sections 4141.23 and 4141.27 of the Revised Code, 27736
in regard to the collection of unpaid contributions, using the 27737
final repayment order as the basis for such action. Except as 27738
otherwise provided in this division, no administrative or legal 27739
proceedings for the collection of such benefits or interest due, 27740
or for the collection of a penalty under division (A)(4) of this 27741
section, shall be initiated after the expiration of six years from 27742
the date on which the director's order requiring repayment became 27743
final and the amount of any benefits, penalty, or interest not 27744
recovered at that time, and any liens thereon, shall be canceled 27745
as uncollectible. The time limit for instituting proceedings shall 27746
be extended by the period of any stay to the collection or by any 27747
other time period to which the parties mutually agree. 27748

(4) Shall, for findings made on or after October 21, 2013, by 27749
order assess a mandatory penalty on such a person in an amount 27750
equal to twenty-five per cent of the total amount of benefits 27751
rejected or canceled under division (A)(1) of this section. The 27752
first sixty per cent of each penalty collected under division 27753

(A)(4) of this section shall be deposited into the unemployment 27754
compensation fund created under section 4141.09 of the Revised 27755
Code and shall be credited to the mutualized account, as provided 27756
in division (B)(2)(g) of section 4141.25 of the Revised Code. The 27757
remainder of each penalty collected shall be deposited into the 27758
unemployment compensation special administrative fund created 27759
under section 4141.11 of the Revised Code. 27760

(5) May take action to collect benefits fraudulently obtained 27761
under the unemployment compensation law of any other state or the 27762
United States or Canada. Such action may be initiated in the 27763
courts of this state in the same manner as provided for unpaid 27764
contributions in section 4141.41 of the Revised Code. 27765

(6) May take action to collect benefits that have been 27766
fraudulently obtained from the director, interest pursuant to 27767
division (A)(3) of this section, and court costs, through 27768
attachment proceedings under Chapter 2715. of the Revised Code and 27769
garnishment proceedings under Chapter 2716. of the Revised Code. 27770

(B) If the director finds that an applicant for benefits has 27771
been credited with a waiting period or paid benefits to which the 27772
applicant was not entitled for reasons other than fraudulent 27773
misrepresentation, the director shall: 27774

(1)(a) Within six months after the determination under which 27775
the claimant was credited with that waiting period or paid 27776
benefits becomes final pursuant to section 4141.28 of the Revised 27777
Code, or within three years after the end of the benefit year in 27778
which such benefits were claimed, whichever is later, by order 27779
cancel such waiting period and require that such benefits be 27780
repaid to the director or be withheld from any benefits to which 27781
such applicant is or may become entitled before any additional 27782
benefits are paid, provided that the repayment or withholding 27783
shall not be required where the overpayment is the result of the 27784
director's correcting a prior decision due to a typographical or 27785

clerical error in the director's prior decision, or an error in an employer's report under division (G) of section 4141.28 of the Revised Code.

(b) The limitation specified in division (B)(1)(a) of this section shall not apply to cases involving the retroactive payment of remuneration covering periods for which benefits were previously paid to the claimant. However, in such cases, the director's order requiring repayment shall not be issued unless the director is notified of such retroactive payment within six months from the date the retroactive payment was made to the claimant.

(2) The director may, by reciprocal agreement with the United States secretary of labor or another state, recover overpayment amounts from unemployment benefits otherwise payable to an individual under Chapter 4141. of the Revised Code. Any overpayments made to the individual that have not previously been recovered under an unemployment benefit program of the United States may be recovered in accordance with section 303(g) of the "Social Security Act" and sections 3304(a)(4) and 3306(f) of the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311.

(3) If the amounts required to be repaid under division (B) of this section are not recovered within three years from the date the director's order requiring payment became final, initiate no further action to collect such benefits and the amount of any benefits not recovered at that time shall be canceled as uncollectible, provided that the time limit for collection shall be extended by the period of any stay to the collection or by any other time period to which the parties mutually agree.

(C) The appeal provisions of sections 4141.281 and 4141.282 of the Revised Code shall apply to all orders and determinations issued under this section, except that an individual's right of

appeal under division (B)(2) of this section shall be limited to 27818
this state's authority to recover overpayment of benefits. 27819

(D) The director shall deposit any repayment collected under 27820
this section that the director determines to be payment of 27821
interest or court costs into the unemployment compensation special 27822
administrative fund established pursuant to section 4141.11 of the 27823
Revised Code. 27824

(E) If an individual makes a full repayment or a repayment 27825
that is less than the full amount required by this section, the 27826
director shall apply the repayment to the mutualized account under 27827
division (B) of section 4141.25 of the Revised Code, except that 27828
the director shall credit the repayment to the accounts of the 27829
individual's base period employers that previously have not been 27830
credited for the amount of improperly paid benefits charged 27831
against their accounts based on the proportion of benefits charged 27832
against the accounts as determined pursuant to division (D) of 27833
section 4141.24 of the Revised Code. 27834

~~The director shall deposit any repayment collected under this 27835
section that the director determines to be payment of interest or 27836
court costs into the unemployment compensation special 27837
administrative fund established pursuant to section 4141.11 of the 27838
Revised Code.~~ 27839

This division does not apply to any of the following: 27840

(1) Federal tax refund offsets under 31 C.F.R. 285.8; 27841

(2) Unclaimed fund recoveries under section 131.024 of the 27842
Revised Code; 27843

(3) Lottery award offsets under section 3770.073 of the 27844
Revised Code; 27845

(4) State tax refund offsets under section 5747.12 of the 27846
Revised Code; 27847

<u>(5) Unemployment compensation debts collected by the attorney</u>	27848
<u>general under Chapter 131. of the Revised Code.</u>	27849
Sec. 4141.50. (A) As used in this section and in sections	27850
4141.51 to 4141.56 of the Revised Code:	27851
(1) "Affected unit" means a department, shift, or other	27852
organizational unit of two or more employees that is designated by	27853
a participating employer in a shared work plan.	27854
(2) "Approved shared work plan" means an employer's shared	27855
work plan, submitted pursuant to section 4141.51 of the Revised	27856
Code, that satisfies all of the requirements for approval under	27857
that section and that the director of job and family services has	27858
approved in writing.	27859
(3) "Intermittent basis" means employment that is not	27860
continuous but may consist of periodic intervals of weekly work	27861
and intervals of no weekly work.	27862
(4) "Normal weekly hours of work" means the normal hours of	27863
work <u>in employment</u> each week for an employee in an affected unit	27864
when that unit is operating on a full-time basis, not to exceed	27865
forty hours and not including any overtime worked.	27866
(5) "Participating employee" means an employee whose normal	27867
weekly hours of work are reduced by the reduction percentage under	27868
an approved shared work plan.	27869
(6) "Participating employer" means an employer who has an	27870
approved shared work plan in effect.	27871
(7) "Reduction percentage" means the percentage by which each	27872
participating employee's normal weekly hours of work are reduced	27873
under an approved shared work plan.	27874
(8) "Seasonal basis" has the same meaning as "seasonal	27875
employment" as defined in division (A) of section 4141.33 of the	27876
Revised Code.	27877

(9) "Shared work compensation" means the pro rata share of 27878
unemployment compensation benefits payable to a participating 27879
employee under an approved shared work plan. "Shared work 27880
compensation" does not include unemployment compensation benefits 27881
otherwise payable to an eligible claimant who is totally or 27882
partially unemployed. 27883

(10) "Temporary basis" means employment where an employee is 27884
expected to remain in a position for only a limited period of time 27885
or is hired by a temporary agency to fill a gap in the employer's 27886
workforce. 27887

(B) There is hereby created the "SharedWork Ohio" program, 27888
under which an employer who participates in the program reduces 27889
the number of hours worked by the employees of the employer in 27890
lieu of layoffs. 27891

The director may adopt rules as the director determines 27892
necessary to implement any guidance issued by the United States 27893
secretary of labor with respect to the SharedWork Ohio program. 27894

Sec. 4301.43. (A) As used in sections 4301.43 to 4301.50 of 27895
the Revised Code: 27896

(1) "Gallon" or "wine gallon" means one hundred twenty-eight 27897
fluid ounces. 27898

(2) "Sale" or "sell" includes exchange, barter, gift, 27899
distribution, and, except with respect to A-4 permit holders, 27900
offer for sale. 27901

(B) For the purposes of providing revenues for the support of 27902
the state and encouraging the grape industries in the state, a tax 27903
is hereby levied on the sale or distribution of wine in Ohio, 27904
except for known sacramental purposes, at the rate of thirty cents 27905
per wine gallon for wine containing not less than four per cent of 27906
alcohol by volume and not more than fourteen per cent of alcohol 27907

by volume, ninety-eight cents per wine gallon for wine containing 27908
more than fourteen per cent but not more than twenty-one per cent 27909
of alcohol by volume, one dollar and eight cents per wine gallon 27910
for vermouth, and one dollar and forty-eight cents per wine gallon 27911
for sparkling and carbonated wine and champagne, the tax to be 27912
paid by the holders of A-2, A-2f, and B-5 permits or by any other 27913
person selling or distributing wine upon which no tax has been 27914
paid. From the tax paid under this section on wine, vermouth, and 27915
sparkling and carbonated wine and champagne, the treasurer of 27916
state shall credit to the Ohio grape industries fund created under 27917
section 924.54 of the Revised Code a sum equal to one cent per 27918
gallon for each gallon upon which the tax is paid. 27919

(C) For the purpose of providing revenues for the support of 27920
the state, there is hereby levied a tax on prepared and bottled 27921
highballs, cocktails, cordials, and other mixed beverages at the 27922
rate of one dollar and twenty cents per wine gallon to be paid by 27923
holders of A-4 permits or by any other person selling or 27924
distributing those products upon which no tax has been paid. Only 27925
one sale of the same article shall be used in computing the amount 27926
of tax due. The tax on mixed beverages to be paid by holders of 27927
A-4 permits under this section shall not attach until the 27928
ownership of the mixed beverage is transferred for valuable 27929
consideration to a wholesaler or retailer, and no payment of the 27930
tax shall be required prior to that time. 27931

(D) During the period of July 1, ~~2017~~ 2019, through June 30, 27932
~~2019~~ 2021, from the tax paid under this section on wine, vermouth, 27933
and sparkling and carbonated wine and champagne, the treasurer of 27934
state shall credit to the Ohio grape industries fund created under 27935
section 924.54 of the Revised Code a sum equal to two cents per 27936
gallon upon which the tax is paid. The amount credited under this 27937
division is in addition to the amount credited to the Ohio grape 27938
industries fund under division (B) of this section. 27939

(E) For the purpose of providing revenues for the support of 27940
the state, there is hereby levied a tax on cider at the rate of 27941
twenty-four cents per wine gallon to be paid by the holders of 27942
A-2, A-2f, and B-5 permits or by any other person selling or 27943
distributing cider upon which no tax has been paid. Only one sale 27944
of the same article shall be used in computing the amount of the 27945
tax due. 27946

Sec. 4313.02. (A) The state may transfer to JobsOhio, and 27947
JobsOhio may accept the transfer of, all or a portion of the 27948
enterprise acquisition project for a transfer price payable by 27949
JobsOhio to the state. Any such transfer shall be treated as an 27950
absolute conveyance and true sale of the interest in the 27951
enterprise acquisition project purported to be conveyed for all 27952
purposes, and not as a pledge or other security interest. The 27953
characterization of any such transfer as a true sale and absolute 27954
conveyance shall not be negated or adversely affected by the 27955
acquisition or retention by the state of a residual or 27956
reversionary interest in the enterprise acquisition project, the 27957
participation of any state officer or employee as a member or 27958
officer of, or contracting for staff support to, JobsOhio or any 27959
subsidiary of JobsOhio, any regulatory responsibility of an 27960
officer or employee of the state, including the authority to 27961
collect amounts to be received in connection therewith, the 27962
retention of the state of any legal title to or interest in any 27963
portion of the enterprise acquisition project for the purpose of 27964
regulatory activities, or any characterization of JobsOhio or 27965
obligations of JobsOhio under accounting, taxation, or securities 27966
regulations, or any other reason whatsoever. An absolute 27967
conveyance and true sale or lease shall exist under this section 27968
regardless of whether JobsOhio has any recourse against the state 27969
or the treatment or characterization of the transfer as a 27970
financing for any purpose. Upon and following the transfer, the 27971

state shall not have any right, title, or interest in the 27972
enterprise acquisition project so transferred other than any 27973
residual interest that may be described in the transfer agreement 27974
pursuant to the following paragraph and division (D) of this 27975
section. Any determination of the fair market value of the 27976
enterprise acquisition project reflected in the transfer agreement 27977
shall be conclusive and binding on the state and JobsOhio. 27978

Any transfer of the enterprise acquisition project that is a 27979
lease or grant of a franchise shall be for a term not to exceed 27980
twenty-five years. Any transfer of the enterprise acquisition 27981
project that is an assignment and sale, conveyance, or other 27982
transfer shall contain a provision that the state shall have the 27983
option to have conveyed or transferred back to it, at no cost, the 27984
enterprise acquisition project, as it then exists, no later than 27985
twenty-five years after the original transfer authorized in the 27986
transfer agreement on such other terms as shall be provided in the 27987
transfer agreement. 27988

The exercise of the powers granted by this section will be 27989
for the benefit of the people of the state. All or any portion of 27990
the enterprise acquisition project transferred pursuant to the 27991
transfer agreement that would be exempt from real property taxes 27992
or assessments or real property taxes or assessments in the 27993
absence of such transfer shall, as it may from time to time exist 27994
thereafter, remain exempt from real property taxes or assessments 27995
levied by the state and its subdivisions to the same extent as if 27996
not transferred. The gross receipts and income of JobsOhio derived 27997
from the enterprise acquisition project shall be exempt from 27998
taxation levied by the state and its subdivisions, including, but 27999
not limited to, the taxes levied pursuant to Chapters 718., 5739., 28000
5741., 5747., and 5751. of the Revised Code. Any transfer from the 28001
state to JobsOhio of the enterprise acquisition project, or item 28002
included or to be included in the project, shall be exempt from 28003

the taxes levied pursuant to Chapters 5739. and 5741. of the Revised Code.

(B) The proceeds of any transfer under division (A) of this section may be expended as provided in the transfer agreement for any one or more of the following purposes:

(1) Funding, payment, or defeasance of outstanding bonds issued pursuant to Chapters 151. and 166. of the Revised Code and secured by pledged liquor profits as defined in section 151.40 of the Revised Code;

(2) Deposit into the general revenue fund;

(3) Deposit into the clean Ohio revitalization fund created pursuant to section 122.658 of the Revised Code, the innovation Ohio loan fund created pursuant to section 166.16 of the Revised Code, the research and development loan fund created pursuant to section 166.20 of the Revised Code, and the logistics and distribution infrastructure fund created pursuant to section 166.26 of the Revised Code, ~~the advanced energy research and development fund created pursuant to section 3706.27 of the Revised Code, and the advanced energy research and development taxable fund created pursuant to section 3706.27 of the Revised Code;~~

(4) Conveyance to JobsOhio for the purposes for which it was created.

(C)(1) The state may covenant, pledge, and agree in the transfer agreement, with and for the benefit of JobsOhio, that it shall maintain statutory authority for the enterprise acquisition project and the revenues of the enterprise acquisition project and not otherwise materially impair any obligations supported by a pledge of revenues of the enterprise acquisition project. The transfer agreement may provide or authorize the manner for determining material impairment of the security for any such

outstanding obligations, including by assessing and evaluating the 28035
revenues of the enterprise acquisition project. 28036

(2) The director of budget and management, in consultation 28037
with the director of commerce, may, without need for any other 28038
approval, negotiate terms of any documents, including the transfer 28039
agreement, necessary to effect the transfer and the acceptance of 28040
the transfer of the enterprise acquisition project. The director 28041
of budget and management and the director of commerce shall 28042
execute the transfer agreement on behalf of the state. The 28043
director of budget and management may also, without need for any 28044
other approval, retain or contract for the services of commercial 28045
appraisers, underwriters, investment bankers, and financial 28046
advisers, as are necessary in the judgment of the director of 28047
budget and management to effect the transfer agreement. Any 28048
transfer agreement may contain terms and conditions established by 28049
the state to carry out and effectuate the purposes of this 28050
section, including, without limitation, covenants binding the 28051
state in favor of JobsOhio. Any such transfer agreement shall be 28052
sufficient to effectuate the transfer without regard to any other 28053
laws governing other property sales or financial transactions by 28054
the state. The director of budget and management may create any 28055
funds or accounts, within or without the state treasury, as are 28056
needed for the transactions and activities authorized by this 28057
section. 28058

(3) The transfer agreement may authorize JobsOhio, in the 28059
ordinary course of doing business, to convey, lease, release, or 28060
otherwise dispose of any regular inventory or tangible personal 28061
property. Ownership of the interest in the enterprise acquisition 28062
project that is transferred to JobsOhio under this section and the 28063
transfer agreement shall be maintained in JobsOhio or a nonprofit 28064
entity the sole member of which is JobsOhio until the enterprise 28065
acquisition project is transferred back to the state pursuant to 28066

the second paragraph of division (A) and division (D) of this section. 28067
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(D) The transfer agreement may authorize JobsOhio to fix, alter, and collect rentals and other charges for the use and occupancy of all or any portion of the enterprise acquisition project and to lease any portion of the enterprise acquisition project to the state, and shall include a contract with, or the granting of an option to, the state to have the enterprise acquisition project, as it then exists, transferred back to it without charge in accordance with the terms of the transfer agreement after retirement or redemption, or provision therefor, of all obligations supported by a pledge of spirituous liquor profits. 28069
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(E) JobsOhio, the director of budget and management, and the director of commerce shall, subject to approval by the controlling board, enter into a contract, which may be part of the transfer agreement, for the continuing operation by the division of liquor control of spirituous liquor distribution and merchandising subject to standards for performance provided in that contract that may relate to or support division (C)(1) of this section. The contract shall establish other terms and conditions for the assignment of duties to, and the provision of advice, services, and other assistance by, the division of liquor control, including providing for the necessary staffing and payment by JobsOhio of appropriate compensation to the division for the performance of such duties and the provision of such advice, services, and other assistance. The division of liquor control shall manage and actively supervise the activities required or authorized under sections 4301.10 and 4301.17 of the Revised Code as those sections exist on September 29, 2011, including, but not limited to, controlling the traffic in intoxicating liquor in this state and fixing the wholesale and retail prices at which the various 28080
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classes, varieties, and brands of spirituous liquor are sold. 28099

(F) The transfer agreement shall require JobsOhio to pay for 28100
the operations of the division of liquor control with regard to 28101
the spirituous liquor merchandising operations of the division. 28102
The payments from JobsOhio shall be deposited into the state 28103
treasury to the credit of the liquor operating services fund, 28104
which is hereby created in the state treasury. The fund shall be 28105
used to pay for the operations of the division specified in this 28106
division. 28107

(G) The transaction and transfer provided for under this 28108
section shall comply with all applicable provisions of the Ohio 28109
Constitution. 28110

Sec. 4501.10. (A) Except as provided in division (B) of this 28111
section, money received by the department of public safety from 28112
the sale of motor vehicles and related equipment pursuant to 28113
section 125.13 of the Revised Code shall be transferred to the 28114
public safety - highway purposes fund created in section 4501.06 28115
of the Revised Code. The money shall be used only to purchase 28116
replacement motor vehicles and related equipment. 28117

(B) Money received by the department of public safety 28118
investigative unit established under section 5502.13 of the 28119
Revised Code from the sale of motor vehicles and other equipment 28120
pursuant to section 125.13 of the Revised Code shall be deposited 28121
into the ~~public safety Ohio~~ investigative unit ~~salvage and~~ 28122
~~exchange~~ fund, ~~which is hereby~~ created in ~~the state treasury~~ 28123
section 5502.132 of the Revised Code. The money ~~in the fund~~ shall 28124
be used only to purchase replacement motor vehicles and other 28125
equipment for that unit. 28126

Sec. 4501.24. There is hereby created in the state treasury 28127
the scenic rivers protection fund. The fund shall consist of the 28128

donations to the fund received by the department of natural 28129
resources and the contributions not to exceed forty dollars that 28130
are paid to the registrar of motor vehicles by applicants who 28131
voluntarily choose to obtain scenic rivers license plates pursuant 28132
to section 4503.56 of the Revised Code. 28133

The contributions deposited in the fund shall be used by the 28134
department of ~~natural resources~~ to help finance wild, scenic, and 28135
recreational river areas conservation, education, corridor 28136
protection, restoration, and habitat enhancement and clean-up 28137
projects along rivers in those areas. The chief of the division of 28138
parks and watercraft in the department may expend money in the 28139
fund for the acquisition of wild, scenic, and recreational river 28140
areas, for the maintenance, protection, and administration of such 28141
areas, and for construction of facilities within those areas. All 28142
investment earnings of the fund shall be credited to the fund. 28143

As used in this section, "wild river areas," "scenic river 28144
areas," and "recreational river areas" have the same meanings as 28145
in section 1546.01 of the Revised Code. 28146

Sec. 4503.515. (A) The owner or lessee of any passenger car, 28147
noncommercial motor vehicle, recreational vehicle, or other 28148
vehicle of a class approved by the registrar of motor vehicles may 28149
apply to the registrar for the registration of the vehicle and 28150
issuance of "Ohio geology" license plates. The application may be 28151
combined with a request for a special reserved license plate under 28152
section 4503.40 or 4503.42 of the Revised Code. Upon receipt of 28153
the completed application and compliance by the applicant with 28154
divisions (B) and (C) of this section, the registrar shall issue 28155
to the applicant the appropriate vehicle registration and a set of 28156
"Ohio geology" license plates and a validation sticker, or a 28157
validation sticker alone when required by section 4503.191 of the 28158
Revised Code. 28159

In addition to the letters and numbers ordinarily inscribed 28160
on the license plates, "Ohio geology" license plates shall bear an 28161
appropriate logo and words selected by the director of natural 28162
resources and approved by the registrar. "Ohio geology" license 28163
plates shall display county identification stickers that identify 28164
the county of registration as required under section 4503.19 of 28165
the Revised Code. 28166

(B) "Ohio geology" license plates and a validation sticker, 28167
or validation sticker alone, shall be issued upon receipt of an 28168
application for registration of a motor vehicle under this 28169
section; payment of the regular license tax as prescribed under 28170
section 4503.04 of the Revised Code, any applicable motor vehicle 28171
license tax levied under Chapter 4504. of the Revised Code, any 28172
applicable additional fee prescribed by section 4503.40 or 4503.42 28173
of the Revised Code, an additional fee of ten dollars, and a 28174
contribution as provided in division (C) of this section; and 28175
compliance with all other applicable laws relating to the 28176
registration of motor vehicles. 28177

(C) For each application for registration and registration 28178
renewal notice the registrar receives under this section, the 28179
registrar shall collect a contribution of fifteen dollars. The 28180
registrar shall transmit this contribution to the treasurer of 28181
state for deposit into the state treasury to the credit of the 28182
~~"Ohio geology" license plate~~ geological mapping fund created by 28183
section ~~1505.13~~ 1505.09 of the Revised Code. 28184

The registrar shall transmit the additional fee of ten 28185
dollars, the purpose of which is to compensate the bureau of motor 28186
vehicles for the additional services required in the issuing of 28187
"Ohio geology" license plates, to the treasurer of state for 28188
deposit into the state treasury to the credit of the public safety 28189
- highway purposes fund created by section 4501.06 of the Revised 28190
Code. 28191

Sec. 4506.03. (A) Except as provided in divisions (B) and (C) 28192
of this section, the following shall apply: 28193

(1) No person shall drive a commercial motor vehicle on a 28194
highway in this state unless the person holds, and has in the 28195
person's possession, any of the following: 28196

(a) A valid commercial driver's license with proper 28197
endorsements for the motor vehicle being driven, issued by the 28198
registrar of motor vehicles or by another jurisdiction recognized 28199
by this state; 28200

(b) A valid examiner's commercial driving permit issued under 28201
section 4506.13 of the Revised Code; 28202

(c) A valid restricted commercial driver's license and waiver 28203
for farm-related service industries issued under section 4506.24 28204
of the Revised Code; 28205

(d) A valid commercial driver's license temporary instruction 28206
permit issued by the registrar, provided that the person is 28207
accompanied by an authorized state driver's license examiner or 28208
tester or a person who has been issued and has in the person's 28209
immediate possession a current, valid commercial driver's license 28210
and who meets the requirements of division (B) of section 4506.06 28211
of the Revised Code. 28212

(2) No person's commercial driver's license temporary 28213
instruction permit shall be upgraded, and no commercial driver's 28214
license shall be upgraded, renewed, or issued to a person until 28215
the person surrenders to the registrar of motor vehicles all valid 28216
licenses and permits issued to the person by this state or by 28217
another jurisdiction recognized by this state. If the license or 28218
permit was issued by any other state or another jurisdiction 28219
recognized by this state, the registrar shall report the surrender 28220
of a license or permit to the issuing authority, together with 28221

information that a license or permit is now issued in this state. 28222
The registrar shall destroy any such license or permit that is not 28223
returned to the issuing authority. 28224

(3) No person who has been a resident of this state for 28225
thirty days or longer shall drive a commercial motor vehicle under 28226
the authority of a commercial driver's license issued by another 28227
jurisdiction. 28228

(B) Nothing in division (A) of this section applies to any 28229
qualified person when engaged in the operation of any of the 28230
following: 28231

(1) A farm truck; 28232

(2) Fire equipment for a fire department, volunteer or 28233
nonvolunteer fire company, fire district, ~~or~~ joint fire district, 28234
or the state fire marshal; 28235

(3) A public safety vehicle used to provide transportation or 28236
emergency medical service for ill or injured persons; 28237

(4) A recreational vehicle; 28238

(5) A commercial motor vehicle within the boundaries of an 28239
eligible unit of local government, if the person is employed by 28240
the eligible unit of local government and is operating the 28241
commercial motor vehicle for the purpose of removing snow or ice 28242
from a roadway by plowing, sanding, or salting, but only if either 28243
the employee who holds a commercial driver's license issued under 28244
this chapter and ordinarily operates a commercial motor vehicle 28245
for these purposes is unable to operate the vehicle, or the 28246
employing eligible unit of local government determines that a snow 28247
or ice emergency exists that requires additional assistance; 28248

(6) A vehicle operated for military purposes by any member or 28249
uniformed employee of the armed forces of the United States or 28250
their reserve components, including the Ohio national guard. This 28251

exception does not apply to United States reserve technicians. 28252

(7) A commercial motor vehicle that is operated for 28253
nonbusiness purposes. "Operated for nonbusiness purposes" means 28254
that the commercial motor vehicle is not used in commerce as 28255
"commerce" is defined in 49 C.F.R. 383.5, as amended, and is not 28256
regulated by the public utilities commission pursuant to Chapter 28257
4905., 4921., or 4923. of the Revised Code. 28258

(8) A motor vehicle that is designed primarily for the 28259
transportation of goods and not persons, while that motor vehicle 28260
is being used for the occasional transportation of personal 28261
property by individuals not for compensation and not in the 28262
furtherance of a commercial enterprise; 28263

(9) A police SWAT team vehicle; 28264

(10) A police vehicle used to transport prisoners. 28265

(C) Nothing contained in division (B)(5) of this section 28266
shall be construed as preempting or superseding any law, rule, or 28267
regulation of this state concerning the safe operation of 28268
commercial motor vehicles. 28269

(D) Whoever violates this section is guilty of a misdemeanor 28270
of the first degree. 28271

Sec. 4506.11. (A) Every commercial driver's license shall be 28272
marked "commercial driver's license" or "CDL" and shall be of such 28273
material and so designed as to prevent its reproduction or 28274
alteration without ready detection, ~~and, to this end, shall be~~ 28275
~~laminated with a transparent plastic material.~~ The commercial 28276
driver's license for licensees under twenty-one years of age shall 28277
have characteristics prescribed by the registrar of motor vehicles 28278
distinguishing it from that issued to a licensee who is twenty-one 28279
years of age or older. Every commercial driver's license shall 28280
display all of the following information: 28281

(1) The name and residence address of the licensee;	28282
(2) A color photograph of the licensee showing the licensee's uncovered face;	28283 28284
(3) A physical description of the licensee, including sex, height, weight, and color of eyes and hair;	28285 28286
(4) The licensee's date of birth;	28287
(5) The licensee's social security number if the person has requested that the number be displayed in accordance with section 4501.31 of the Revised Code or if federal law requires the social security number to be displayed and any number or other identifier the director of public safety considers appropriate and establishes by rules adopted under Chapter 119. of the Revised Code and in compliance with federal law;	28288 28289 28290 28291 28292 28293 28294
(6) The licensee's signature;	28295
(7) The classes of commercial motor vehicles the licensee is authorized to drive and any endorsements or restrictions relating to the licensee's driving of those vehicles;	28296 28297 28298
(8) The name of this state;	28299
(9) The dates of issuance and of expiration of the license;	28300
(10) If the licensee has certified willingness to make an anatomical gift under section 2108.05 of the Revised Code, any symbol chosen by the registrar of motor vehicles to indicate that the licensee has certified that willingness;	28301 28302 28303 28304
(11) If the licensee has executed a durable power of attorney for health care or a declaration governing the use or continuation, or the withholding or withdrawal, of life-sustaining treatment and has specified that the licensee wishes the license to indicate that the licensee has executed either type of instrument, any symbol chosen by the registrar to indicate that the licensee has executed either type of instrument;	28305 28306 28307 28308 28309 28310 28311

(12) On and after October 7, 2009, if the licensee has 28312
specified that the licensee wishes the license to indicate that 28313
the licensee is a veteran, active duty, or reservist of the armed 28314
forces of the United States and has presented a copy of the 28315
licensee's DD-214 form or an equivalent document, any symbol 28316
chosen by the registrar to indicate that the licensee is a 28317
veteran, active duty, or reservist of the armed forces of the 28318
United States; 28319

(13) Any other information the registrar considers advisable 28320
and requires by rule. 28321

(B) The registrar may establish and maintain a file of 28322
negatives of photographs taken for the purposes of this section. 28323

(C) Neither the registrar nor any deputy registrar shall 28324
issue a commercial driver's license to anyone under twenty-one 28325
years of age that does not have the characteristics prescribed by 28326
the registrar distinguishing it from the commercial driver's 28327
license issued to persons who are twenty-one years of age or 28328
older. 28329

(D) Whoever violates division (C) of this section is guilty 28330
of a minor misdemeanor. 28331

Sec. 4507.01. (A) As used in this chapter, "motor vehicle," 28332
"motorized bicycle," "state," "owner," "operator," "chauffeur," 28333
and "highways" have the same meanings as in section 4501.01 of the 28334
Revised Code. 28335

"Driver's license" means a class D license issued to any 28336
person to operate a motor vehicle or motor-driven cycle, other 28337
than a commercial motor vehicle, and includes "probationary 28338
license," "restricted license," and any operator's or chauffeur's 28339
license issued before January 1, 1990. 28340

"Probationary license" means the license issued to any person 28341

between sixteen and eighteen years of age to operate a motor vehicle. 28342
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"Restricted license" means the license issued to any person to operate a motor vehicle subject to conditions or restrictions imposed by the registrar of motor vehicles. 28344
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"Commercial driver's license" means the license issued to a person under Chapter 4506. of the Revised Code to operate a commercial motor vehicle. 28347
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"Commercial motor vehicle" has the same meaning as in section 4506.01 of the Revised Code. 28350
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"Motorcycle operator's temporary instruction permit, license, or endorsement" includes a temporary instruction permit, license, or endorsement for a motor-driven cycle or motor scooter unless otherwise specified. 28352
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"Motorized bicycle license" means the license issued under section 4511.521 of the Revised Code to any person to operate a motorized bicycle including a "probationary motorized bicycle license." 28356
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"Probationary motorized bicycle license" means the license issued under section 4511.521 of the Revised Code to any person between fourteen and sixteen years of age to operate a motorized bicycle. 28360
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"Identification card" means a card issued under sections 4507.50 and 4507.51 of the Revised Code. 28364
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"Resident" means a person who, in accordance with standards prescribed in rules adopted by the registrar, resides in this state on a permanent basis. 28366
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"Temporary resident" means a person who, in accordance with standards prescribed in rules adopted by the registrar, resides in this state on a temporary basis. 28369
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(B) In the administration of this chapter and Chapter 4506. 28372
of the Revised Code, the registrar has the same authority as is 28373
conferred on the registrar by section 4501.02 of the Revised Code. 28374
Any act of an authorized deputy registrar of motor vehicles under 28375
direction of the registrar is deemed the act of the registrar. 28376

To carry out this chapter, the registrar shall appoint such 28377
deputy registrars in each county as are necessary. 28378

The registrar also shall provide at each place where an 28379
application for a driver's or commercial driver's license or 28380
identification card may be made the necessary equipment to take a 28381
color photograph of the applicant for such license or card as 28382
required under section 4506.11 or 4507.06 of the Revised Code, and 28383
to conduct the vision screenings required by section 4507.12 of 28384
the Revised Code, ~~and equipment to laminate licenses, motorized 28385~~
~~bicycle licenses, and identification cards as required by sections 28386~~
~~4507.13, 4507.52, and 4511.521 of the Revised Code. 28387~~

The registrar shall assign one or more deputy registrars to 28388
any driver's license examining station operated under the 28389
supervision of the director of public safety, whenever the 28390
registrar considers such assignment possible. Space shall be 28391
provided in the driver's license examining station for any such 28392
deputy registrar so assigned. The deputy registrars shall not 28393
exercise the powers conferred by such sections upon the registrar, 28394
unless they are specifically authorized to exercise such powers by 28395
such sections. 28396

(C) No agent for any insurance company, writing automobile 28397
insurance, shall be appointed deputy registrar, and any such 28398
appointment is void. No deputy registrar shall in any manner 28399
solicit any form of automobile insurance, nor in any manner 28400
advise, suggest, or influence any licensee or applicant for 28401
license for or against any kind or type of automobile insurance, 28402
insurance company, or agent, nor have the deputy registrar's 28403

office directly connected with the office of any automobile 28404
insurance agent, nor impart any information furnished by any 28405
applicant for a license or identification card to any person, 28406
except the registrar. This division shall not apply to any 28407
nonprofit corporation appointed deputy registrar. 28408

(D) The registrar shall immediately remove a deputy registrar 28409
who violates the requirements of this chapter. 28410

~~(E) The registrar shall periodically solicit bids and enter 28411
into a contract for the provision of laminating equipment and 28412
laminating materials to the registrar and all deputy registrars. 28413
The registrar shall not consider any bid that does not provide for 28414
the supplying of both laminating equipment and laminating 28415
materials. The laminating materials selected shall contain a 28416
security feature so that any tampering with the laminating 28417
material covering a license or identification card is readily 28418
apparent. In soliciting bids and entering into a contract for the 28419
provision of laminating equipment and laminating materials, the 28420
registrar shall observe all procedures required by law. 28421~~

Sec. 4507.13. (A) The registrar of motor vehicles shall issue 28422
a driver's license to every person licensed as an operator of 28423
motor vehicles other than commercial motor vehicles. No person 28424
licensed as a commercial motor vehicle driver under Chapter 4506. 28425
of the Revised Code need procure a driver's license, but no person 28426
shall drive any commercial motor vehicle unless licensed as a 28427
commercial motor vehicle driver. 28428

Every driver's license shall display on it the distinguishing 28429
number assigned to the licensee and shall display the licensee's 28430
name and date of birth; the licensee's residence address and 28431
county of residence; a color photograph of the licensee; a brief 28432
description of the licensee for the purpose of identification; a 28433
facsimile of the signature of the licensee as it appears on the 28434

application for the license; a notation, in a manner prescribed by 28435
the registrar, indicating any condition described in division 28436
(D)(3) of section 4507.08 of the Revised Code to which the 28437
licensee is subject; if the licensee has executed a durable power 28438
of attorney for health care or a declaration governing the use or 28439
continuation, or the withholding or withdrawal, of life-sustaining 28440
treatment and has specified that the licensee wishes the license 28441
to indicate that the licensee has executed either type of 28442
instrument, any symbol chosen by the registrar to indicate that 28443
the licensee has executed either type of instrument; on and after 28444
October 7, 2009, if the licensee has specified that the licensee 28445
wishes the license to indicate that the licensee is a veteran, 28446
active duty, or reservist of the armed forces of the United States 28447
and has presented a copy of the licensee's DD-214 form or an 28448
equivalent document, any symbol chosen by the registrar to 28449
indicate that the licensee is a veteran, active duty, or reservist 28450
of the armed forces of the United States; and any additional 28451
information that the registrar requires by rule. No license shall 28452
display the licensee's social security number unless the licensee 28453
specifically requests that the licensee's social security number 28454
be displayed on the license. If federal law requires the 28455
licensee's social security number to be displayed on the license, 28456
the social security number shall be displayed on the license 28457
notwithstanding this section. 28458

The driver's license for licensees under twenty-one years of 28459
age shall have characteristics prescribed by the registrar 28460
distinguishing it from that issued to a licensee who is twenty-one 28461
years of age or older, except that a driver's license issued to a 28462
person who applies no more than thirty days before the applicant's 28463
twenty-first birthday shall have the characteristics of a license 28464
issued to a person who is twenty-one years of age or older. 28465

The driver's license issued to a temporary resident shall 28466

contain the word "nonrenewable" and shall have any additional 28467
characteristics prescribed by the registrar distinguishing it from 28468
a license issued to a resident. 28469

Every driver's or commercial driver's license displaying a 28470
motorcycle operator's endorsement and every restricted license to 28471
operate a motor vehicle also shall display the designation 28472
"novice," if the endorsement or license is issued to a person who 28473
is eighteen years of age or older and previously has not been 28474
licensed to operate a motorcycle by this state or another 28475
jurisdiction recognized by this state. The "novice" designation 28476
shall be effective for one year after the date of issuance of the 28477
motorcycle operator's endorsement or license. 28478

Each license issued under this section shall be of such 28479
material and so designed as to prevent its reproduction or 28480
alteration without ready detection ~~and, to this end, shall be~~ 28481
~~laminated with a transparent plastic material.~~ 28482

(B) Except in regard to a driver's license issued to a person 28483
who applies no more than thirty days before the applicant's 28484
twenty-first birthday, neither the registrar nor any deputy 28485
registrar shall issue a driver's license to anyone under 28486
twenty-one years of age that does not have the characteristics 28487
prescribed by the registrar distinguishing it from the driver's 28488
license issued to persons who are twenty-one years of age or 28489
older. 28490

(C) Whoever violates division (B) of this section is guilty 28491
of a minor misdemeanor. 28492

Sec. 4507.23. (A) Except as provided in division (I) of this 28493
section, each application for a temporary instruction permit and 28494
examination shall be accompanied by a fee of five dollars. 28495

(B) Except as provided in division (I) of this section, each 28496

application for a driver's license made by a person who previously 28497
held such a license and whose license has expired not more than 28498
two years prior to the date of application, and who is required 28499
under this chapter to give an actual demonstration of the person's 28500
ability to drive, shall be accompanied by a fee of three dollars 28501
in addition to any other fees. 28502

(C)(1) Except as provided in divisions (E) and (I) of this 28503
section, each application for a driver's license, or motorcycle 28504
operator's endorsement, or renewal of a driver's license shall be 28505
accompanied by a fee of six dollars. 28506

(2) Except as provided in division (I) of this section, each 28507
application for a duplicate driver's license shall be accompanied 28508
by a fee of seven dollars and fifty cents. The duplicate driver's 28509
licenses issued under this section shall be distributed by the 28510
deputy registrar in accordance with rules adopted by the registrar 28511
of motor vehicles. 28512

(D) Except as provided in division (I) of this section, each 28513
application for a motorized bicycle license or duplicate thereof 28514
shall be accompanied by a fee of two dollars and fifty cents. 28515

(E) Except as provided in division (I) of this section, each 28516
application for a driver's license or renewal of a driver's 28517
license that will be issued to a person who is less than 28518
twenty-one years of age shall be accompanied by whichever of the 28519
following fees is applicable: 28520

(1) If the person is sixteen years of age or older, but less 28521
than seventeen years of age, a fee of seven dollars and 28522
twenty-five cents; 28523

(2) If the person is seventeen years of age or older, but 28524
less than eighteen years of age, a fee of six dollars; 28525

(3) If the person is eighteen years of age or older, but less 28526
than nineteen years of age, a fee of four dollars and seventy-five 28527

cents; 28528

(4) If the person is nineteen years of age or older, but less than twenty years of age, a fee of three dollars and fifty cents; 28529
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(5) If the person is twenty years of age or older, but less than twenty-one years of age, a fee of two dollars and twenty-five cents. 28531
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(F) Neither the registrar nor any deputy registrar shall charge a fee in excess of one dollar and fifty cents for ~~laminating the authentication of the documents required for processing~~ a driver's license, motorized bicycle license, or temporary instruction permit identification cards as required by sections 4507.13 and 4511.521 of the Revised Code. A deputy registrar ~~laminating that authenticates the required documents for~~ a driver's license, motorized bicycle license, or temporary instruction permit identification cards shall retain the entire amount of the fee ~~charged for lamination, less the actual cost to the registrar of the laminating materials used for that lamination, as specified in the contract executed by the bureau for the laminating materials and laminating equipment. The deputy registrar shall forward the amount of the cost of the laminating materials to the registrar for deposit as provided in this~~ section. 28534
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(G) Except as provided in division (I) of this section, each transaction described in divisions (A), (B), (C), (D), and (E) of this section shall be accompanied by an additional fee of twelve dollars. The additional fee is for the purpose of defraying the department of public safety's costs associated with the administration and enforcement of the motor vehicle and traffic laws of Ohio. 28550
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(H) At the time and in the manner provided by section 4503.10 of the Revised Code, the deputy registrar shall transmit the fees 28557
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collected under divisions (A), (B), (C), (D), and (E), ~~those~~ 28559
~~portions of the fees specified in and collected under division~~ 28560
~~(F)~~, and the additional fee under division (G) of this section to 28561
the registrar. The registrar shall deposit the fees into the 28562
public safety - highway purposes fund established in section 28563
4501.06 of the Revised Code. 28564

(I) A disabled veteran who has a service-connected disability 28565
rated at one hundred per cent by the veterans' administration may 28566
apply to the registrar or a deputy registrar for the issuance to 28567
that veteran, without the payment of any fee prescribed in this 28568
section, of any of the following items: 28569

(1) A temporary instruction permit and examination; 28570

(2) A new, renewal, or duplicate driver's or commercial 28571
driver's license; 28572

(3) A motorcycle operator's endorsement; 28573

(4) A motorized bicycle license or duplicate thereof; 28574

(5) ~~Lamination of a driver's license, motorized bicycle~~ 28575
~~license, or temporary instruction permit identification card~~ A 28576
document authentication fee as provided in division (F) of this 28577
section. 28578

An application made under division (I) of this section shall 28579
be accompanied by such documentary evidence of disability as the 28580
registrar may require by rule. 28581

(J)(1) The registrar of motor vehicles shall adopt rules that 28582
establish a prorated fee schedule that specifies the fee to be 28583
charged by the registrar or a deputy registrar for the issuance of 28584
a duplicate driver's license. The rules shall require the base fee 28585
to be equal to the fee for a duplicate driver's license that 28586
existed immediately prior to July 1, 2015. In order to determine 28587
the prorated amount for a duplicate license under the rules, the 28588

registrar shall reduce the base fee by an amount determined by the 28589
registrar that is correlated with the number of months between the 28590
date a person applies for the duplicate and the date of expiration 28591
of the license. The registrar shall allocate the money received 28592
from a prorated duplicate driver's license fee to the same funds 28593
and in the same proportion as the allocation of the base fee. 28594

(2) Notwithstanding any other provision of law, after the 28595
registrar has adopted rules under division (J)(1) of this section, 28596
an applicant for a duplicate driver's license shall be required to 28597
pay only the appropriate prorated fee established under those 28598
rules. 28599

Sec. 4507.50. (A) The registrar of motor vehicles or a deputy 28600
registrar, upon receipt of an application filed in compliance with 28601
section 4507.51 of the Revised Code by any person who is a 28602
resident or a temporary resident of this state and, except as 28603
otherwise provided in this section, is not licensed as an operator 28604
of a motor vehicle in this state or another licensing 28605
jurisdiction, and, except as provided in division (B) or (C) of 28606
this section, upon receipt of a fee of three dollars and fifty 28607
cents, shall issue an identification card to that person. 28608

Any person who is a resident or temporary resident of this 28609
state whose Ohio driver's or commercial driver's license has been 28610
suspended or canceled, upon application in compliance with section 28611
4507.51 of the Revised Code and, except as provided in division 28612
(B) or (C) of this section, payment of a fee of three dollars and 28613
fifty cents, may be issued a temporary identification card. The 28614
temporary identification card shall be identical to an 28615
identification card, except that it shall be printed on its face 28616
with a statement that the card is valid during the effective dates 28617
of the suspension or cancellation of the cardholder's license, or 28618
until the birthday of the cardholder in the fourth year after the 28619

date on which it is issued, whichever is shorter. The cardholder 28620
shall surrender the identification card to the registrar or any 28621
deputy registrar before the cardholder's driver's or commercial 28622
driver's license is restored or reissued. 28623

Except as provided in division (B) or (C) of this section, 28624
the deputy registrar shall be allowed a fee equal to the amount 28625
established under section 4503.038 of the Revised Code for each 28626
identification card issued under this section. The fee allowed to 28627
the deputy registrar shall be in addition to the fee for issuing 28628
an identification card. 28629

Neither the registrar nor any deputy registrar shall charge a 28630
fee in excess of one dollar and fifty cents for ~~laminating the~~ 28631
~~authentication of the documents required for processing an~~ 28632
identification card or temporary identification card. A deputy 28633
registrar ~~laminating such a card that authenticates the required~~ 28634
~~documents~~ shall retain the entire amount of the fee ~~charged for~~ 28635
~~lamination, less the actual cost to the registrar of the~~ 28636
~~laminating materials used for that lamination, as specified in the~~ 28637
~~contract executed by the bureau for the laminating materials and~~ 28638
~~laminating equipment. The deputy registrar shall forward the~~ 28639
~~amount of the cost of the laminating materials to the registrar~~ 28640
~~for deposit as provided in this section.~~ 28641

The fee collected for issuing an identification card under 28642
this section, except the fee allowed to the deputy registrar, 28643
shall be paid into the state treasury to the credit of the public 28644
safety - highway purposes fund created in section 4501.06 of the 28645
Revised Code. 28646

(B) A disabled veteran who has a service-connected disability 28647
rated at one hundred per cent by the veterans' administration may 28648
apply to the registrar or a deputy registrar for the issuance to 28649
that veteran of an identification card or a temporary 28650
identification card under this section without payment of any fee 28651

prescribed in division (A) of this section, ~~including any~~ 28652
~~lamination fee.~~ 28653

An application made under division (B) of this section shall 28654
be accompanied by such documentary evidence of disability as the 28655
registrar may require by rule. 28656

(C) A resident who is eligible for an identification card 28657
with an expiration date that is in accordance with division 28658
(A)(8)(b) of section 4507.52 of the Revised Code and who is 28659
currently unemployed may apply to the registrar or a deputy 28660
registrar for the issuance of an identification card under this 28661
section without payment of any fee as prescribed in division (A) 28662
of this section, ~~including any lamination fee.~~ 28663

An application made under division (C) of this section shall 28664
be accompanied by such documentary evidence of disability and 28665
unemployment as the registrar may require by rule. 28666

Sec. 4507.52. (A)(1) Each identification card issued by the 28667
registrar of motor vehicles or a deputy registrar shall display a 28668
distinguishing number assigned to the cardholder, and shall 28669
display the following inscription: 28670

"STATE OF OHIO IDENTIFICATION CARD 28671

This card is not valid for the purpose of operating a motor 28672
vehicle. It is provided solely for the purpose of establishing the 28673
identity of the bearer described on the card, who currently is not 28674
licensed to operate a motor vehicle in the state of Ohio." 28675

(2) The identification card shall display substantially the 28676
same information as contained in the application and as described 28677
in division (A)(1) of section 4507.51 of the Revised Code, but 28678
shall not display the cardholder's social security number unless 28679
the cardholder specifically requests that the cardholder's social 28680
security number be displayed on the card. If federal law requires 28681

the cardholder's social security number to be displayed on the 28682
identification card, the social security number shall be displayed 28683
on the card notwithstanding this section. 28684

(3) The identification card also shall display the color 28685
photograph of the cardholder. 28686

(4) If the cardholder has executed a durable power of 28687
attorney for health care or a declaration governing the use or 28688
continuation, or the withholding or withdrawal, of life-sustaining 28689
treatment and has specified that the cardholder wishes the 28690
identification card to indicate that the cardholder has executed 28691
either type of instrument, the card also shall display any symbol 28692
chosen by the registrar to indicate that the cardholder has 28693
executed either type of instrument. 28694

(5) If the cardholder has specified that the cardholder 28695
wishes the identification card to indicate that the cardholder is 28696
a veteran, active duty, or reservist of the armed forces of the 28697
United States and has presented a copy of the cardholder's DD-214 28698
form or an equivalent document, the card also shall display any 28699
symbol chosen by the registrar to indicate that the cardholder is 28700
a veteran, active duty, or reservist of the armed forces of the 28701
United States. 28702

(6) The card shall be ~~sealed in transparent plastic or~~ 28703
~~similar material and shall be so~~ designed as to prevent its 28704
reproduction or alteration without ready detection. 28705

(7) The identification card for persons under twenty-one 28706
years of age shall have characteristics prescribed by the 28707
registrar distinguishing it from that issued to a person who is 28708
twenty-one years of age or older, except that an identification 28709
card issued to a person who applies no more than thirty days 28710
before the applicant's twenty-first birthday shall have the 28711
characteristics of an identification card issued to a person who 28712

is twenty-one years of age or older. 28713

(8)(a) Except as provided in division (A)(8)(b) of this 28714
section, every identification card issued to a resident of this 28715
state shall expire, unless canceled or surrendered earlier, on the 28716
birthday of the cardholder in the fourth year after the date on 28717
which it is issued. 28718

(b) The registrar or a deputy registrar shall issue an 28719
identification card to a resident of this state who is permanently 28720
or irreversibly disabled that shall expire, unless canceled or 28721
surrendered earlier, on the birthday of the cardholder in the 28722
eighth year after the date on which it is issued. The registrar 28723
shall issue a reminder notice to a cardholder, at the last known 28724
address of the cardholder, six months before the identification 28725
card is scheduled to expire. The registrar shall adopt rules 28726
governing the documentation a cardholder shall submit to certify 28727
that the cardholder is permanently or irreversibly disabled. 28728

As used in this section, "permanently or irreversibly 28729
disabled" means a condition of disability from which there is no 28730
present indication of recovery. 28731

(c) Every identification card issued to a temporary resident 28732
shall expire in accordance with rules adopted by the registrar and 28733
is nonrenewable, but may be replaced with a new identification 28734
card upon the applicant's compliance with all applicable 28735
requirements. 28736

(9) A cardholder may renew the cardholder's identification 28737
card within ninety days prior to the day on which it expires by 28738
filing an application and paying the prescribed fee in accordance 28739
with section 4507.50 of the Revised Code. 28740

(10) If a cardholder applies for a driver's or commercial 28741
driver's license in this state or another licensing jurisdiction, 28742
the cardholder shall surrender the cardholder's identification 28743

card to the registrar or any deputy registrar before the license is issued. 28744
28745

(B)(1) If a card is lost, destroyed, or mutilated, the person to whom the card was issued may obtain a duplicate by doing both of the following: 28746
28747
28748

(a) Furnishing suitable proof of the loss, destruction, or mutilation to the registrar or a deputy registrar; 28749
28750

(b) Filing an application and presenting documentary evidence under section 4507.51 of the Revised Code. 28751
28752

(2) Any person who loses a card and, after obtaining a duplicate, finds the original, immediately shall surrender the original to the registrar or a deputy registrar. 28753
28754
28755

(3) A cardholder may obtain a replacement identification card that reflects any change of the cardholder's name by furnishing suitable proof of the change to the registrar or a deputy registrar and surrendering the cardholder's existing card. 28756
28757
28758
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(4)(a) When a cardholder applies for a duplicate or obtains a replacement identification card, the cardholder shall pay a fee of two dollars and fifty cents. A deputy registrar shall be allowed an additional fee equal to the amount established under section 4503.038 of the Revised Code for issuing a duplicate or replacement identification card. 28760
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(b) A disabled veteran who is a cardholder and has a service-connected disability rated at one hundred per cent by the veterans' administration may apply to the registrar or a deputy registrar for the issuance of a duplicate or replacement identification card without payment of any fee prescribed in this section, ~~and without payment of any lamination fee if the disabled veteran would not be required to pay a lamination fee in connection with the issuance of an identification card or temporary identification card as provided in division (B) of~~ 28766
28767
28768
28769
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28771
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~~section 4507.50 of the Revised Code.~~ 28775

(c) A resident who is permanently or irreversibly disabled 28776
and who is unemployed may apply to the registrar or a deputy 28777
registrar for the issuance of a duplicate or replacement 28778
identification card without payment of any fee prescribed in this 28779
section, ~~and without payment of any lamination fee, if the~~ 28780
~~resident would not be required to pay any fee in connection with~~ 28781
~~the issuance of an identification card as provided in division (C)~~ 28782
~~of section 4507.50 of the Revised Code.~~ 28783

(5) A duplicate or replacement identification card expires on 28784
the same date as the card it replaces. 28785

(C) The registrar shall cancel any card upon determining that 28786
the card was obtained unlawfully, issued in error, or was altered. 28787
The registrar also shall cancel any card that is surrendered to 28788
the registrar or to a deputy registrar after the holder has 28789
obtained a duplicate, replacement, or driver's or commercial 28790
driver's license. 28791

(D)(1) No agent of the state or its political subdivisions 28792
shall condition the granting of any benefit, service, right, or 28793
privilege upon the possession by any person of an identification 28794
card. Nothing in this section shall preclude any publicly operated 28795
or franchised transit system from using an identification card for 28796
the purpose of granting benefits or services of the system. 28797

(2) No person shall be required to apply for, carry, or 28798
possess an identification card. 28799

(E) Except in regard to an identification card issued to a 28800
person who applies no more than thirty days before the applicant's 28801
twenty-first birthday, neither the registrar nor any deputy 28802
registrar shall issue an identification card to a person under 28803
twenty-one years of age that does not have the characteristics 28804
prescribed by the registrar distinguishing it from the 28805

identification card issued to persons who are twenty-one years of 28806
age or older. 28807

(F) Whoever violates division (E) of this section is guilty 28808
of a minor misdemeanor. 28809

Sec. 4511.521. (A) No person shall operate a motorized 28810
bicycle upon a highway or any public or private property used by 28811
the public for purposes of vehicular travel or parking, unless all 28812
of the following conditions are met: 28813

(1) The person is fourteen or fifteen years of age and holds 28814
a valid probationary motorized bicycle license issued after the 28815
person has passed the test provided for in this section, or the 28816
person is sixteen years of age or older and holds either a valid 28817
commercial driver's license issued under Chapter 4506. or a 28818
driver's license issued under Chapter 4507. of the Revised Code or 28819
a valid motorized bicycle license issued after the person has 28820
passed the test provided for in this section, except that if a 28821
person is sixteen years of age, has a valid probationary motorized 28822
bicycle license and desires a motorized bicycle license, the 28823
person is not required to comply with the testing requirements 28824
provided for in this section; 28825

(2) The motorized bicycle is equipped in accordance with the 28826
rules adopted under division (B) of this section and is in proper 28827
working order; 28828

(3) The person, if under eighteen years of age, is wearing a 28829
protective helmet on the person's head with the chin strap 28830
properly fastened and the motorized bicycle is equipped with a 28831
rear-view mirror. 28832

(4) The person operates the motorized bicycle when 28833
practicable within three feet of the right edge of the roadway 28834
obeying all traffic rules applicable to vehicles. 28835

(B) The director of public safety, subject to sections 119.01 28836
to 119.13 of the Revised Code, shall adopt and promulgate rules 28837
concerning protective helmets, the equipment of motorized 28838
bicycles, and the testing and qualifications of persons who do not 28839
hold a valid driver's or commercial driver's license. The test 28840
shall be as near as practicable to the examination required for a 28841
motorcycle operator's endorsement under section 4507.11 of the 28842
Revised Code. The test shall also require the operator to give an 28843
actual demonstration of the operator's ability to operate and 28844
control a motorized bicycle by driving one under the supervision 28845
of an examining officer. 28846

(C) Every motorized bicycle license expires on the birthday 28847
of the applicant in the fourth year after the date it is issued, 28848
but in no event shall any motorized bicycle license be issued for 28849
a period longer than four years. 28850

(D) No person operating a motorized bicycle shall carry 28851
another person upon the motorized bicycle. 28852

(E) The protective helmet and rear-view mirror required by 28853
division (A)(3) of this section shall, on and after January 1, 28854
1985, conform with rules adopted by the director under division 28855
(B) of this section. 28856

~~(F) Each probationary motorized bicycle license or motorized 28857
bicycle license shall be laminated with a transparent plastic 28858
material. 28859~~

~~(G) Whoever violates division (A), (D), or (E) of this 28860
section is guilty of a minor misdemeanor. 28861~~

Sec. 4712.02. (A) A credit services organization shall file a 28862
registration application with, and receive a certificate of 28863
registration from, the division of financial institutions before 28864
conducting business in this state. The registration application 28865

shall be accompanied by a one-hundred-dollar fee and shall contain 28866
all of the following information: 28867

(1) The name and address of the credit services organization; 28868

(2) The name and address of any person that directly or 28869
indirectly owns or controls ten per cent or more of the 28870
outstanding shares of stock in the organization; 28871

(3) Either of the following: 28872

(a) A full and complete disclosure of any litigation 28873
commenced against the organization or unresolved complaint that 28874
relates to the operation of the organization and that is filed 28875
with the attorney general, the secretary of state, or any other 28876
governmental authority of the United States, this state, or any 28877
other state of the United States; 28878

(b) A notarized statement stating that no litigation has been 28879
commenced and no unresolved complaint relating to the operation of 28880
the organization has been filed with the attorney general, the 28881
secretary of state, or any other governmental authority of the 28882
United States, this state, or any other state of the United 28883
States. 28884

(4) Any other information required at any time by the 28885
division. 28886

(B)(1) Except as otherwise provided in division (B)(2) of 28887
this section, each credit services organization shall notify the 28888
division in writing within thirty days after the date of a change 28889
in the information required by division (A) of this section. 28890

(2) Each organization shall notify the division in writing no 28891
later than thirty days prior to any change in the information 28892
required by division (A)(1) or (2) of this section and shall 28893
receive approval from the division before making any such change. 28894

(C)(1) A credit services organization shall attach both of 28895

the following to the registration application submitted pursuant 28896
to division (A) of this section: 28897

(a) A copy of the contract that the organization intends to 28898
execute with its customers; 28899

(b) Evidence of the bond required under section 4712.06 of 28900
the Revised Code. 28901

(2) Any modification made to the contract described in 28902
division (C)(1)(a) of this section shall be filed with the 28903
division prior to its use by the organization. 28904

(D) Each credit services organization registering under this 28905
section shall maintain a copy of the registration application in 28906
its files. The organization shall allow a buyer to inspect the 28907
registration application upon request. 28908

(E) Each nonresident credit services organization registering 28909
under this section shall designate and maintain a resident of this 28910
state as the organization's statutory agent for purposes of 28911
receipt of service of process. 28912

(F) If, in order to issue a certificate of registration to a 28913
credit services organization, investigation by the division 28914
outside this state is necessary, the division may require the 28915
organization to advance sufficient funds to pay the actual 28916
expenses of the investigation. 28917

(G) Each credit services organization registering under this 28918
section shall use no more than one fictitious or trade name. 28919

(H)(1) A certificate of registration issued by the division 28920
pursuant to this section shall expire annually on the thirtieth 28921
day of April, or annually on a different date established by the 28922
superintendent pursuant to section 1181.23 of the Revised Code. 28923

(2) A credit services organization may renew its certificate 28924
of registration by filing with the division a renewal application 28925

accompanied by a one-hundred-dollar renewal fee. 28926

(I) All money collected by the division pursuant to this 28927
section shall be deposited by it in the state treasury to the 28928
credit of the consumer finance fund. 28929

(J)(1) No credit services organization shall fail to comply 28930
with division (A) of this section. 28931

(2) No credit services organization shall fail to comply with 28932
division (B), (D), (E), (F), or (G) of this section. 28933

Sec. 4717.03. (A) Members of the board of embalmers and 28934
funeral directors shall annually in July, or within thirty days 28935
after the senate's confirmation of the new members appointed in 28936
that year, meet and organize by selecting from among its members a 28937
president, vice-president, and secretary-treasurer. The board may 28938
hold other meetings as it determines necessary. A quorum of the 28939
board consists of four members, of whom at least three shall be 28940
members who are funeral directors. The concurrence of at least 28941
four members is necessary for the board to take any action. The 28942
president and secretary-treasurer shall sign all licenses issued 28943
under this chapter and affix the board's seal to each license. 28944

(B) The board may appoint an individual who is not a member 28945
of the board to serve as executive director of the board. The 28946
executive director serves at the pleasure of the board and shall 28947
do all of the following: 28948

(1) Serve as the board's chief administrative officer; 28949

(2) Act as custodian of the board's records; 28950

(3) Execute all of the board's orders; 28951

(4) Employ staff who are not members of the board and who 28952
serve at the pleasure of the executive director to provide any 28953
assistance that the board considers necessary. 28954

(C) In executing the board's orders as required by division 28955
(B)(3) of this section, the executive director may enter the 28956
premises, establishment, office, or place of business of any 28957
embalmer, funeral director, or crematory operator in this state. 28958
The executive director may serve and execute any process issued by 28959
any court under this chapter. 28960

(D) The executive director may employ necessary inspectors, 28961
who shall be licensed embalmers and funeral directors. An 28962
inspector employed by the executive director may enter the 28963
premises, establishment, office, or place of business of any 28964
embalmer, funeral director, or crematory operator, embalming 28965
facility, funeral home, or crematory facility in this state, for 28966
the purposes of inspecting the facility and premises; the license, 28967
permit, and ~~registration~~ certification of embalmers, funeral 28968
directors, and crematory operators operating in the facility; and 28969
the license of the funeral home, embalming facility, or crematory 28970
facility and perform any other duties delegated to the inspector 28971
by the board or assigned to the inspector by the executive 28972
director. The executive director may enter the facility or 28973
premises of a funeral home, embalming facility, or crematory for 28974
the purpose of an inspection if accompanied by an inspector or, if 28975
an inspector is not available, when a situation presents a danger 28976
of immediate and serious harm to the public. 28977

(E) The president of the board shall designate three of the 28978
board's members to serve on the crematory review board, which is 28979
hereby created, for such time as the president finds appropriate 28980
to carry out the provisions of this chapter. Those members of the 28981
crematory review board designated by the president to serve and 28982
three members designated by the cemetery dispute resolution 28983
commission shall designate, by a majority vote, one person who 28984
holds a crematory operator permit, who is experienced in the 28985
operation of a crematory facility, and who is not affiliated with 28986

a cemetery or a funeral home to serve on the crematory review board for such time as the crematory review board finds appropriate. Members serving on the crematory review board shall not receive any additional compensation for serving on the board, but may be reimbursed for their actual and necessary expenses incurred in the performance of official duties as members of the board. Members of the crematory review board shall designate one from among its members to serve as a chairperson for such time as the board finds appropriate. Costs associated with conducting an adjudicatory hearing in accordance with division (F) of this section shall be paid from funds available to the board of embalmers and funeral directors.

(F) Upon receiving written notice from the board of embalmers and funeral directors of any of the following, the crematory review board shall conduct an adjudicatory hearing on the matter in accordance with Chapter 119. of the Revised Code, except as otherwise provided in this section or division (C) of section 4717.14 of the Revised Code:

(1) Notice provided under division (I) of this section of an alleged violation of any provision of this chapter or any rules adopted under this chapter governing or in connection with crematory operators, crematory facilities, or cremation;

(2) Notice provided under division (B) of section 4717.14 of the Revised Code that the board of embalmers and funeral directors proposes to refuse to grant or renew, or to suspend or revoke, a license to operate a crematory facility;

(3) Notice provided under division (C) of section 4717.14 of the Revised Code that the board of embalmers and funeral directors has issued an order summarily suspending a crematory operator permit or a license to operate a crematory facility;

(4) Notice provided under division (B) of section 4717.15 of

the Revised Code that the board of embalmers and funeral directors 29018
proposes to issue a notice of violation and order requiring 29019
payment of a forfeiture for any violation described in divisions 29020
(A)(9)(a) to (g) of section 4717.04 of the Revised Code alleged in 29021
connection with a crematory operator, crematory facility, or 29022
cremation. 29023

Nothing in division (F) of this section precludes the 29024
crematory review board from appointing an independent examiner in 29025
accordance with section 119.09 of the Revised Code to conduct any 29026
adjudication hearing required under division (F) of this section. 29027

The crematory review board shall submit a written report of 29028
findings and advisory recommendations, and a written transcript of 29029
its proceedings, to the board of embalmers and funeral directors. 29030
The board of embalmers and funeral directors shall serve a copy of 29031
the written report of the crematory review board's findings and 29032
advisory recommendations on the party to the adjudication or the 29033
party's attorney, by certified mail, within five days after 29034
receiving the report and advisory recommendations. A party may 29035
file objections to the written report with the board of embalmers 29036
and funeral directors within ten days after receiving the report. 29037
No written report is final or appealable until it is issued as a 29038
final order by the board of embalmers and funeral directors and 29039
entered on the record of the proceedings. The board of embalmers 29040
and funeral directors shall consider objections filed by the party 29041
prior to issuing a final order. After reviewing the findings and 29042
advisory recommendations of the crematory review board, the 29043
written transcript of the crematory review board's proceedings, 29044
and any objections filed by a party, the board of embalmers and 29045
funeral directors shall issue a final order in the matter. Any 29046
party may appeal the final order issued by the board of embalmers 29047
and funeral directors in a matter described in divisions (F)(1) to 29048
(4) of this section in accordance with section 119.12 of the 29049

Revised Code, except that the appeal may be made to the court of 29050
common pleas in the county in which is located the crematory 29051
facility to which the final order pertains, or in the county in 29052
which the party resides. 29053

(G) On its own initiative or on receiving a written complaint 29054
from any person whose identity is made known to the board of 29055
embalmers and funeral directors, the board shall investigate the 29056
acts or practices of any person holding or claiming to hold a 29057
license, permit, or ~~registration~~ certification under this chapter 29058
that, if proven to have occurred, would violate this chapter or 29059
any rules adopted under it. The board may compel witnesses by 29060
subpoena to appear and testify in relation to investigations 29061
conducted under this chapter and may require by subpoena duces 29062
tecum the production of any book, paper, or document pertaining to 29063
an investigation. If a person does not comply with a subpoena or 29064
subpoena duces tecum, the board may apply to the court of common 29065
pleas of any county in this state for an order compelling the 29066
person to comply with the subpoena or subpoena duces tecum, or for 29067
failure to do so, to be held in contempt of court. 29068

(H) If, as a result of its investigation conducted under 29069
division (G) of this section, the board of embalmers and funeral 29070
directors has reasonable cause to believe that the person 29071
investigated is violating any provision of this chapter or any 29072
rules adopted under this chapter governing or in connection with 29073
embalming, funeral directing, cremation, funeral homes, embalming 29074
facilities, or cremation facilities, or the operation of funeral 29075
homes, embalming facilities, or crematory facilities, it may, 29076
after providing the opportunity for an adjudicatory hearing, issue 29077
an order directing the person to cease the acts or practices that 29078
constitute the violation. The board shall conduct the adjudicatory 29079
hearing in accordance with Chapter 119. of the Revised Code except 29080
that, notwithstanding the provisions of that chapter, the 29081

following shall apply: 29082

(1) The board shall send the notice informing the person of 29083
the person's right to a hearing by certified mail. 29084

(2) The person is entitled to a hearing only if the person 29085
requests a hearing and if the board receives the request within 29086
thirty days after the mailing of the notice described in division 29087
(H)(1) of this section. 29088

(3) A stenographic record shall be taken, in the manner 29089
prescribed in section 119.09 of the Revised Code, at every 29090
adjudicatory hearing held under this section, regardless of 29091
whether the record may be the basis of an appeal to a court. 29092

(I) If, as a result of its investigation conducted under 29093
division (G) of this section, the board of embalmers and funeral 29094
directors has reasonable cause to believe that the person 29095
investigated is violating any provision of this chapter or any 29096
rules adopted under this chapter governing or in connection with 29097
crematory operators, crematory facilities, or cremation, the board 29098
shall send written notice of the alleged violation to the 29099
crematory review board. If, after the conclusion of the 29100
adjudicatory hearing in the matter conducted under division (F) of 29101
this section, the board of embalmers and funeral directors finds 29102
that a person is in violation of any provision of this chapter or 29103
any rules adopted under this chapter governing or in connection 29104
with crematory operators, crematory facilities, or cremation, the 29105
board may issue a final order under that division directing the 29106
person to cease the acts or practices that constitute the 29107
violation. 29108

(J) The board of embalmers and funeral directors may bring a 29109
civil action to enjoin any violation or threatened violation of 29110
sections 4717.01 to 4717.15 of the Revised Code or a rule adopted 29111
under any of those sections; division (A) or (B) of section 29112

4717.23; division (B)(1) or (2), (C)(1) or (2), (D), (E), or 29113
(F)(1) or (2), or divisions (H) to (K) of section 4717.26; 29114
division (D)(1) of section 4717.27; divisions (A) to (C) of 29115
section 4717.28, or division (D) or (E) of section 4717.31 of the 29116
Revised Code. The action shall be brought in the county where the 29117
violation occurred or the threatened violation is expected to 29118
occur. At the request of the board, the attorney general shall 29119
represent the board in any matter arising under this chapter. 29120

(K) The board of embalmers and funeral directors and the 29121
crematory review board may issue subpoenas for any person holding 29122
a license or permit under this chapter or persons holding 29123
themselves out as such, or for any other person whose testimony, 29124
in the opinion of either board, is necessary. The subpoena shall 29125
require the person to appear before the appropriate board or any 29126
designated member of either board, upon any hearing conducted 29127
under this chapter. The penalty for disobedience to the command of 29128
such a subpoena is the same as for refusal to answer such a 29129
process issued under authority of the court of common pleas. 29130

(L) Except as provided in section 4717.41 of the Revised 29131
Code, all moneys received by the board of embalmers and funeral 29132
directors from any source shall be deposited in the state treasury 29133
to the credit of the occupational licensing and regulatory fund 29134
created in section 4743.05 of the Revised Code. 29135

(M) The board of embalmers and funeral directors shall submit 29136
a written report to the governor on or before the first Monday of 29137
July of each year. This report shall contain a detailed statement 29138
of the nature and amount of the board's receipts and the amount 29139
and manner of its expenditures. 29140

Sec. 4717.05. (A) Any person who desires to be licensed as an 29141
embalmer shall apply to the board of embalmers and funeral 29142
directors on a form provided by the board. The applicant shall 29143

include with the application an initial license fee as set forth 29144
in section 4717.07 of the Revised Code and evidence, verified by 29145
oath and satisfactory to the board, that the applicant meets all 29146
of the following requirements: 29147

(1) The applicant is at least eighteen years of age and of 29148
good moral character. 29149

(2) If the applicant has pleaded guilty to, has been found by 29150
a judge or jury to be guilty of, or has had a judicial finding of 29151
eligibility for treatment in lieu of conviction entered against 29152
the applicant in this state for aggravated murder, murder, 29153
voluntary manslaughter, felonious assault, kidnapping, rape, 29154
sexual battery, gross sexual imposition, aggravated arson, 29155
aggravated robbery, or aggravated burglary, or has pleaded guilty 29156
to, has been found by a judge or jury to be guilty of, or has had 29157
a judicial finding of eligibility for treatment in lieu of 29158
conviction entered against the applicant in another jurisdiction 29159
for a substantially equivalent offense, at least five years has 29160
elapsed since the applicant was released from incarceration, a 29161
community control sanction, a post-release control sanction, 29162
parole, or treatment in connection with the offense. 29163

(3) The applicant holds at least a bachelor's degree from a 29164
college or university authorized to confer degrees by the 29165
department of higher education or the comparable legal agency of 29166
another state in which the college or university is located and 29167
submits an official transcript from that college or university 29168
with the application. 29169

(4) The applicant has satisfactorily completed at least 29170
twelve months of instruction in a prescribed course in mortuary 29171
science as approved by the board and has presented to the board a 29172
certificate showing successful completion of the course. The 29173
course of mortuary science college training may be completed 29174
either before or after the completion of the educational standard 29175

set forth in division (A)(3) of this section. 29176

(5) The applicant has ~~registered with~~ been certified by the 29177
board prior to beginning an embalmer apprenticeship. 29178

(6) The applicant has satisfactorily completed at least one 29179
year of apprenticeship under an embalmer licensed in this state 29180
and has participated in embalming at least twenty-five dead human 29181
bodies. 29182

(7) The applicant, upon meeting the educational standards 29183
provided for in divisions (A)(3) and (4) of this section and 29184
completing the apprenticeship required in division (A)(6) of this 29185
section, has completed the examination for an embalmer's license 29186
required by the board. 29187

(B) Upon receiving satisfactory evidence verified by oath 29188
that the applicant meets all the requirements of division (A) of 29189
this section, the board shall issue the applicant an embalmer's 29190
license. 29191

(C) Any person who desires to be licensed as a funeral 29192
director shall apply to the board on a form prescribed by the 29193
board. The application shall include an initial license fee as set 29194
forth in section 4717.07 of the Revised Code and evidence, 29195
verified by oath and satisfactory to the board, that the applicant 29196
meets all of the following requirements: 29197

(1) Except as otherwise provided in division (D) of this 29198
section, the applicant has satisfactorily met all the requirements 29199
for an embalmer's license as described in divisions (A)(1) to (4) 29200
of this section. 29201

(2) The applicant has ~~registered with~~ been certified by the 29202
board prior to beginning a funeral director apprenticeship. 29203

(3) The applicant, following mortuary science college 29204
training described in division (A)(4) of this section, has 29205

satisfactorily completed a one-year apprenticeship under a 29206
licensed funeral director in this state and has participated in 29207
directing at least twenty-five funerals. 29208

(4) The applicant has satisfactorily completed the 29209
examination for a funeral director's license as required by the 29210
board. 29211

(D) In lieu of mortuary science college training required for 29212
a funeral director's license under division (C)(1) of this 29213
section, the applicant may substitute a satisfactorily completed 29214
two-year apprenticeship under a licensed funeral director in this 29215
state assisting that person in directing at least fifty funerals. 29216

(E) Upon receiving satisfactory evidence that the applicant 29217
meets all the requirements of division (C) of this section, the 29218
board shall issue to the applicant a funeral director's license. 29219

(F) A funeral director or embalmer may request the funeral 29220
director's or embalmer's license be placed on inactive status by 29221
submitting to the board a form prescribed by the board and such 29222
other information as the board may request. A funeral director or 29223
embalmer may not place the funeral director's or embalmer's 29224
license on inactive status unless the funeral director or embalmer 29225
is in good standing with the board and is in compliance with 29226
applicable continuing education requirements. A funeral director 29227
or embalmer who is granted inactive status is prohibited from 29228
participating in any activity for which a funeral director's or 29229
embalmer's license is required in this state. A funeral director 29230
or embalmer who has been granted inactive status is exempt from 29231
the continuing education requirements under section 4717.09 of the 29232
Revised Code during the period of the inactive status. 29233

(G) A funeral director or embalmer who has been granted 29234
inactive status may not return to active status for at least two 29235
years following the date that the inactive status was granted. 29236

Following a period of at least two years of inactive status, the 29237
funeral director or embalmer may apply to return to active status 29238
upon completion of all of the following conditions: 29239

(1) The funeral director or embalmer files with the board a 29240
form prescribed by the board seeking active status and provides 29241
any other information as the board may request; 29242

(2) The funeral director or embalmer takes and passes the 29243
Ohio laws examination for each license being activated; 29244

(3) The funeral director or embalmer pays a reactivation fee 29245
to the board in the amount of one hundred forty dollars for each 29246
license being reactivated. 29247

(H) As used in this section: 29248

(1) "Community control sanction" has the same meaning as in 29249
section 2929.01 of the Revised Code. 29250

(2) "Post-release control sanction" has the same meaning as 29251
in section 2967.01 of the Revised Code. 29252

Sec. 4717.07. (A) The board of embalmers and funeral 29253
directors shall charge and collect the following fees: 29254

(1) For applying for an initial or biennial renewal of an 29255
embalmer's or funeral director's license, ~~one~~ two hundred fifty 29256
dollars; 29257

(2) ~~For applying for an embalmer or funeral director~~ 29258
~~registration, twenty five dollars;~~ 29259

~~(3)~~ For ~~filing~~ applying for an embalmer or funeral director 29260
certificate of apprenticeship, ~~ten~~ thirty-five dollars; 29261

~~(4)~~(3) For the application to take the examination for a 29262
license to practice as an embalmer or funeral director, or to 29263
retake a section of the examination, thirty-five dollars; 29264

~~(5)~~(4) For applying for an initial license to operate a 29265

funeral home, ~~three~~ four hundred ~~fifty~~ dollars and biennial 29266
renewal of a license to operate a funeral home, ~~three~~ four hundred 29267
~~fifty~~ dollars; 29268

~~(6)~~(5) For the reinstatement of a lapsed embalmer's or 29269
funeral director's license, the renewal fee prescribed in division 29270
(A)(1) of this section plus fifty dollars for each month or 29271
portion of a month the license is lapsed, but not more than one 29272
thousand dollars; 29273

~~(7)~~(6) For the reinstatement of a lapsed license to operate a 29274
funeral home, the renewal fee prescribed in division (A)~~(5)~~(4) of 29275
this section plus fifty dollars for each month or portion of a 29276
month the license is lapsed until reinstatement, but not more than 29277
one thousand dollars; 29278

~~(8)~~(7) For applying for a license to operate an embalming 29279
facility, ~~three~~ four hundred ~~fifty~~ dollars and biennial renewal of 29280
a license to operate an embalming facility, ~~three~~ four hundred 29281
~~fifty~~ dollars; 29282

~~(9)~~(8) For the reinstatement of a lapsed license to operate 29283
an embalming facility, the renewal fee prescribed in division 29284
(A)~~(8)~~(7) of this section plus fifty dollars for each month or 29285
portion of a month the license is lapsed until reinstatement, but 29286
not more than one thousand dollars; 29287

~~(10)~~(9) For applying for a license to operate a crematory 29288
facility, ~~three~~ four hundred ~~fifty~~ dollars and biennial renewal of 29289
a license to operate a crematory facility, ~~three~~ four hundred 29290
~~fifty~~ dollars; 29291

~~(11)~~(10) For the reinstatement of a lapsed license to operate 29292
a crematory facility, the renewal fee prescribed in division 29293
(A)~~(10)~~(9) of this section plus fifty dollars for each month or 29294
portion of a month the license is lapsed until reinstatement, but 29295
not more than five hundred dollars; 29296

~~(12)~~(11) For applying for the initial or biennial renewal of a crematory operator permit, one hundred fifty dollars; 29297
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~~(13)~~(12) For the reinstatement of a lapsed crematory operator permit, the renewal fee prescribed in division (A)~~(12)~~(11) of this section plus fifty dollars for each month or portion of a month the permit is lapsed, but not more than five hundred dollars; 29299
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~~(14)~~(13) For the issuance of a duplicate of a license issued under this chapter, ten dollars; 29303
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~~(15)~~(14) For each preneed funeral contract sold in the state other than those funded by the assignment of an existing insurance policy, ten dollars. 29305
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(B) In addition to the fees set forth in division (A) of this section, an applicant shall pay the examination fee assessed by any examining agency the board uses for any section of an examination required under this chapter. 29308
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(C) Subject to the approval of the controlling board, the board of embalmers and funeral directors may establish fees in excess of the amounts set forth in this section, provided that these fees do not exceed the amounts set forth in this section by more than fifty per cent. 29312
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Sec. 4717.41. (A) There is hereby created the preneed recovery fund, which shall be in the custody of the treasurer of state but shall not be part of the state treasury. All fees collected under division (A)~~(15)~~(14) of section 4717.07 of the Revised Code shall be deposited into the fund. The fund shall be used to reimburse purchasers of preneed funeral contracts who have suffered financial loss as a result of the malfeasance, misfeasance, default, failure, or insolvency in connection with the sale of a preneed funeral contract by any licensee under this chapter, regardless of whether the sale of such contract occurred 29317
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before or after the establishment of the fund. The fund, and all 29327
investment earnings thereon, shall only be used for the purposes 29328
set forth in this section and shall not be used for any other 29329
purposes. The fund shall be administered by the board of embalmers 29330
and funeral directors. 29331

(B) All fees collected under division (A)~~(15)~~(14) of section 29332
4717.07 of the Revised Code shall be deposited into the fund. 29333
Deposits to and disbursements from the fund account shall be 29334
subject to rules established by the board. 29335

(C) If at the end of any fiscal year for this state, the 29336
balance in the fund exceeds two million dollars, the fee required 29337
by division (A)~~(15)~~(14) of section 4717.07 of the Revised Code for 29338
the upcoming fiscal year shall be reduced by fifty per cent. If 29339
the balance in the fund at the end of a fiscal year exceeds three 29340
million dollars, the payment of the fee required by division 29341
(A)~~(15)~~(14) of section 4717.07 of the Revised Code shall be 29342
suspended for the upcoming fiscal year. 29343

(D) The board shall adopt rules governing management of the 29344
fund, the presentation and processing of applications for 29345
reimbursement, subrogation, or assignment of the rights of any 29346
reimbursed applicant. 29347

(E) The board may expend moneys in the fund for the following 29348
purposes: 29349

(1) To make reimbursements on approved applications; 29350

(2) To purchase insurance to cover losses as considered 29351
appropriate by the board and not inconsistent with the purposes of 29352
the fund; 29353

(3) To invest such portions of the fund as are not currently 29354
needed to reimburse losses and maintain adequate reserves, as are 29355
permitted to be made by fiduciaries under the laws of this state; 29356

(4) To pay the expenses of the board for administering the fund, including employment of local counsel to prosecute subrogation claims. 29357
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(F) Reimbursements from the fund shall be made only to the extent to which those losses are not bonded or otherwise covered, protected, or reimbursed and only after the applicant has complied with all applicable rules of the board. 29360
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(G) The board shall investigate all applications made and may reject or allow such claims in whole or in part to the extent that moneys are available in the fund. The board shall have complete discretion to determine the order and manner of payment of approved applications. All payments shall be a matter of privilege and not of right, and no person shall have any right in the fund as a third-party beneficiary or otherwise. No attorney may be compensated by the board for prosecuting an application for reimbursement. 29364
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(H) If reimbursement is made to an applicant under this section, the board shall be subrogated in the reimbursement amount and may bring any action it considers advisable against any person. The board may enforce any claims it may have for restitution or otherwise and may employ and compensate consultants, agents, legal counsel, accountants, and other persons it considers appropriate. 29373
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Sec. 4727.03. (A) As used in this section, "experience and fitness in the capacity involved" means that the applicant for a pawnbroker's license demonstrates sufficient financial responsibility, reputation, and experience in the pawnbroker business, or in a related business, to act as a pawnbroker in compliance with this chapter. "Experience and fitness in the capacity involved" shall be determined by: 29380
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(1) Prior or current ownership or management of, or 29387

employment in, a pawnshop; 29388

(2) Demonstration to the satisfaction of the superintendent 29389
of financial institutions of a thorough working knowledge of all 29390
pawnbroker laws and rules as they relate to the actual operation 29391
of a pawnshop. 29392

A demonstration shall include a demonstration of an ability 29393
to properly complete forms, knowledge of how to properly calculate 29394
interest and storage charges, and knowledge of legal notice and 29395
forfeiture procedures. The final determination of whether an 29396
applicant's demonstration is adequate rests with the 29397
superintendent. 29398

(3) A submission by the applicant and any stockholders, 29399
owners, managers, directors, or officers of the pawnshop, and 29400
employees of the applicant to a police record check; and 29401

(4) Liquid assets in a minimum amount of one hundred 29402
twenty-five thousand dollars at the time of applying for initial 29403
licensure and demonstration of the ability to maintain the liquid 29404
assets at a minimum amount of seventy-five thousand dollars for 29405
the duration of holding a valid pawnbroker's license. If an 29406
applicant holds a pawnbroker's license at the time of application 29407
or is applying for more than one license, this requirement shall 29408
be met separately for each license. 29409

(B) The superintendent may grant a license to act as a 29410
pawnbroker to any person of good character and having experience 29411
and fitness in the capacity involved to engage in the business of 29412
pawning upon the payment to the superintendent of a license 29413
fee determined by the superintendent pursuant to section 1321.20 29414
of the Revised Code. A license is not transferable or assignable. 29415

(C) The superintendent may consider an application withdrawn 29416
and may retain the investigation fee required under division (D) 29417
of this section if both of the following are true: 29418

(1) An application for a license does not contain all of the information required under division (B) of this section.

(2) The information is not submitted to the superintendent within ninety days after the superintendent requests the information from the applicant in writing.

(D) The superintendent shall require an applicant for a pawnbroker's license to pay to the superintendent a nonrefundable initial investigation fee of two hundred dollars, which is for the exclusive use of the state.

(E)(1) Except as otherwise provided in division (E)(2) of this section, a pawnbroker's license issued by the superintendent expires on the thirtieth day of June next following the date of its issuance, or on a different date set by the superintendent pursuant to section 1181.23 of the Revised Code, and may be renewed annually ~~by the thirtieth day of June~~ in accordance with the standard renewal procedure set forth in Chapter 4745. of the Revised Code. Fifty per cent of the annual license fee shall be for the use of the state, and fifty per cent shall be paid by the state to the municipal corporation, or if outside the limits of any municipal corporation, to the county, in which the office of the licensee is located. All such fees payable to municipal corporations or counties shall be paid annually.

(2) A pawnbroker's license issued or renewed by the superintendent on or after January 1, 2006, expires on the thirtieth day of June in the even-numbered year next following the date of its issuance or renewal, as applicable, and may be renewed biennially by the thirtieth day of June in accordance with the standard renewal procedure set forth in Chapter 4745. of the Revised Code. Fifty per cent of the biennial license fee shall be for the use of the state, and fifty per cent shall be paid by the state to the municipal corporation, or if outside the limits of any municipal corporation, to the county, in which the office of

the licensee is located. All such fees payable to municipal 29451
corporations or counties shall be paid biennially. If deemed 29452
necessary for participation, the superintendent may reset the 29453
renewal date and require annual registration pursuant to section 29454
1181.23 of the Revised Code. 29455

(F) The fee for renewal of a license shall be equivalent to 29456
the fee for an initial license established by the superintendent 29457
pursuant to section 1321.20 of the Revised Code. Any licensee who 29458
wishes to renew the pawnbroker's license but who fails to do so on 29459
or before the date the license expires shall reapply for licensure 29460
in the same manner and pursuant to the same requirements as for 29461
initial licensure, unless the licensee pays to the superintendent 29462
on or before the thirty-first day of August of the year the 29463
license expires, a late renewal penalty of one hundred dollars in 29464
addition to the regular renewal fee. Any licensee who fails to 29465
renew the license on or before the date the license expires is 29466
prohibited from acting as a pawnbroker until the license is 29467
renewed or a new license is issued under this section. Any 29468
licensee who renews a license between the first day of July and 29469
the thirty-first day of August of the year the license expires is 29470
not relieved from complying with this division. The superintendent 29471
may refuse to issue to or renew the license of any licensee who 29472
violates this division. 29473

(G) No license shall be granted to any person not a resident 29474
of or the principal office of which is not located in the 29475
municipal corporation or county designated in such license unless 29476
that applicant, in writing and in due form approved by and filed 29477
with the superintendent, first appoints an agent, a resident of 29478
the state, and city or county where the office is to be located, 29479
upon whom all judicial and other process, or legal notice, 29480
directed to the applicant may be served. In case of the death, 29481
removal from the state, or any legal disability or any 29482

disqualification of any such agent, service of such process or 29483
notice may be made upon the superintendent. 29484

The superintendent may, upon notice to the licensee and 29485
reasonable opportunity to be heard, suspend or revoke any license 29486
or assess a penalty against the licensee if the licensee, or the 29487
licensee's officers, agents, or employees, has violated this 29488
chapter. Any penalty shall be appropriate to the violation but in 29489
no case shall the penalty be less than two hundred nor more than 29490
two thousand dollars. Whenever, for any cause, a license is 29491
suspended or revoked, the superintendent shall not issue another 29492
license to the licensee nor to the legal spouse of the licensee, 29493
nor to any business entity of which the licensee is an officer or 29494
member or partner, nor to any person employed by the licensee, 29495
until the expiration of at least two years from the date of 29496
revocation or suspension of the license. The superintendent shall 29497
deposit all penalties allocated pursuant to this section into the 29498
state treasury to the credit of the consumer finance fund. 29499

Any proceedings for the revocation or suspension of a license 29500
or to assess a penalty against a licensee are subject to Chapter 29501
119. of the Revised Code. 29502

(H) If a licensee surrenders or chooses not to renew the 29503
pawnbroker's license, the licensee shall notify the superintendent 29504
thirty days prior to the date on which the licensee intends to 29505
close the licensee's business as a pawnbroker. Prior to the date, 29506
the licensee shall do either of the following with respect to all 29507
active loans: 29508

(1) Dispose of an active loan by selling the loan to another 29509
person holding a valid pawnbroker's license issued under this 29510
section; 29511

(2) Reduce the rate of interest on pledged articles held as 29512
security for a loan to eight per cent per annum or less effective 29513

on the date that the pawnbroker's license is no longer valid. 29514

Sec. 4728.03. (A) As used in this section, "experience and 29515
fitness in the capacity involved" means that the applicant for a 29516
precious metals dealer's license has had sufficient financial 29517
responsibility, reputation, and experience in the business of 29518
precious metals dealer, or a related business, to act as a 29519
precious metals dealer in compliance with this chapter. 29520

(B)(1) The division of financial institutions in the 29521
department of commerce may grant a precious metals dealer's 29522
license to any person of good character, having experience and 29523
fitness in the capacity involved, who demonstrates a net worth of 29524
at least ten thousand dollars and the ability to maintain that net 29525
worth during the licensure period. The superintendent of financial 29526
institutions shall compute the applicant's net worth according to 29527
generally accepted accounting principles. 29528

(2) In place of the demonstration of net worth required by 29529
division (B)(1) of this section, an applicant may obtain a surety 29530
bond issued by a surety company authorized to do business in this 29531
state if all of the following conditions are met: 29532

(a) A copy of the surety bond is filed with the division; 29533

(b) The bond is in favor of any person, and of the state for 29534
the benefit of any person, injured by any violation of this 29535
chapter; 29536

(c) The bond is in the amount of not less than ten thousand 29537
dollars. 29538

(3) Before granting a license under this division, the 29539
division shall determine that the applicant meets the requirements 29540
of division (B)(1) or (2) of this section. 29541

(C) The division shall require an applicant for a precious 29542
metals dealer's license to pay to the division a nonrefundable, 29543

initial investigation fee of two hundred dollars which shall be 29544
for the exclusive use of the state. The license fee for a precious 29545
metals dealer's license and the renewal fee shall be determined by 29546
the superintendent, provided that the fee may not exceed three 29547
hundred dollars. A license issued by the division shall expire on 29548
the last day of June next following the date of its issuance or 29549
annually on a different date set by the superintendent pursuant to 29550
section 1181.23 of the Revised Code. Fifty per cent of license 29551
fees shall be for the use of the state, and fifty per cent shall 29552
be paid to the municipal corporation, or if outside the limits of 29553
any municipal corporation, to the county in which the office of 29554
the licensee is located. All portions of license fees payable to 29555
municipal corporations or counties shall be paid as they accrue, 29556
by the treasurer of state, on vouchers issued by the director of 29557
budget and management. 29558

(D) Every such license shall be renewed annually by the last 29559
day of June, or annually on a different date set by the 29560
superintendent pursuant to section 1181.23 of the Revised Code, 29561
according to the standard renewal procedure of Chapter 4745. of 29562
the Revised Code. No license shall be granted to any person not a 29563
resident of or the principal office of which is not located in the 29564
municipal corporation or county designated in such license, 29565
unless, and until such applicant shall, in writing and in due 29566
form, to be first approved by and filed with the division, appoint 29567
an agent, a resident of the state, and city or county where the 29568
office is to be located, upon whom all judicial and other process, 29569
or legal notice, directed to the applicant may be served; and in 29570
case of the death, removal from the state, or any legal disability 29571
or any disqualification of any agent, service of process or notice 29572
may be made upon the superintendent. 29573

(E) The division may, pursuant to Chapter 119. of the Revised 29574
Code, upon notice to the licensee and after giving the licensee 29575

reasonable opportunity to be heard, revoke or suspend any license, 29576
if the licensee or the licensee's officers, agents, or employees 29577
violate this chapter. Whenever, for any cause, the license is 29578
revoked or suspended, the division shall not issue another license 29579
to the licensee nor to the husband or wife of the licensee, nor to 29580
any copartnership or corporation of which the licensee is an 29581
officer, nor to any person employed by the licensee, until the 29582
expiration of at least one year from the date of revocation of the 29583
license. 29584

(F) In conducting an investigation to determine whether an 29585
applicant satisfies the requirements for licensure under this 29586
section, the superintendent may request that the superintendent of 29587
the bureau of criminal identification and investigation 29588
investigate and determine whether the bureau has procured any 29589
information pursuant to section 109.57 of the Revised Code 29590
pertaining to the applicant. 29591

If the superintendent of financial institutions determines 29592
that conducting an investigation to determine whether an applicant 29593
satisfies the requirements for licensure under this section will 29594
require procuring information outside the state, then, in addition 29595
to the fee established under division (C) of this section, the 29596
superintendent may require the applicant to pay any of the actual 29597
expenses incurred by the division to conduct such an 29598
investigation, provided that the superintendent shall assess the 29599
applicant a total no greater than one thousand dollars for such 29600
expenses. The superintendent may require the applicant to pay in 29601
advance of the investigation, sufficient funds to cover the 29602
estimated cost of the actual expenses. If the superintendent 29603
requires the applicant to pay investigation expenses, the 29604
superintendent shall provide to the applicant an itemized 29605
statement of the actual expenses incurred by the division to 29606
conduct the investigation. 29607

(G)(1) Except as otherwise provided in division (G)(2) of 29608
this section a precious metals dealer licensed under this section 29609
shall maintain a net worth of at least ten thousand dollars, 29610
computed as required under division (B)(1) of this section, for as 29611
long as the licensee holds a valid precious metals dealer's 29612
license issued pursuant to this section. 29613

(2) A licensee who obtains a surety bond under division 29614
(B)(2) of this section is exempt from the requirement of division 29615
(G)(1) of this section, but shall maintain the bond for at least 29616
two years after the date on which the licensee ceases to conduct 29617
business in this state. 29618

Sec. 4729.20. As used in this section, "medication 29619
synchronization" means a pharmacy service that synchronizes the 29620
filling or refilling of prescriptions in a manner that allows the 29621
dispensed drugs to be obtained on the same date each month. 29622

A pharmacist may dispense a drug in a manner that varies from 29623
the prescription for the drug by dispensing a quantity or amount 29624
of the drug that is less than a thirty-day supply, if the 29625
pharmacist's action is taken solely for the purpose of medication 29626
synchronization pursuant to section 1751.68, 3923.602, or 29627
5164.7511, ~~or 5167.12~~ of the Revised Code. 29628

Sec. 4729.80. (A) If the state board of pharmacy establishes 29629
and maintains a drug database pursuant to section 4729.75 of the 29630
Revised Code, the board is authorized or required to provide 29631
information from the database only as follows: 29632

(1) On receipt of a request from a designated representative 29633
of a government entity responsible for the licensure, regulation, 29634
or discipline of health care professionals with authority to 29635
prescribe, administer, or dispense drugs, the board may provide to 29636
the representative information from the database relating to the 29637

professional who is the subject of an active investigation being 29638
conducted by the government entity or relating to a professional 29639
who is acting as an expert witness for the government entity in 29640
such an investigation. 29641

(2) On receipt of a request from a federal officer, or a 29642
state or local officer of this or any other state, whose duties 29643
include enforcing laws relating to drugs, the board shall provide 29644
to the officer information from the database relating to the 29645
person who is the subject of an active investigation of a drug 29646
abuse offense, as defined in section 2925.01 of the Revised Code, 29647
being conducted by the officer's employing government entity. 29648

(3) Pursuant to a subpoena issued by a grand jury, the board 29649
shall provide to the grand jury information from the database 29650
relating to the person who is the subject of an investigation 29651
being conducted by the grand jury. 29652

(4) Pursuant to a subpoena, search warrant, or court order in 29653
connection with the investigation or prosecution of a possible or 29654
alleged criminal offense, the board shall provide information from 29655
the database as necessary to comply with the subpoena, search 29656
warrant, or court order. 29657

(5) On receipt of a request from a prescriber or the 29658
prescriber's delegate approved by the board, the board shall 29659
provide to the prescriber a report of information from the 29660
database relating to a patient who is either a current patient of 29661
the prescriber or a potential patient of the prescriber based on a 29662
referral of the patient to the prescriber, if all of the following 29663
conditions are met: 29664

(a) The prescriber certifies in a form specified by the board 29665
that it is for the purpose of providing medical treatment to the 29666
patient who is the subject of the request; 29667

(b) The prescriber has not been denied access to the database 29668

by the board. 29669

(6) On receipt of a request from a pharmacist or the 29670
pharmacist's delegate approved by the board, the board shall 29671
provide to the pharmacist information from the database relating 29672
to a current patient of the pharmacist, if the pharmacist 29673
certifies in a form specified by the board that it is for the 29674
purpose of the pharmacist's practice of pharmacy involving the 29675
patient who is the subject of the request and the pharmacist has 29676
not been denied access to the database by the board. 29677

(7) On receipt of a request from an individual seeking the 29678
individual's own database information in accordance with the 29679
procedure established in rules adopted under section 4729.84 of 29680
the Revised Code, the board may provide to the individual the 29681
individual's own prescription history. 29682

(8) On receipt of a request from a medical director or a 29683
pharmacy director of a managed care organization that has entered 29684
into a contract with the department of medicaid under section 29685
5167.10 of the Revised Code and a data security agreement with the 29686
board required by section 5167.14 of the Revised Code, the board 29687
shall provide to the medical director or the pharmacy director 29688
information from the database relating to a medicaid recipient 29689
enrolled in the ~~managed care organization~~ organization's medicaid 29690
MCO plan, as defined in section 5167.01 of the Revised Code, 29691
including information in the database related to prescriptions for 29692
the recipient that were not covered or reimbursed under a program 29693
administered by the department of medicaid. 29694

(9) On receipt of a request from the medicaid director, the 29695
board shall provide to the director information from the database 29696
relating to a recipient of a program administered by the 29697
department of medicaid, including information in the database 29698
related to prescriptions for the recipient that were not covered 29699
or paid by a program administered by the department. 29700

(10) On receipt of a request from a medical director of a managed care organization that has entered into a contract with the administrator of workers' compensation under division (B)(4) of section 4121.44 of the Revised Code and a data security agreement with the board required by section 4121.447 of the Revised Code, the board shall provide to the medical director information from the database relating to a claimant under Chapter 4121., 4123., 4127., or 4131. of the Revised Code assigned to the managed care organization, including information in the database related to prescriptions for the claimant that were not covered or reimbursed under Chapter 4121., 4123., 4127., or 4131. of the Revised Code, if the administrator of workers' compensation confirms, upon request from the board, that the claimant is assigned to the managed care organization.

(11) On receipt of a request from the administrator of workers' compensation, the board shall provide to the administrator information from the database relating to a claimant under Chapter 4121., 4123., 4127., or 4131. of the Revised Code, including information in the database related to prescriptions for the claimant that were not covered or reimbursed under Chapter 4121., 4123., 4127., or 4131. of the Revised Code.

(12) On receipt of a request from a prescriber or the prescriber's delegate approved by the board, the board shall provide to the prescriber information from the database relating to a patient's mother, if the prescriber certifies in a form specified by the board that it is for the purpose of providing medical treatment to a newborn or infant patient diagnosed as opioid dependent and the prescriber has not been denied access to the database by the board.

(13) On receipt of a request from the director of health, the board shall provide to the director information from the database relating to the duties of the director or the department of health

in implementing the Ohio violent death reporting system 29733
established under section 3701.93 of the Revised Code. 29734

(14) On receipt of a request from a requestor described in 29735
division (A)(1), (2), (5), or (6) of this section who is from or 29736
participating with another state's prescription monitoring 29737
program, the board may provide to the requestor information from 29738
the database, but only if there is a written agreement under which 29739
the information is to be used and disseminated according to the 29740
laws of this state. 29741

(15) On receipt of a request from a delegate of a retail 29742
dispensary licensed under Chapter 3796. of the Revised Code who is 29743
approved by the board to serve as the dispensary's delegate, the 29744
board shall provide to the delegate a report of information from 29745
the database pertaining only to a patient's use of medical 29746
marijuana, if both of the following conditions are met: 29747

(a) The delegate certifies in a form specified by the board 29748
that it is for the purpose of dispensing medical marijuana for use 29749
in accordance with Chapter 3796. of the Revised Code. 29750

(b) The retail dispensary or delegate has not been denied 29751
access to the database by the board. 29752

(16) On receipt of a request from a judge of a program 29753
certified by the Ohio supreme court as a specialized docket 29754
program for drugs, the board shall provide to the judge, or an 29755
employee of the program who is designated by the judge to receive 29756
the information, information from the database that relates 29757
specifically to a current or prospective program participant. 29758

(17) On receipt of a request from a coroner, deputy coroner, 29759
or coroner's delegate approved by the board, the board shall 29760
provide to the requestor information from the database relating to 29761
a deceased person about whom the coroner is conducting or has 29762
conducted an autopsy or investigation. 29763

(18) On receipt of a request from a prescriber, the board may provide to the prescriber a summary of the prescriber's prescribing record if such a record is created by the board. Information in the summary is subject to the confidentiality requirements of this chapter.

(19)(a) On receipt of a request from a pharmacy's responsible person, the board may provide to the responsible person a summary of the pharmacy's dispensing record if such a record is created by the board. Information in the summary is subject to the confidentiality requirements of this chapter.

(b) As used in division (A)(19)(a) of this section, "responsible person" has the same meaning as in rules adopted by the board under section 4729.26 of the Revised Code.

(20) The board may provide information from the database without request to a prescriber or pharmacist who is authorized to use the database pursuant to this chapter.

(21)(a) On receipt of a request from a prescriber or pharmacist, or the prescriber's or pharmacist's delegate, who is a designated representative of a peer review committee, the board shall provide to the committee information from the database relating to a prescriber who is subject to the committee's evaluation, supervision, or discipline if the information is to be used for one of those purposes. The board shall provide only information that it determines, in accordance with rules adopted under section 4729.84 of the Revised Code, is appropriate to be provided to the committee.

(b) As used in division (A)(21)(a) of this section, "peer review committee" has the same meaning as in section 2305.25 of the Revised Code, except that it includes only a peer review committee of a hospital or a peer review committee of a nonprofit health care corporation that is a member of the hospital or of

which the hospital is a member. 29795

(22) Any personal health information submitted to the board 29796
pursuant to section 4729.772 of the Revised Code may be provided 29797
by the board only as authorized by the submitter of the 29798
information and in accordance with rules adopted under section 29799
4729.84 of the Revised Code. 29800

(B) The state board of pharmacy shall maintain a record of 29801
each individual or entity that requests information from the 29802
database pursuant to this section. In accordance with rules 29803
adopted under section 4729.84 of the Revised Code, the board may 29804
use the records to document and report statistics and law 29805
enforcement outcomes. 29806

The board may provide records of an individual's requests for 29807
database information only to the following: 29808

(1) A designated representative of a government entity that 29809
is responsible for the licensure, regulation, or discipline of 29810
health care professionals with authority to prescribe, administer, 29811
or dispense drugs who is involved in an active criminal or 29812
disciplinary investigation being conducted by the government 29813
entity of the individual who submitted the requests for database 29814
information; 29815

(2) A federal officer, or a state or local officer of this or 29816
any other state, whose duties include enforcing laws relating to 29817
drugs and who is involved in an active investigation being 29818
conducted by the officer's employing government entity of the 29819
individual who submitted the requests for database information; 29820

(3) A designated representative of the department of medicaid 29821
regarding a prescriber who is treating or has treated a recipient 29822
of a program administered by the department and who submitted the 29823
requests for database information. 29824

(C) Information contained in the database and any information 29825

obtained from it is confidential and is not a public record. 29826
Information contained in the records of requests for information 29827
from the database is confidential and is not a public record. 29828
Information contained in the database that does not identify a 29829
person, including any licensee or registrant of the board or other 29830
entity, may be released in summary, statistical, or aggregate 29831
form. 29832

(D) A pharmacist or prescriber shall not be held liable in 29833
damages to any person in any civil action for injury, death, or 29834
loss to person or property on the basis that the pharmacist or 29835
prescriber did or did not seek or obtain information from the 29836
database. 29837

Sec. 4731.22. (A) The state medical board, by an affirmative 29838
vote of not fewer than six of its members, may limit, revoke, or 29839
suspend a license or certificate to practice or certificate to 29840
recommend, refuse to grant a license or certificate, refuse to 29841
renew a license or certificate, refuse to reinstate a license or 29842
certificate, or reprimand or place on probation the holder of a 29843
license or certificate if the individual applying for or holding 29844
the license or certificate is found by the board to have committed 29845
fraud during the administration of the examination for a license 29846
or certificate to practice or to have committed fraud, 29847
misrepresentation, or deception in applying for, renewing, or 29848
securing any license or certificate to practice or certificate to 29849
recommend issued by the board. 29850

(B) The board, by an affirmative vote of not fewer than six 29851
members, shall, to the extent permitted by law, limit, revoke, or 29852
suspend a license or certificate to practice or certificate to 29853
recommend, refuse to issue a license or certificate, refuse to 29854
renew a license or certificate, refuse to reinstate a license or 29855
certificate, or reprimand or place on probation the holder of a 29856

license or certificate for one or more of the following reasons: 29857

(1) Permitting one's name or one's license or certificate to 29858
practice to be used by a person, group, or corporation when the 29859
individual concerned is not actually directing the treatment 29860
given; 29861

(2) Failure to maintain minimal standards applicable to the 29862
selection or administration of drugs, or failure to employ 29863
acceptable scientific methods in the selection of drugs or other 29864
modalities for treatment of disease; 29865

(3) Except as provided in section 4731.97 of the Revised 29866
Code, selling, giving away, personally furnishing, prescribing, or 29867
administering drugs for other than legal and legitimate 29868
therapeutic purposes or a plea of guilty to, a judicial finding of 29869
guilt of, or a judicial finding of eligibility for intervention in 29870
lieu of conviction of, a violation of any federal or state law 29871
regulating the possession, distribution, or use of any drug; 29872

(4) Willfully betraying a professional confidence. 29873

For purposes of this division, "willfully betraying a 29874
professional confidence" does not include providing any 29875
information, documents, or reports under sections 307.621 to 29876
307.629 of the Revised Code to a child fatality review board; does 29877
not include providing any information, documents, or reports under 29878
sections 307.631 to 307.639 of the Revised Code to a drug overdose 29879
fatality review committee; does not include providing any 29880
information, documents, or reports to the director of health 29881
pursuant to guidelines established under section 3701.70 of the 29882
Revised Code; does not include written notice to a mental health 29883
professional under section 4731.62 of the Revised Code; and does 29884
not include the making of a report of an employee's use of a drug 29885
of abuse, or a report of a condition of an employee other than one 29886
involving the use of a drug of abuse, to the employer of the 29887

employee as described in division (B) of section 2305.33 of the Revised Code. Nothing in this division affects the immunity from civil liability conferred by section 2305.33 or 4731.62 of the Revised Code upon a physician who makes a report in accordance with section 2305.33 or notifies a mental health professional in accordance with section 4731.62 of the Revised Code. As used in this division, "employee," "employer," and "physician" have the same meanings as in section 2305.33 of the Revised Code.

(5) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine; or in securing or attempting to secure any license or certificate to practice issued by the board.

As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

(6) A departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established;

(7) Representing, with the purpose of obtaining compensation or other advantage as personal gain or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured;

(8) The obtaining of, or attempting to obtain, money or

anything of value by fraudulent misrepresentations in the course of practice;	29919 29920
(9) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;	29921 29922 29923
(10) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;	29924 29925 29926
(11) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;	29927 29928 29929
(12) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	29930 29931 29932
(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;	29933 29934 29935
(14) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	29936 29937 29938
(15) Violation of the conditions of limitation placed by the board upon a license or certificate to practice;	29939 29940
(16) Failure to pay license renewal fees specified in this chapter;	29941 29942
(17) Except as authorized in section 4731.31 of the Revised Code, engaging in the division of fees for referral of patients, or the receiving of a thing of value in return for a specific referral of a patient to utilize a particular service or business;	29943 29944 29945 29946
(18) Subject to section 4731.226 of the Revised Code, violation of any provision of a code of ethics of the American	29947 29948

medical association, the American osteopathic association, the 29949
American podiatric medical association, or any other national 29950
professional organizations that the board specifies by rule. The 29951
state medical board shall obtain and keep on file current copies 29952
of the codes of ethics of the various national professional 29953
organizations. The individual whose license or certificate is 29954
being suspended or revoked shall not be found to have violated any 29955
provision of a code of ethics of an organization not appropriate 29956
to the individual's profession. 29957

For purposes of this division, a "provision of a code of 29958
ethics of a national professional organization" does not include 29959
any provision that would preclude the making of a report by a 29960
physician of an employee's use of a drug of abuse, or of a 29961
condition of an employee other than one involving the use of a 29962
drug of abuse, to the employer of the employee as described in 29963
division (B) of section 2305.33 of the Revised Code. Nothing in 29964
this division affects the immunity from civil liability conferred 29965
by that section upon a physician who makes either type of report 29966
in accordance with division (B) of that section. As used in this 29967
division, "employee," "employer," and "physician" have the same 29968
meanings as in section 2305.33 of the Revised Code. 29969

(19) Inability to practice according to acceptable and 29970
prevailing standards of care by reason of mental illness or 29971
physical illness, including, but not limited to, physical 29972
deterioration that adversely affects cognitive, motor, or 29973
perceptive skills. 29974

In enforcing this division, the board, upon a showing of a 29975
possible violation, may compel any individual authorized to 29976
practice by this chapter or who has submitted an application 29977
pursuant to this chapter to submit to a mental examination, 29978
physical examination, including an HIV test, or both a mental and 29979
a physical examination. The expense of the examination is the 29980

responsibility of the individual compelled to be examined. Failure 29981
to submit to a mental or physical examination or consent to an HIV 29982
test ordered by the board constitutes an admission of the 29983
allegations against the individual unless the failure is due to 29984
circumstances beyond the individual's control, and a default and 29985
final order may be entered without the taking of testimony or 29986
presentation of evidence. If the board finds an individual unable 29987
to practice because of the reasons set forth in this division, the 29988
board shall require the individual to submit to care, counseling, 29989
or treatment by physicians approved or designated by the board, as 29990
a condition for initial, continued, reinstated, or renewed 29991
authority to practice. An individual affected under this division 29992
shall be afforded an opportunity to demonstrate to the board the 29993
ability to resume practice in compliance with acceptable and 29994
prevailing standards under the provisions of the individual's 29995
license or certificate. For the purpose of this division, any 29996
individual who applies for or receives a license or certificate to 29997
practice under this chapter accepts the privilege of practicing in 29998
this state and, by so doing, shall be deemed to have given consent 29999
to submit to a mental or physical examination when directed to do 30000
so in writing by the board, and to have waived all objections to 30001
the admissibility of testimony or examination reports that 30002
constitute a privileged communication. 30003

(20) Except as provided in division (F)(1)(b) of section 30004
4731.282 of the Revised Code or when civil penalties are imposed 30005
under section 4731.225 of the Revised Code, and subject to section 30006
4731.226 of the Revised Code, violating or attempting to violate, 30007
directly or indirectly, or assisting in or abetting the violation 30008
of, or conspiring to violate, any provisions of this chapter or 30009
any rule promulgated by the board. 30010

This division does not apply to a violation or attempted 30011
violation of, assisting in or abetting the violation of, or a 30012

conspiracy to violate, any provision of this chapter or any rule 30013
adopted by the board that would preclude the making of a report by 30014
a physician of an employee's use of a drug of abuse, or of a 30015
condition of an employee other than one involving the use of a 30016
drug of abuse, to the employer of the employee as described in 30017
division (B) of section 2305.33 of the Revised Code. Nothing in 30018
this division affects the immunity from civil liability conferred 30019
by that section upon a physician who makes either type of report 30020
in accordance with division (B) of that section. As used in this 30021
division, "employee," "employer," and "physician" have the same 30022
meanings as in section 2305.33 of the Revised Code. 30023

(21) The violation of section 3701.79 of the Revised Code or 30024
of any abortion rule adopted by the director of health pursuant to 30025
section 3701.341 of the Revised Code; 30026

(22) Any of the following actions taken by an agency 30027
responsible for authorizing, certifying, or regulating an 30028
individual to practice a health care occupation or provide health 30029
care services in this state or another jurisdiction, for any 30030
reason other than the nonpayment of fees: the limitation, 30031
revocation, or suspension of an individual's license to practice; 30032
acceptance of an individual's license surrender; denial of a 30033
license; refusal to renew or reinstate a license; imposition of 30034
probation; or issuance of an order of censure or other reprimand; 30035

(23) The violation of section 2919.12 of the Revised Code or 30036
the performance or inducement of an abortion upon a pregnant woman 30037
with actual knowledge that the conditions specified in division 30038
(B) of section 2317.56 of the Revised Code have not been satisfied 30039
or with a heedless indifference as to whether those conditions 30040
have been satisfied, unless an affirmative defense as specified in 30041
division (H)(2) of that section would apply in a civil action 30042
authorized by division (H)(1) of that section; 30043

(24) The revocation, suspension, restriction, reduction, or 30044

termination of clinical privileges by the United States department 30045
of defense or department of veterans affairs or the termination or 30046
suspension of a certificate of registration to prescribe drugs by 30047
the drug enforcement administration of the United States 30048
department of justice; 30049

(25) Termination or suspension from participation in the 30050
medicare or medicaid programs by the department of health and 30051
human services or other responsible agency; 30052

(26) Impairment of ability to practice according to 30053
acceptable and prevailing standards of care because of habitual or 30054
excessive use or abuse of drugs, alcohol, or other substances that 30055
impair ability to practice. 30056

For the purposes of this division, any individual authorized 30057
to practice by this chapter accepts the privilege of practicing in 30058
this state subject to supervision by the board. By filing an 30059
application for or holding a license or certificate to practice 30060
under this chapter, an individual shall be deemed to have given 30061
consent to submit to a mental or physical examination when ordered 30062
to do so by the board in writing, and to have waived all 30063
objections to the admissibility of testimony or examination 30064
reports that constitute privileged communications. 30065

If it has reason to believe that any individual authorized to 30066
practice by this chapter or any applicant for licensure or 30067
certification to practice suffers such impairment, the board may 30068
compel the individual to submit to a mental or physical 30069
examination, or both. The expense of the examination is the 30070
responsibility of the individual compelled to be examined. Any 30071
mental or physical examination required under this division shall 30072
be undertaken by a treatment provider or physician who is 30073
qualified to conduct the examination and who is chosen by the 30074
board. 30075

Failure to submit to a mental or physical examination ordered 30076
by the board constitutes an admission of the allegations against 30077
the individual unless the failure is due to circumstances beyond 30078
the individual's control, and a default and final order may be 30079
entered without the taking of testimony or presentation of 30080
evidence. If the board determines that the individual's ability to 30081
practice is impaired, the board shall suspend the individual's 30082
license or certificate or deny the individual's application and 30083
shall require the individual, as a condition for initial, 30084
continued, reinstated, or renewed licensure or certification to 30085
practice, to submit to treatment. 30086

Before being eligible to apply for reinstatement of a license 30087
or certificate suspended under this division, the impaired 30088
practitioner shall demonstrate to the board the ability to resume 30089
practice in compliance with acceptable and prevailing standards of 30090
care under the provisions of the practitioner's license or 30091
certificate. The demonstration shall include, but shall not be 30092
limited to, the following: 30093

(a) Certification from a treatment provider approved under 30094
section 4731.25 of the Revised Code that the individual has 30095
successfully completed any required inpatient treatment; 30096

(b) Evidence of continuing full compliance with an aftercare 30097
contract or consent agreement; 30098

(c) Two written reports indicating that the individual's 30099
ability to practice has been assessed and that the individual has 30100
been found capable of practicing according to acceptable and 30101
prevailing standards of care. The reports shall be made by 30102
individuals or providers approved by the board for making the 30103
assessments and shall describe the basis for their determination. 30104

The board may reinstate a license or certificate suspended 30105
under this division after that demonstration and after the 30106

individual has entered into a written consent agreement. 30107

When the impaired practitioner resumes practice, the board 30108
shall require continued monitoring of the individual. The 30109
monitoring shall include, but not be limited to, compliance with 30110
the written consent agreement entered into before reinstatement or 30111
with conditions imposed by board order after a hearing, and, upon 30112
termination of the consent agreement, submission to the board for 30113
at least two years of annual written progress reports made under 30114
penalty of perjury stating whether the individual has maintained 30115
sobriety. 30116

(27) A second or subsequent violation of section 4731.66 or 30117
4731.69 of the Revised Code; 30118

(28) Except as provided in division (N) of this section: 30119

(a) Waiving the payment of all or any part of a deductible or 30120
copayment that a patient, pursuant to a health insurance or health 30121
care policy, contract, or plan that covers the individual's 30122
services, otherwise would be required to pay if the waiver is used 30123
as an enticement to a patient or group of patients to receive 30124
health care services from that individual; 30125

(b) Advertising that the individual will waive the payment of 30126
all or any part of a deductible or copayment that a patient, 30127
pursuant to a health insurance or health care policy, contract, or 30128
plan that covers the individual's services, otherwise would be 30129
required to pay. 30130

(29) Failure to use universal blood and body fluid 30131
precautions established by rules adopted under section 4731.051 of 30132
the Revised Code; 30133

(30) Failure to provide notice to, and receive acknowledgment 30134
of the notice from, a patient when required by section 4731.143 of 30135
the Revised Code prior to providing nonemergency professional 30136
services, or failure to maintain that notice in the patient's 30137

medical record;	30138
(31) Failure of a physician supervising a physician assistant to maintain supervision in accordance with the requirements of Chapter 4730. of the Revised Code and the rules adopted under that chapter;	30139 30140 30141 30142
(32) Failure of a physician or podiatrist to enter into a standard care arrangement with a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner with whom the physician or podiatrist is in collaboration pursuant to section 4731.27 of the Revised Code or failure to fulfill the responsibilities of collaboration after entering into a standard care arrangement;	30143 30144 30145 30146 30147 30148 30149
(33) Failure to comply with the terms of a consult agreement entered into with a pharmacist pursuant to section 4729.39 of the Revised Code;	30150 30151 30152
(34) Failure to cooperate in an investigation conducted by the board under division (F) of this section, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board in an investigative interview, an investigative office conference, at a deposition, or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;	30153 30154 30155 30156 30157 30158 30159 30160 30161 30162
(35) Failure to supervise an oriental medicine practitioner or acupuncturist in accordance with Chapter 4762. of the Revised Code and the board's rules for providing that supervision;	30163 30164 30165
(36) Failure to supervise an anesthesiologist assistant in accordance with Chapter 4760. of the Revised Code and the board's rules for supervision of an anesthesiologist assistant;	30166 30167 30168

(37) Assisting suicide, as defined in section 3795.01 of the Revised Code;	30169 30170
(38) Failure to comply with the requirements of section 2317.561 of the Revised Code;	30171 30172
(39) Failure to supervise a radiologist assistant in accordance with Chapter 4774. of the Revised Code and the board's rules for supervision of radiologist assistants;	30173 30174 30175
(40) Performing or inducing an abortion at an office or facility with knowledge that the office or facility fails to post the notice required under section 3701.791 of the Revised Code;	30176 30177 30178
(41) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for the operation of or the provision of care at a pain management clinic;	30179 30180 30181 30182
(42) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for providing supervision, direction, and control of individuals at a pain management clinic;	30183 30184 30185 30186
(43) Failure to comply with the requirements of section 4729.79 or 4731.055 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;	30187 30188 30189 30190
(44) Failure to comply with the requirements of section 2919.171, 2919.202, or 2919.203 of the Revised Code or failure to submit to the department of health in accordance with a court order a complete report as described in section 2919.171 or 2919.202 of the Revised Code;	30191 30192 30193 30194 30195
(45) Practicing at a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the person operating the	30196 30197 30198

facility has obtained and maintains the license with the	30199
classification;	30200
(46) Owning a facility that is subject to licensure as a	30201
category III terminal distributor of dangerous drugs with a pain	30202
management clinic classification unless the facility is licensed	30203
with the classification;	30204
(47) Failure to comply with the requirement regarding	30205
maintaining notes described in division (B) of section 2919.191 of	30206
the Revised Code or failure to satisfy the requirements of section	30207
2919.191 of the Revised Code prior to performing or inducing an	30208
abortion upon a pregnant woman;	30209
(48) Failure to comply with the requirements in section	30210
3719.061 of the Revised Code before issuing for a minor a	30211
prescription for an opioid analgesic, as defined in section	30212
3719.01 of the Revised Code;	30213
(49) Failure to comply with the requirements of section	30214
4731.30 of the Revised Code or rules adopted under section	30215
4731.301 of the Revised Code when recommending treatment with	30216
medical marijuana;	30217
(50) Practicing at a facility, clinic, or other location that	30218
is subject to licensure as a category III terminal distributor of	30219
dangerous drugs with an office-based opioid treatment	30220
classification unless the person operating that place has obtained	30221
and maintains the license with the classification;	30222
(51) Owning a facility, clinic, or other location that is	30223
subject to licensure as a category III terminal distributor of	30224
dangerous drugs with an office-based opioid treatment	30225
classification unless that place is licensed with the	30226
classification;	30227
(52) A pattern of continuous or repeated violations of	30228
division (E)(2) or (3) of section 3963.02 of the Revised Code.	30229

(C) Disciplinary actions taken by the board under divisions 30230
(A) and (B) of this section shall be taken pursuant to an 30231
adjudication under Chapter 119. of the Revised Code, except that 30232
in lieu of an adjudication, the board may enter into a consent 30233
agreement with an individual to resolve an allegation of a 30234
violation of this chapter or any rule adopted under it. A consent 30235
agreement, when ratified by an affirmative vote of not fewer than 30236
six members of the board, shall constitute the findings and order 30237
of the board with respect to the matter addressed in the 30238
agreement. If the board refuses to ratify a consent agreement, the 30239
admissions and findings contained in the consent agreement shall 30240
be of no force or effect. 30241

A telephone conference call may be utilized for ratification 30242
of a consent agreement that revokes or suspends an individual's 30243
license or certificate to practice or certificate to recommend. 30244
The telephone conference call shall be considered a special 30245
meeting under division (F) of section 121.22 of the Revised Code. 30246

If the board takes disciplinary action against an individual 30247
under division (B) of this section for a second or subsequent plea 30248
of guilty to, or judicial finding of guilt of, a violation of 30249
section 2919.123 of the Revised Code, the disciplinary action 30250
shall consist of a suspension of the individual's license or 30251
certificate to practice for a period of at least one year or, if 30252
determined appropriate by the board, a more serious sanction 30253
involving the individual's license or certificate to practice. Any 30254
consent agreement entered into under this division with an 30255
individual that pertains to a second or subsequent plea of guilty 30256
to, or judicial finding of guilt of, a violation of that section 30257
shall provide for a suspension of the individual's license or 30258
certificate to practice for a period of at least one year or, if 30259
determined appropriate by the board, a more serious sanction 30260
involving the individual's license or certificate to practice. 30261

(D) For purposes of divisions (B)(10), (12), and (14) of this section, the commission of the act may be established by a finding by the board, pursuant to an adjudication under Chapter 119. of the Revised Code, that the individual committed the act. The board does not have jurisdiction under those divisions if the trial court renders a final judgment in the individual's favor and that judgment is based upon an adjudication on the merits. The board has jurisdiction under those divisions if the trial court issues an order of dismissal upon technical or procedural grounds.

(E) The sealing of conviction records by any court shall have no effect upon a prior board order entered under this section or upon the board's jurisdiction to take action under this section if, based upon a plea of guilty, a judicial finding of guilt, or a judicial finding of eligibility for intervention in lieu of conviction, the board issued a notice of opportunity for a hearing prior to the court's order to seal the records. The board shall not be required to seal, destroy, redact, or otherwise modify its records to reflect the court's sealing of conviction records.

(F)(1) The board shall investigate evidence that appears to show that a person has violated any provision of this chapter or any rule adopted under it. Any person may report to the board in a signed writing any information that the person may have that appears to show a violation of any provision of this chapter or any rule adopted under it. In the absence of bad faith, any person who reports information of that nature or who testifies before the board in any adjudication conducted under Chapter 119. of the Revised Code shall not be liable in damages in a civil action as a result of the report or testimony. Each complaint or allegation of a violation received by the board shall be assigned a case number and shall be recorded by the board.

(2) Investigations of alleged violations of this chapter or any rule adopted under it shall be supervised by the supervising

member elected by the board in accordance with section 4731.02 of 30294
the Revised Code and by the secretary as provided in section 30295
4731.39 of the Revised Code. The president may designate another 30296
member of the board to supervise the investigation in place of the 30297
supervising member. No member of the board who supervises the 30298
investigation of a case shall participate in further adjudication 30299
of the case. 30300

(3) In investigating a possible violation of this chapter or 30301
any rule adopted under this chapter, or in conducting an 30302
inspection under division (E) of section 4731.054 of the Revised 30303
Code, the board may question witnesses, conduct interviews, 30304
administer oaths, order the taking of depositions, inspect and 30305
copy any books, accounts, papers, records, or documents, issue 30306
subpoenas, and compel the attendance of witnesses and production 30307
of books, accounts, papers, records, documents, and testimony, 30308
except that a subpoena for patient record information shall not be 30309
issued without consultation with the attorney general's office and 30310
approval of the secretary and supervising member of the board. 30311

(a) Before issuance of a subpoena for patient record 30312
information, the secretary and supervising member shall determine 30313
whether there is probable cause to believe that the complaint 30314
filed alleges a violation of this chapter or any rule adopted 30315
under it and that the records sought are relevant to the alleged 30316
violation and material to the investigation. The subpoena may 30317
apply only to records that cover a reasonable period of time 30318
surrounding the alleged violation. 30319

(b) On failure to comply with any subpoena issued by the 30320
board and after reasonable notice to the person being subpoenaed, 30321
the board may move for an order compelling the production of 30322
persons or records pursuant to the Rules of Civil Procedure. 30323

(c) A subpoena issued by the board may be served by a 30324
sheriff, the sheriff's deputy, or a board employee or agent 30325

designated by the board. Service of a subpoena issued by the board 30326
may be made by delivering a copy of the subpoena to the person 30327
named therein, reading it to the person, or leaving it at the 30328
person's usual place of residence, usual place of business, or 30329
address on file with the board. When serving a subpoena to an 30330
applicant for or the holder of a license or certificate issued 30331
under this chapter, service of the subpoena may be made by 30332
certified mail, return receipt requested, and the subpoena shall 30333
be deemed served on the date delivery is made or the date the 30334
person refuses to accept delivery. If the person being served 30335
refuses to accept the subpoena or is not located, service may be 30336
made to an attorney who notifies the board that the attorney is 30337
representing the person. 30338

(d) A sheriff's deputy who serves a subpoena shall receive 30339
the same fees as a sheriff. Each witness who appears before the 30340
board in obedience to a subpoena shall receive the fees and 30341
mileage provided for under section 119.094 of the Revised Code. 30342

(4) All hearings, investigations, and inspections of the 30343
board shall be considered civil actions for the purposes of 30344
section 2305.252 of the Revised Code. 30345

(5) A report required to be submitted to the board under this 30346
chapter, a complaint, or information received by the board 30347
pursuant to an investigation or pursuant to an inspection under 30348
division (E) of section 4731.054 of the Revised Code is 30349
confidential and not subject to discovery in any civil action. 30350

The board shall conduct all investigations or inspections and 30351
proceedings in a manner that protects the confidentiality of 30352
patients and persons who file complaints with the board. The board 30353
shall not make public the names or any other identifying 30354
information about patients or complainants unless proper consent 30355
is given or, in the case of a patient, a waiver of the patient 30356
privilege exists under division (B) of section 2317.02 of the 30357

Revised Code, except that consent or a waiver of that nature is 30358
not required if the board possesses reliable and substantial 30359
evidence that no bona fide physician-patient relationship exists. 30360

The board may share any information it receives pursuant to 30361
an investigation or inspection, including patient records and 30362
patient record information, with law enforcement agencies, other 30363
licensing boards, and other governmental agencies that are 30364
prosecuting, adjudicating, or investigating alleged violations of 30365
statutes or administrative rules. An agency or board that receives 30366
the information shall comply with the same requirements regarding 30367
confidentiality as those with which the state medical board must 30368
comply, notwithstanding any conflicting provision of the Revised 30369
Code or procedure of the agency or board that applies when it is 30370
dealing with other information in its possession. In a judicial 30371
proceeding, the information may be admitted into evidence only in 30372
accordance with the Rules of Evidence, but the court shall require 30373
that appropriate measures are taken to ensure that confidentiality 30374
is maintained with respect to any part of the information that 30375
contains names or other identifying information about patients or 30376
complainants whose confidentiality was protected by the state 30377
medical board when the information was in the board's possession. 30378
Measures to ensure confidentiality that may be taken by the court 30379
include sealing its records or deleting specific information from 30380
its records. 30381

(6) On a quarterly basis, the board shall prepare a report 30382
that documents the disposition of all cases during the preceding 30383
three months. The report shall contain the following information 30384
for each case with which the board has completed its activities: 30385

(a) The case number assigned to the complaint or alleged 30386
violation; 30387

(b) The type of license or certificate to practice, if any, 30388
held by the individual against whom the complaint is directed; 30389

(c) A description of the allegations contained in the 30390
complaint; 30391

(d) The disposition of the case. 30392

The report shall state how many cases are still pending and 30393
shall be prepared in a manner that protects the identity of each 30394
person involved in each case. The report shall be a public record 30395
under section 149.43 of the Revised Code. 30396

(G) If the secretary and supervising member determine both of 30397
the following, they may recommend that the board suspend an 30398
individual's license or certificate to practice or certificate to 30399
recommend without a prior hearing: 30400

(1) That there is clear and convincing evidence that an 30401
individual has violated division (B) of this section; 30402

(2) That the individual's continued practice presents a 30403
danger of immediate and serious harm to the public. 30404

Written allegations shall be prepared for consideration by 30405
the board. The board, upon review of those allegations and by an 30406
affirmative vote of not fewer than six of its members, excluding 30407
the secretary and supervising member, may suspend a license or 30408
certificate without a prior hearing. A telephone conference call 30409
may be utilized for reviewing the allegations and taking the vote 30410
on the summary suspension. 30411

The board shall issue a written order of suspension by 30412
certified mail or in person in accordance with section 119.07 of 30413
the Revised Code. The order shall not be subject to suspension by 30414
the court during pendency of any appeal filed under section 119.12 30415
of the Revised Code. If the individual subject to the summary 30416
suspension requests an adjudicatory hearing by the board, the date 30417
set for the hearing shall be within fifteen days, but not earlier 30418
than seven days, after the individual requests the hearing, unless 30419
otherwise agreed to by both the board and the individual. 30420

Any summary suspension imposed under this division shall 30421
remain in effect, unless reversed on appeal, until a final 30422
adjudicative order issued by the board pursuant to this section 30423
and Chapter 119. of the Revised Code becomes effective. The board 30424
shall issue its final adjudicative order within seventy-five days 30425
after completion of its hearing. A failure to issue the order 30426
within seventy-five days shall result in dissolution of the 30427
summary suspension order but shall not invalidate any subsequent, 30428
final adjudicative order. 30429

(H) If the board takes action under division (B)(9), (11), or 30430
(13) of this section and the judicial finding of guilt, guilty 30431
plea, or judicial finding of eligibility for intervention in lieu 30432
of conviction is overturned on appeal, upon exhaustion of the 30433
criminal appeal, a petition for reconsideration of the order may 30434
be filed with the board along with appropriate court documents. 30435
Upon receipt of a petition of that nature and supporting court 30436
documents, the board shall reinstate the individual's license or 30437
certificate to practice. The board may then hold an adjudication 30438
under Chapter 119. of the Revised Code to determine whether the 30439
individual committed the act in question. Notice of an opportunity 30440
for a hearing shall be given in accordance with Chapter 119. of 30441
the Revised Code. If the board finds, pursuant to an adjudication 30442
held under this division, that the individual committed the act or 30443
if no hearing is requested, the board may order any of the 30444
sanctions identified under division (B) of this section. 30445

(I) The license or certificate to practice issued to an 30446
individual under this chapter and the individual's practice in 30447
this state are automatically suspended as of the date of the 30448
individual's second or subsequent plea of guilty to, or judicial 30449
finding of guilt of, a violation of section 2919.123 of the 30450
Revised Code. In addition, the license or certificate to practice 30451
or certificate to recommend issued to an individual under this 30452

chapter and the individual's practice in this state are 30453
automatically suspended as of the date the individual pleads 30454
guilty to, is found by a judge or jury to be guilty of, or is 30455
subject to a judicial finding of eligibility for intervention in 30456
lieu of conviction in this state or treatment or intervention in 30457
lieu of conviction in another jurisdiction for any of the 30458
following criminal offenses in this state or a substantially 30459
equivalent criminal offense in another jurisdiction: aggravated 30460
murder, murder, voluntary manslaughter, felonious assault, 30461
kidnapping, rape, sexual battery, gross sexual imposition, 30462
aggravated arson, aggravated robbery, or aggravated burglary. 30463
Continued practice after suspension shall be considered practicing 30464
without a license or certificate. 30465

The board shall notify the individual subject to the 30466
suspension by certified mail or in person in accordance with 30467
section 119.07 of the Revised Code. If an individual whose license 30468
or certificate is automatically suspended under this division 30469
fails to make a timely request for an adjudication under Chapter 30470
119. of the Revised Code, the board shall do whichever of the 30471
following is applicable: 30472

(1) If the automatic suspension under this division is for a 30473
second or subsequent plea of guilty to, or judicial finding of 30474
guilt of, a violation of section 2919.123 of the Revised Code, the 30475
board shall enter an order suspending the individual's license or 30476
certificate to practice for a period of at least one year or, if 30477
determined appropriate by the board, imposing a more serious 30478
sanction involving the individual's license or certificate to 30479
practice. 30480

(2) In all circumstances in which division (I)(1) of this 30481
section does not apply, enter a final order permanently revoking 30482
the individual's license or certificate to practice. 30483

(J) If the board is required by Chapter 119. of the Revised 30484

Code to give notice of an opportunity for a hearing and if the 30485
individual subject to the notice does not timely request a hearing 30486
in accordance with section 119.07 of the Revised Code, the board 30487
is not required to hold a hearing, but may adopt, by an 30488
affirmative vote of not fewer than six of its members, a final 30489
order that contains the board's findings. In that final order, the 30490
board may order any of the sanctions identified under division (A) 30491
or (B) of this section. 30492

(K) Any action taken by the board under division (B) of this 30493
section resulting in a suspension from practice shall be 30494
accompanied by a written statement of the conditions under which 30495
the individual's license or certificate to practice may be 30496
reinstated. The board shall adopt rules governing conditions to be 30497
imposed for reinstatement. Reinstatement of a license or 30498
certificate suspended pursuant to division (B) of this section 30499
requires an affirmative vote of not fewer than six members of the 30500
board. 30501

(L) When the board refuses to grant or issue a license or 30502
certificate to practice to an applicant, revokes an individual's 30503
license or certificate to practice, refuses to renew an 30504
individual's license or certificate to practice, or refuses to 30505
reinstate an individual's license or certificate to practice, the 30506
board may specify that its action is permanent. An individual 30507
subject to a permanent action taken by the board is forever 30508
thereafter ineligible to hold a license or certificate to practice 30509
and the board shall not accept an application for reinstatement of 30510
the license or certificate or for issuance of a new license or 30511
certificate. 30512

(M) Notwithstanding any other provision of the Revised Code, 30513
all of the following apply: 30514

(1) The surrender of a license or certificate issued under 30515
this chapter shall not be effective unless or until accepted by 30516

the board. A telephone conference call may be utilized for 30517
acceptance of the surrender of an individual's license or 30518
certificate to practice. The telephone conference call shall be 30519
considered a special meeting under division (F) of section 121.22 30520
of the Revised Code. Reinstatement of a license or certificate 30521
surrendered to the board requires an affirmative vote of not fewer 30522
than six members of the board. 30523

(2) An application for a license or certificate made under 30524
the provisions of this chapter may not be withdrawn without 30525
approval of the board. 30526

(3) Failure by an individual to renew a license or 30527
certificate to practice in accordance with this chapter or a 30528
certificate to recommend in accordance with rules adopted under 30529
section 4731.301 of the Revised Code shall not remove or limit the 30530
board's jurisdiction to take any disciplinary action under this 30531
section against the individual. 30532

(4) At the request of the board, a license or certificate 30533
holder shall immediately surrender to the board a license or 30534
certificate that the board has suspended, revoked, or permanently 30535
revoked. 30536

(N) Sanctions shall not be imposed under division (B)(28) of 30537
this section against any person who waives deductibles and 30538
copayments as follows: 30539

(1) In compliance with the health benefit plan that expressly 30540
allows such a practice. Waiver of the deductibles or copayments 30541
shall be made only with the full knowledge and consent of the plan 30542
purchaser, payer, and third-party administrator. Documentation of 30543
the consent shall be made available to the board upon request. 30544

(2) For professional services rendered to any other person 30545
authorized to practice pursuant to this chapter, to the extent 30546
allowed by this chapter and rules adopted by the board. 30547

(O) Under the board's investigative duties described in this section and subject to division (F) of this section, the board shall develop and implement a quality intervention program designed to improve through remedial education the clinical and communication skills of individuals authorized under this chapter to practice medicine and surgery, osteopathic medicine and surgery, and podiatric medicine and surgery. In developing and implementing the quality intervention program, the board may do all of the following:

(1) Offer in appropriate cases as determined by the board an educational and assessment program pursuant to an investigation the board conducts under this section;

(2) Select providers of educational and assessment services, including a quality intervention program panel of case reviewers;

(3) Make referrals to educational and assessment service providers and approve individual educational programs recommended by those providers. The board shall monitor the progress of each individual undertaking a recommended individual educational program.

(4) Determine what constitutes successful completion of an individual educational program and require further monitoring of the individual who completed the program or other action that the board determines to be appropriate;

(5) Adopt rules in accordance with Chapter 119. of the Revised Code to further implement the quality intervention program.

An individual who participates in an individual educational program pursuant to this division shall pay the financial obligations arising from that educational program.

Sec. 4735.023. (A) An oil and gas land professional who is

not otherwise permitted to engage in the activities described in 30578
division (A) of section 4735.01 of the Revised Code may perform 30579
such activities, if the oil and gas land professional does all of 30580
the following: 30581

(1)(a) Registers on an annual basis as an oil and gas land 30582
professional with the superintendent of real estate by such date 30583
specified and on a form approved by the superintendent, which form 30584
includes both of the following: 30585

(i) The name and address of the oil and gas land 30586
professional; 30587

(ii) Evidence of the oil and gas land professional's 30588
membership in good standing in a national, state, or local 30589
professional organization that has been in existence for at least 30590
three years and has, as part of its mission, developed a set of 30591
standards of performance and ethics for oil and gas land 30592
professionals. 30593

(b) Pays an annual fee, established by the superintendent in 30594
an amount not to exceed one hundred dollars, which shall accompany 30595
the registration. 30596

(2) At or prior to first contacting any landowner or other 30597
person with an interest in real estate for the purpose of engaging 30598
in the activities of an oil and gas land professional, and on a 30599
form approved by the superintendent, discloses to the landowner or 30600
other person all of the following: 30601

(a) The oil and gas land professional's name and address as 30602
registered with the superintendent; 30603

(b) That the oil and gas land professional is registered as 30604
such with the superintendent and is a member in good standing in a 30605
national, state, or local professional organization that has been 30606
in existence for at least three years and has, as part of its 30607

mission, developed a set of standards of performance and ethics 30608
for oil and gas land professionals; 30609

(c) That the oil and gas land professional is not a licensed 30610
real estate broker or real estate salesperson under Chapter 4735. 30611
of the Revised Code; 30612

(d) That the landowner or other person with an interest in 30613
real estate may seek legal counsel in connection with any 30614
transaction with the oil and gas land professional; 30615

(e) That the oil and gas land professional is not 30616
representing the landowner or other person with an interest in 30617
real estate. 30618

(3) At or prior to entering into any agreements for the 30619
purpose of exploring for, transporting, producing, or developing 30620
oil and gas mineral interests including, but not limited to, oil 30621
and gas leases and pipeline easements with any landowner or other 30622
person with an interest in real estate, and on a form approved by 30623
the superintendent, discloses to the landowner or other person 30624
with an interest in real estate all of the following: 30625

(a) The oil and gas land professional's name and address as 30626
registered with the superintendent; 30627

(b) That the oil and gasland professional is registered as 30628
such with the superintendent and a member in good standing in a 30629
national, state, or local professional organization that has been 30630
in existence for at least three years and has, as part of its 30631
mission, developed a set of standards of performance and ethics 30632
for oil and gas land professionals; 30633

(c) That the oil and gas land professional is not a licensed 30634
real estate broker or real estate salesperson under Chapter 4735. 30635
of the Revised Code; 30636

(d) That the landowner or other person may seek legal counsel 30637

in connection with any transaction with the oil and gas land professional; 30638
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(e) That the oil and gas land professional is not representing the landowner or other person with an interest in real estate. 30640
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(B) Any oil and gas land professional who must be registered as such with the superintendent pursuant to this section who ceases to be a member in good standing of an organization described in division (A)(1)(a)(ii) of this section shall report the change in membership status to the superintendent within thirty days of that change. Failure to report such change in membership status shall result in the automatic suspension of registration status and subject the registrant to the penalties for unlicensed activity as found in section ~~4735.02~~ 4735.052 of the Revised Code. 30643
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(C) Any oil and gas land professional who fails to register with the superintendent pursuant to this section is subject to the penalties for unlicensed activity as found in section ~~4735.02~~ 4735.052 of the Revised Code. 30653
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Sec. 4735.052. (A) Upon receipt of a written complaint or upon the superintendent's own motion, the superintendent may investigate any person that has allegedly violated section 4735.02, 4735.023, or 4735.25 of the Revised Code, except that the superintendent shall not initiate an investigation, pursuant to this section, of any person who held a suspended or inactive license under this chapter on the date of the alleged violation. 30657
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(B) If, after investigation, the superintendent determines there exists reasonable evidence of a violation of section 4735.02, 4735.023, or 4735.25 of the Revised Code, within fourteen business days after that determination, the superintendent shall send the party who is the subject of the investigation, a written 30664
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notice, by regular mail, that includes all of the following 30669
information: 30670

(1) A description of the activity in which the party 30671
allegedly is engaging or has engaged that is a violation of 30672
section 4735.02, 4735.023, or 4735.25 of the Revised Code; 30673

(2) The applicable law allegedly violated; 30674

(3) A statement informing the party that a hearing concerning 30675
the alleged violation will be held, upon the party's request, 30676
before a hearing examiner pursuant to Chapter 119. of the Revised 30677
Code. 30678

(C)(1) If a hearing is requested, the hearing examiner shall 30679
hear the testimony of all parties present at the hearing and 30680
consider any written testimony submitted pursuant to this section, 30681
and determine if there has been a violation of section 4735.02, 30682
4735.023, or 4735.25 of the Revised Code. 30683

(2) After the conclusion of formal hearings, the hearing 30684
examiner shall file a report of findings of fact and conclusions 30685
of law with the superintendent, the commission, the complainant, 30686
and the parties. Within twenty days of receipt of such copy of the 30687
written report of findings of fact and conclusions of law, the 30688
parties and the division may file with the commission written 30689
objections to the report, which shall be considered by the 30690
commission before approving, modifying, or disapproving the 30691
report. 30692

(3) The commission shall review the hearing examiner's report 30693
at the next regularly scheduled commission meeting held at least 30694
twenty business days after receipt of the hearing examiner's 30695
report. The commission shall hear the testimony of the complainant 30696
or the parties upon request. 30697

(4) The commission shall decide whether to impose 30698
disciplinary sanctions upon a party for a violation of section 30699

4735.02 or 4735.023 of the Revised Code. If the commission finds 30700
that a violation has occurred, the commission may assess a civil 30701
penalty, in an amount it determines, not to exceed one thousand 30702
dollars per violation. Each day a violation occurs or continues is 30703
a separate violation. The commission shall determine the terms of 30704
payment. The commission shall maintain a record of the proceedings 30705
of the hearing and issue a written opinion to all parties, citing 30706
its findings and grounds for any action taken. 30707

(D) Civil penalties collected under this section shall be 30708
deposited in the real estate operating fund, which is created in 30709
the state treasury under section 4735.211 of the Revised Code. 30710

(E) If a party fails to pay a civil penalty assessed pursuant 30711
to this section within the time prescribed by the commission, the 30712
superintendent shall forward to the attorney general the name of 30713
the party and the amount of the civil penalty, for the purpose of 30714
collecting that civil penalty. In addition to the civil penalty 30715
assessed pursuant to this section, the party also shall pay any 30716
fee assessed by the attorney general for collection of the civil 30717
penalty. 30718

(F) The superintendent may reserve the right to bring a civil 30719
action against a party that fails to pay a civil penalty for 30720
breach of contract in a court of competent jurisdiction. 30721

Sec. 4735.06. (A) Application for a license as a real estate 30722
broker shall be made to the superintendent of real estate on forms 30723
furnished by the superintendent and filed with the superintendent 30724
and shall be signed by the applicant or its members or officers. 30725
Each application shall state the name of the person applying and 30726
the location of the place of business for which the license is 30727
desired, and give such other information as the superintendent 30728
requires in the form of application prescribed by the 30729
superintendent. 30730

(B)(1) If the applicant is a partnership, limited liability company, limited liability partnership, or association, the names of all the members also shall be stated, and, if the applicant is a corporation, the names of its president and of each of its officers also shall be stated.

The superintendent has the right to reject the application of any partnership, association, limited liability company, limited liability partnership, or corporation if the name proposed to be used by such partnership, association, limited liability company, limited liability partnership, or corporation is likely to mislead the public or if the name is not such as to distinguish it from the name of any existing partnership, association, limited liability company, limited liability partnership, or corporation licensed under this chapter, unless there is filed with the application the written consent of such existing partnership, association, limited liability company, limited liability partnership, or corporation, executed by a duly authorized representative of it, permitting the use of the name of such existing partnership, association, limited liability company, limited liability partnership, or corporation.

(2) The superintendent shall approve the use of a trade name by a brokerage, if the name meets both of the following criteria:

(a) The proposed name is not the same as or is clearly distinguishable from a name registered with the division of real estate and professional licensing by another existing brokerage. If the superintendent determines that the proposed name is not clearly distinguishable from any other existing brokerage, the superintendent may approve the use of the trade name if there is filed with the superintendent the written consent of the existing brokerage with the same or similar name.

(b) The name is not misleading or likely to mislead the public.

(3) The superintendent may approve the use of more than one trade name for a brokerage. 30763
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(4) When a brokerage has received the approval of the superintendent to conduct business under one or more trade names, those trade names shall be the only identifying names used by the brokerage in all advertising. 30765
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(C) A fee of one hundred thirty-five dollars shall accompany the application for a real estate broker's license. The initial licensing period commences at the time the license is issued and ends on the applicant's first birthday thereafter. However, if the applicant was an inactive or active salesperson immediately preceding application for a broker's license, then the initial licensing period shall commence at the time the broker's license is issued and ends on the date the licensee's continuing education is due as set when the applicant was a salesperson. The application fee shall be nonrefundable. A fee of one hundred thirty-five dollars shall be charged by the superintendent for each successive application made by an applicant. In the case of issuance of a three-year license, upon passing the examination, or upon waiver of the examination requirement, if the superintendent determines it is necessary, the applicant shall submit an additional fee determined by the superintendent based upon the number of years remaining in a real estate salesperson's licensing period. 30769
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(D) One dollar of each application fee for a real estate broker's license shall be credited to the real estate education and research fund, which is hereby created in the state treasury. The Ohio real estate commission may use the fund in discharging the duties prescribed in divisions (E), (F), (G), and (H) of section 4735.03 of the Revised Code and shall use it in the advancement of education and research in real estate at any institution of higher education in the state, or in contracting 30787
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with any such institution or a trade organization for a particular 30795
research or educational project in the field of real estate, or in 30796
advancing loans, not exceeding two thousand dollars, to applicants 30797
for salesperson licenses, to defray the costs of satisfying the 30798
educational requirements of division (F) of section 4735.09 of the 30799
Revised Code. Such loans shall be made according to rules 30800
established by the commission under the procedures of Chapter 119. 30801
of the Revised Code, and they shall be repaid to the fund within 30802
three years of the time they are made. No more than twenty-five 30803
thousand dollars shall be lent from the fund in any one fiscal 30804
year. 30805

The governor may appoint a representative from the executive 30806
branch to be a member ex officio of the commission for the purpose 30807
of advising on research requests or educational projects. The 30808
commission shall report to the general assembly on the third 30809
Tuesday after the third Monday in January of each year setting 30810
forth the total amount contained in the fund and the amount of 30811
each research grant that it has authorized and the amount of each 30812
research grant requested. A copy of all research reports shall be 30813
submitted to the state library of Ohio and the library of the 30814
legislative service commission. 30815

(E) If the superintendent, with the consent of the 30816
commission, enters into an agreement with a national testing 30817
service to administer the real estate broker's examination, 30818
pursuant to division (A) of section 4735.07 of the Revised Code, 30819
the superintendent may require an applicant to pay the testing 30820
service's examination fee directly to the testing service. If the 30821
superintendent requires the payment of the examination fee 30822
directly to the testing service, each applicant shall submit to 30823
the superintendent a processing fee in an amount determined by the 30824
Ohio real estate commission pursuant to division (A)(2) of section 30825
4735.10 of the Revised Code. 30826

Sec. 4735.09. (A) Application for a license as a real estate salesperson shall be made to the superintendent of real estate on forms furnished by the superintendent and signed by the applicant. The application shall be in the form prescribed by the superintendent and shall contain such information as is required by this chapter and the rules of the Ohio real estate commission. The application shall be accompanied by the recommendation of the real estate broker with whom the applicant is associated or with whom the applicant intends to be associated, certifying that the applicant is honest, truthful, and of good reputation, has not been convicted of a felony or a crime involving moral turpitude, and has not been finally adjudged by a court to have violated any municipal, state, or federal civil rights laws relevant to the protection of purchasers or sellers of real estate, which conviction or adjudication the applicant has not disclosed to the superintendent, and recommending that the applicant be admitted to the real estate salesperson examination.

(B) A fee of ~~sixty~~ eighty-one dollars shall accompany the application, which fee includes the fee for the initial year of the licensing period, if a license is issued. The initial year of the licensing period commences at the time the license is issued and ends on the applicant's first birthday thereafter. The application fee shall be nonrefundable. A fee of ~~sixty~~ eighty-one dollars shall be charged by the superintendent for each successive application made by the applicant. One dollar of each application fee shall be credited to the real estate education and research fund.

(C) There shall be no limit placed on the number of times an applicant may retake the examination.

(D) The superintendent, with the consent of the commission, may enter into an agreement with a recognized national testing

service to administer the real estate salesperson's examination 30858
under the superintendent's supervision and control, consistent 30859
with the requirements of this chapter as to the contents of the 30860
examination. 30861

If the superintendent, with the consent of the commission, 30862
enters into an agreement with a national testing service to 30863
administer the real estate salesperson's examination, the 30864
superintendent may require an applicant to pay the testing 30865
service's examination fee directly to the testing service. If the 30866
superintendent requires the payment of the examination fee 30867
directly to the testing service, each applicant shall submit to 30868
the superintendent a processing fee in an amount determined by the 30869
Ohio real estate commission pursuant to division (A)(1) of section 30870
4735.10 of the Revised Code. 30871

(E) The superintendent shall issue a real estate 30872
salesperson's license when satisfied that the applicant has 30873
received a passing score on each portion of the salesperson's 30874
examination as determined by rule by the real estate commission, 30875
except that the superintendent may waive one or more of the 30876
requirements of this section in the case of an applicant who is a 30877
licensed real estate salesperson in another state pursuant to a 30878
reciprocity agreement with the licensing authority of the state 30879
from which the applicant holds a valid real estate salesperson's 30880
license. 30881

(F) No applicant for a salesperson's license shall take the 30882
salesperson's examination who has not established to the 30883
satisfaction of the superintendent that the applicant: 30884

(1) Is honest, truthful, and of good reputation; 30885

(2)(a) Has not been convicted of a felony or crime of moral 30886
turpitude or, if the applicant has been so convicted, the 30887
superintendent has disregarded the conviction because the 30888

applicant has proven to the superintendent, by a preponderance of 30889
the evidence, that the applicant's activities and employment 30890
record since the conviction show that the applicant is honest, 30891
truthful, and of good reputation, and there is no basis in fact 30892
for believing that the applicant again will violate the laws 30893
involved; 30894

(b) Has not been finally adjudged by a court to have violated 30895
any municipal, state, or federal civil rights laws relevant to the 30896
protection of purchasers or sellers of real estate or, if the 30897
applicant has been so adjudged, at least two years have passed 30898
since the court decision and the superintendent has disregarded 30899
the adjudication because the applicant has proven, by a 30900
preponderance of the evidence, that the applicant is honest, 30901
truthful, and of good reputation, and there is no basis in fact 30902
for believing that the applicant again will violate the laws 30903
involved. 30904

(3) Has not, during any period in which the applicant was 30905
licensed under this chapter, violated any provision of, or any 30906
rule adopted pursuant to this chapter, or, if the applicant has 30907
violated such provision or rule, has established to the 30908
satisfaction of the superintendent that the applicant will not 30909
again violate such provision or rule; 30910

(4) Is at least eighteen years of age; 30911

(5) If born after the year 1950, has a high school diploma or 30912
a certificate of high school equivalence issued by the department 30913
of education; 30914

(6) Has successfully completed at an institution of higher 30915
education all of the following credit-eligible courses by either 30916
classroom instruction or distance education: 30917

(a) Forty hours of instruction in real estate practice; 30918

(b) Forty hours of instruction that includes the subjects of 30919

Ohio real estate law, municipal, state, and federal civil rights 30920
law, new case law on housing discrimination, desegregation issues, 30921
and methods of eliminating the effects of prior discrimination. If 30922
feasible, the instruction in Ohio real estate law shall be taught 30923
by a member of the faculty of an accredited law school. If 30924
feasible, the instruction in municipal, state, and federal civil 30925
rights law, new case law on housing discrimination, desegregation 30926
issues, and methods of eliminating the effects of prior 30927
discrimination shall be taught by a staff member of the Ohio civil 30928
rights commission who is knowledgeable with respect to those 30929
subjects. The requirements of this division do not apply to an 30930
applicant who is admitted to practice before the supreme court. 30931

(c) Twenty hours of instruction in real estate appraisal; 30932

(d) Twenty hours of instruction in real estate finance. 30933

(G)(1) Successful completion of the instruction required by 30934
division (F)(6) of this section shall be determined by the law in 30935
effect on the date the instruction was completed. 30936

(2) Division (F)(6)(c) of this section does not apply to any 30937
new applicant who holds a valid Ohio real estate appraiser license 30938
or certificate issued prior to the date of application for a real 30939
estate salesperson's license. 30940

(H) Only for noncredit course offerings, an institution of 30941
higher education shall obtain approval from the appropriate state 30942
authorizing entity prior to offering a real estate course that is 30943
designed and marketed as satisfying the salesperson license 30944
education requirements of division (F)(6) of this section. The 30945
state authorizing entity may consult with the superintendent in 30946
reviewing the course for compliance with this section. 30947

(I) Any person who has not been licensed as a real estate 30948
salesperson or broker within a four-year period immediately 30949
preceding the person's current application for the salesperson's 30950

examination shall have successfully completed the prelicensure 30951
instruction required by division (F)(6) of this section within a 30952
ten-year period immediately preceding the person's current 30953
application for the salesperson's examination. 30954

(J) Not earlier than the date of issue of a real estate 30955
salesperson's license to a licensee, but not later than twelve 30956
months after the date of issue of a real estate salesperson 30957
license to a licensee, the licensee shall submit proof 30958
satisfactory to the superintendent, on forms made available by the 30959
superintendent, of the completion of twenty hours of instruction 30960
that shall be completed in schools, seminars, and educational 30961
institutions approved by the commission. The instruction shall 30962
include, but is not limited to, current practices relating to 30963
commercial real estate, property management, short sales, and land 30964
contracts; contract law; federal and state programs; economic 30965
conditions; and fiduciary responsibility. Approval of the 30966
curriculum and providers shall be granted according to rules 30967
adopted pursuant to section 4735.10 of the Revised Code and may be 30968
taken through classroom instruction or distance education. 30969

If proof of completion of the required instruction is not 30970
submitted within twelve months of the date a license is issued 30971
under this section, the licensee's license is suspended 30972
automatically without the taking of any action by the 30973
superintendent. The superintendent immediately shall notify the 30974
broker with whom such salesperson is associated of the suspension 30975
of the salesperson's license. A salesperson whose license has been 30976
suspended under this division shall have twelve months after the 30977
date of the suspension of the salesperson's license to submit 30978
proof of successful completion of the instruction required under 30979
this division. No such license shall be reactivated by the 30980
superintendent until it is established, to the satisfaction of the 30981
superintendent, that the requirements of this division have been 30982

met and that the licensee is in compliance with this chapter. A 30983
licensee's license is revoked automatically without the taking of 30984
any action by the superintendent when the licensee fails to submit 30985
the required proof of completion of the education requirements 30986
under division (I) of this section within twelve months of the 30987
date the license is suspended. 30988

(K) Examinations shall be administered with reasonable 30989
accommodations in accordance with the requirements of the 30990
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 30991
U.S.C. 12189. The contents of an examination shall be consistent 30992
with the classroom instructional requirements of division (F)(6) 30993
of this section. An applicant who has completed the classroom 30994
instructional requirements of division (F)(6) of this section at 30995
the time of application shall be examined no later than twelve 30996
months after the applicant is notified of the applicant's 30997
admission to the examination. 30998

Sec. 4735.12. (A) The real estate recovery fund is hereby 30999
created in the state treasury, to be administered by the 31000
superintendent of real estate. Amounts collected by the 31001
superintendent as prescribed in this section and interest earned 31002
on the assets of the fund shall be credited by the treasurer of 31003
state to the fund. The amount of money in the fund shall be 31004
ascertained by the superintendent as of the first day of July of 31005
each year. 31006

The commission, in accordance with rules adopted under 31007
division (A)(2)(g) of section 4735.10 of the Revised Code, shall 31008
impose a special assessment not to exceed ten dollars per year for 31009
each year of a licensing period on each licensee filing a notice 31010
of renewal under section 4735.14 of the Revised Code if the amount 31011
available in the fund is less than ~~five~~ two hundred fifty thousand 31012
dollars on the first day of July preceding that filing. ~~The~~ 31013

~~commission may impose a special assessment not to exceed five~~ 31014
~~dollars per year for each year of a licensing period if the amount~~ 31015
~~available in the fund is greater than one million dollars, but~~ 31016
~~less than two million dollars on the first day of July preceding~~ 31017
~~that filing.~~ The commission shall not impose a special assessment 31018
if the amount available in the fund exceeds two ~~million~~ hundred 31019
fifty thousand dollars on the first day of July preceding that 31020
filing. 31021

(B)(1) Any person who obtains a final judgment in any court 31022
of competent jurisdiction against any broker or salesperson 31023
licensed under this chapter, on the grounds of conduct that is in 31024
violation of this chapter or the rules adopted under it, and that 31025
is associated with an act or transaction that only a licensed real 31026
estate broker or licensed real estate salesperson is authorized to 31027
perform as specified in division (A) or (C) of section 4735.01 of 31028
the Revised Code, may file a verified application, as described in 31029
division (B)(3) of this section, in the court of common pleas of 31030
Franklin county for an order directing payment out of the real 31031
estate recovery fund of the portion of the judgment that remains 31032
unpaid and that represents the actual and direct loss sustained by 31033
the applicant. 31034

(2) Punitive damages, attorney's fees, and interest on a 31035
judgment are not recoverable from the fund. In the discretion of 31036
the superintendent of real estate, court costs may be recovered 31037
from the fund, and, if the superintendent authorizes the recovery 31038
of court costs, the order of the court of common pleas then may 31039
direct their payment from the fund. 31040

(3) The application shall specify the nature of the act or 31041
transaction upon which the underlying judgment was based, the 31042
activities of the applicant in pursuit of remedies available under 31043
law for the collection of judgments, and the actual and direct 31044
losses, attorney's fees, and the court costs sustained or incurred 31045

by the applicant. The applicant shall attach to the application a copy of each pleading and order in the underlying court action.

(4) The court shall order the superintendent to make such payments out of the fund when the person seeking the order has shown all of the following:

(a) The person has obtained a judgment, as provided in this division;

(b) All appeals from the judgment have been exhausted and the person has given notice to the superintendent, as required by division (C) of this section;

(c) The person is not a spouse of the judgment debtor, or the personal representative of such spouse;

(d) The person has diligently pursued the person's remedies against all the judgment debtors and all other persons liable to the person in the transaction for which the person seeks recovery from the fund;

(e) The person is making the person's application not more than one year after termination of all proceedings, including appeals, in connection with the judgment.

(5) Divisions (B)(1) to (4) of this section do not apply to any of the following:

(a) Actions arising from property management accounts maintained in the name of the property owner;

(b) A bonding company when it is not a principal in a real estate transaction;

(c) A person in an action for the payment of a commission or fee for the performance of an act or transaction specified or comprehended in division (A) or (C) of section 4735.01 of the Revised Code;

(d) Losses incurred by investors in real estate if the

applicant and the licensee are principals in the investment. 31076

(C) A person who applies to a court of common pleas for an 31077
order directing payment out of the fund shall file notice of the 31078
application with the superintendent. The superintendent may defend 31079
any such action on behalf of the fund and shall have recourse to 31080
all appropriate means of defense and review, including examination 31081
of witnesses, verification of actual and direct losses, and 31082
challenges to the underlying judgment required in division 31083
(B)(4)(a) of this section to determine whether the underlying 31084
judgment is based on activity only a licensed broker or licensed 31085
salesperson is permitted to perform. The superintendent may move 31086
the court at any time to dismiss the application when it appears 31087
there are no triable issues and the application is without merit. 31088
The motion may be supported by affidavit of any person having 31089
knowledge of the facts and may be made on the basis that the 31090
application, including the judgment referred to in it, does not 31091
form the basis for a meritorious recovery claim; provided, that 31092
the superintendent shall give written notice to the applicant at 31093
least ten days before such motion. The superintendent may, subject 31094
to court approval, compromise a claim based upon the application 31095
of an aggrieved party. The superintendent shall not be bound by 31096
any prior compromise or stipulation of the judgment debtor. 31097

(D) Notwithstanding any other provision of this section, the 31098
liability of the fund shall not exceed forty thousand dollars for 31099
any one licensee. If a licensee's license is reactivated as 31100
provided in division (E) of this section, the liability of the 31101
fund for the licensee under this section shall again be forty 31102
thousand dollars, but only for transactions that occur subsequent 31103
to the time of reactivation. 31104

If the forty-thousand-dollar liability of the fund is 31105
insufficient to pay in full the valid claims of all aggrieved 31106
persons by whom claims have been filed against any one licensee, 31107

the forty thousand dollars shall be distributed among them in the 31108
ratio that their respective claims bear to the aggregate of valid 31109
claims or in such other manner as the court finds equitable. 31110
Distribution of moneys shall be among the persons entitled to 31111
share in it, without regard to the order of priority in which 31112
their respective judgments may have been obtained or their claims 31113
have been filed. Upon petition of the superintendent, the court 31114
may require all claimants and prospective claimants against one 31115
licensee to be joined in one action, to the end that the 31116
respective rights of all such claimants to the fund may be 31117
equitably adjudicated and settled. 31118

(E) If the superintendent pays from the fund any amount in 31119
settlement of a claim or toward satisfaction of a judgment against 31120
a licensed broker or salesperson, the license of the broker or 31121
salesperson shall be automatically suspended upon the date of 31122
payment from the fund. The superintendent shall not reactivate the 31123
suspended license of that broker or salesperson until the broker 31124
or salesperson has repaid in full, plus interest per annum at the 31125
rate specified in division (A) of section 1343.03 of the Revised 31126
Code, the amount paid from the fund on the broker's or 31127
salesperson's account. A discharge in bankruptcy does not relieve 31128
a person from the suspension and requirements for reactivation 31129
provided in this section unless the underlying judgment has been 31130
included in the discharge and has not been reaffirmed by the 31131
debtor. 31132

(F) If, at any time, the money deposited in the fund is 31133
insufficient to satisfy any duly authorized claim or portion of a 31134
claim, the superintendent shall, when sufficient money has been 31135
deposited in the fund, satisfy such unpaid claims or portions, in 31136
the order that such claims or portions were originally filed, plus 31137
accumulated interest per annum at the rate specified in division 31138
(A) of section 1343.03 of the Revised Code. 31139

(G) When, upon the order of the court, the superintendent has 31140
paid from the fund any sum to the judgment creditor, the 31141
superintendent shall be subrogated to all of the rights of the 31142
judgment creditor to the extent of the amount so paid, and the 31143
judgment creditor shall assign all the judgment creditor's right, 31144
title, and interest in the judgment to the superintendent to the 31145
extent of the amount so paid. Any amount and interest so recovered 31146
by the superintendent on the judgment shall be deposited in the 31147
fund. 31148

(H) Nothing contained in this section shall limit the 31149
authority of the superintendent to take disciplinary action 31150
against any licensee under other provisions of this chapter; nor 31151
shall the repayment in full of all obligations to the fund by any 31152
licensee nullify or modify the effect of any other disciplinary 31153
proceeding brought pursuant to this chapter. 31154

(I) The superintendent shall collect from the fund a service 31155
fee in an amount equivalent to the interest rate specified in 31156
division (A) of section 1343.03 of the Revised Code multiplied by 31157
the annual interest earned on the assets of the fund, to defray 31158
the expenses incurred in the administration of the fund. 31159

Sec. 4735.13. (A) Every real estate broker licensed under 31160
this chapter shall have and maintain a definite place of business 31161
in this state. A post office box address is not a definite place 31162
of business for purposes of this section. The license of a real 31163
estate broker shall be prominently displayed in the office or 31164
place of business of the broker, and no license shall authorize 31165
the licensee to do business except from the location specified in 31166
it. If the broker maintains more than one place of business within 31167
the state, the broker shall apply for and procure a duplicate 31168
license for each branch office maintained by the broker. Each 31169
branch office shall be in the charge of a licensed broker or 31170

salesperson. The branch office license shall be prominently displayed at the branch office location.

(B) The license of each real estate salesperson shall be mailed to and remain in the possession of the licensed broker with whom the salesperson is or is to be associated until the licensee places the license on inactive or resigned status or until the salesperson leaves the brokerage or is terminated. The broker shall keep each salesperson's license in a way that it can, and shall on request, be made immediately available for public inspection at the office or place of business of the broker. Except as provided in divisions (G) and (H) of this section, immediately upon the salesperson's leaving the association or termination of the association of a real estate salesperson with the broker, the broker shall return the salesperson's license to the superintendent of real estate.

The failure of a broker to return the license of a real estate salesperson or broker who leaves or who is terminated, via certified mail return receipt requested, within three business days of the receipt of a written request from the superintendent for the return of the license, is prima-facie evidence of misconduct under division (A)(6) of section 4735.18 of the Revised Code.

(C) A licensee shall notify the superintendent in writing within fifteen days of any of the following occurrences:

(1) The licensee is convicted of a felony.

(2) The licensee is convicted of a crime involving moral turpitude.

(3) The licensee is found to have violated any federal, state, or municipal civil rights law pertaining to discrimination in housing.

(4) The licensee is found to have engaged in a discriminatory

practice pertaining to housing accommodations described in 31202
division (H) of section 4112.02 of the Revised Code. 31203

(5) The licensee is the subject of an order by the department 31204
of commerce, the department of insurance, or the department of 31205
agriculture revoking or permanently surrendering any professional 31206
license, certificate, or registration. 31207

(6) The licensee is the subject of an order by any government 31208
agency concerning real estate, financial matters, or the 31209
performance of fiduciary duties with respect to any license, 31210
certificate, or registration. 31211

If a licensee fails to notify the superintendent within the 31212
required time, the superintendent immediately may suspend the 31213
license of the licensee. 31214

Any court that convicts a licensee of a violation of any 31215
municipal civil rights law pertaining to housing discrimination 31216
also shall notify the Ohio civil rights commission within fifteen 31217
days of the conviction. 31218

(D) In case of any change of business location, a broker 31219
shall give notice to the superintendent, on a form prescribed by 31220
the superintendent, within thirty days after the change of 31221
location, whereupon the superintendent shall issue new licenses 31222
for the unexpired period without charge. If a broker changes a 31223
business location without giving the required notice and without 31224
receiving new licenses that action is prima-facie evidence of 31225
misconduct under division (A)(6) of section 4735.18 of the Revised 31226
Code. 31227

(E) If a real estate broker desires to associate with another 31228
real estate broker in the capacity of a real estate salesperson, 31229
the broker shall apply to the superintendent to deposit the 31230
broker's real estate broker's license with the superintendent and 31231
for the issuance of a real estate salesperson's license. The 31232

application shall be made on a form prescribed by the 31233
superintendent and shall be accompanied by the recommendation of 31234
the real estate broker with whom the applicant intends to become 31235
associated and a fee of ~~twenty-five~~ thirty-four dollars for the 31236
real estate salesperson's license. One dollar of the fee shall be 31237
credited to the real estate education and research fund. If the 31238
superintendent is satisfied that the applicant is honest, 31239
truthful, and of good reputation, has not been convicted of a 31240
felony or a crime involving moral turpitude, and has not been 31241
finally adjudged by a court to have violated any municipal, state, 31242
or federal civil rights laws relevant to the protection of 31243
purchasers or sellers of real estate, and that the association of 31244
the real estate broker and the applicant will be in the public 31245
interest, the superintendent shall grant the application and issue 31246
a real estate salesperson's license to the applicant. Any license 31247
so deposited with the superintendent shall be subject to this 31248
chapter. A broker who intends to deposit the broker's license with 31249
the superintendent, as provided in this section, shall give 31250
written notice of this fact in a format prescribed by the 31251
superintendent to all salespersons associated with the broker when 31252
applying to place the broker's license on deposit. 31253

(F) If a real estate broker desires to become a member or 31254
officer of a partnership, association, limited liability company, 31255
limited liability partnership, or corporation that is or intends 31256
to become a licensed real estate broker, the broker shall notify 31257
the superintendent of the broker's intentions. The notice of 31258
intention shall be on a form prescribed by the superintendent and 31259
shall be accompanied by a fee of ~~twenty-five~~ thirty-four dollars. 31260
One dollar of the fee shall be credited to the real estate 31261
education and research fund. 31262

A licensed real estate broker who is a member or officer of a 31263
partnership, association, limited liability company, limited 31264

liability partnership, or corporation shall only act as a real 31265
estate broker for such partnership, association, limited liability 31266
company, limited liability partnership, or corporation. 31267

(G)(1) If a real estate broker or salesperson enters the 31268
armed forces, the broker or salesperson may place the broker's or 31269
salesperson's license on deposit with the Ohio real estate 31270
commission. The licensee shall not be required to renew the 31271
license until the renewal date that follows the date of discharge 31272
from the armed forces. Any license deposited with the commission 31273
shall be subject to this chapter. 31274

Any licensee whose license is on deposit under this division 31275
and who fails to meet the continuing education requirements of 31276
section 4735.141 of the Revised Code because the licensee is in 31277
the armed forces shall satisfy the commission that the licensee 31278
has complied with the continuing education requirements within 31279
twelve months of the licensee's first birthday after discharge or 31280
within the amount of time equal to the total number of months the 31281
licensee spent on active duty, whichever is greater. The licensee 31282
shall submit proper documentation of active duty service and the 31283
length of that active duty service to the superintendent. The 31284
extension shall not exceed the total number of months that the 31285
licensee served in active duty. The superintendent shall notify 31286
the licensee of the licensee's obligations under section 4735.141 31287
of the Revised Code at the time the licensee applies for 31288
reactivation of the licensee's license. 31289

(2) If a licensee is a spouse of a member of the armed forces 31290
and the spouse's service resulted in the licensee's absence from 31291
this state, both of the following apply: 31292

(a) The licensee shall not be required to renew the license 31293
until the renewal date that follows the date of the spouse's 31294
discharge from the armed forces. 31295

(b) If the licensee fails to meet the continuing education requirements of section 4735.141 of the Revised Code, the licensee shall satisfy the commission that the licensee has complied with the continuing education requirements within twelve months after the licensee's first birthday after the spouse's discharge or within the amount of time equal to the total number of months the licensee's spouse spent on active duty, whichever is greater. The licensee shall submit proper documentation of the spouse's active duty service and the length of that active duty service. This extension shall not exceed the total number of months that the licensee's spouse served in active duty.

(3) In the case of a licensee as described in division (G)(2) of this section, who holds the license through a reciprocity agreement with another state, the spouse's service shall have resulted in the licensee's absence from the licensee's state of residence for the provisions of that division to apply.

(4) As used in this division, "armed forces" means the armed forces of the United States or reserve component of the armed forces of the United States including the Ohio national guard or the national guard of any other state.

(H) If a licensed real estate salesperson submits an application to the superintendent to leave the association of one broker to associate with a different broker, the broker possessing the licensee's license need not return the salesperson's license to the superintendent. The superintendent may process the application regardless of whether the licensee's license is returned to the superintendent.

Sec. 4735.15. (A) The nonrefundable fees for reactivation or transfer of a license shall be as follows:

(1) Reactivation or transfer of a broker's license into or out of a partnership, association, limited liability company,

limited liability partnership, or corporation or from one 31327
partnership, association, limited liability company, limited 31328
liability partnership, or corporation to another partnership, 31329
association, limited liability company, limited liability 31330
partnership, or corporation, ~~twenty-five~~ thirty-four dollars. An 31331
application for such transfer shall be made to the superintendent 31332
of real estate on forms provided by the superintendent. 31333

(2) Reactivation or transfer of a license by a real estate 31334
salesperson, ~~twenty-five~~ thirty-four dollars. 31335

(B) Except as may otherwise be specified pursuant to division 31336
(F) of this section or any rules adopted by the Ohio real estate 31337
commission pursuant to division (A)(2)(b) of section 4735.10 of 31338
the Revised Code, the nonrefundable fees ~~for a branch office~~ 31339
~~license, license renewal, late filing, and foreign real estate~~ 31340
~~dealer and salesperson license~~ are as follows ~~per year~~ for each 31341
~~year of a~~ licensing period: 31342

(1) Branch office license, ~~fifteen~~ twenty dollars; 31343

(2) Renewal of a three-year real estate broker's license, 31344
~~sixty two hundred forty-three~~ dollars. If the licensee is a 31345
partnership, association, limited liability company, limited 31346
liability partnership, or corporation, the full broker's renewal 31347
fee shall be required for each member of such partnership, 31348
association, limited liability company, limited liability 31349
partnership, or corporation that is a real estate broker. If the 31350
real estate broker has not less than eleven nor more than twenty 31351
real estate salespersons associated with the broker, an additional 31352
fee of sixty-four dollars shall be assessed to the brokerage. For 31353
every additional ten real estate salespersons or fraction of that 31354
number, the brokerage assessment fee shall be increased in the 31355
amount of thirty-seven dollars. 31356

(3) Renewal of a three-year real estate salesperson's 31357

license, ~~forty-five~~ one hundred eighty-two dollars; 31358

(4) Renewal of a real estate broker's or salesperson's 31359
license filed within twelve months after the licensee's renewal 31360
date, an additional late filing penalty of fifty per cent of the 31361
required three-year fee; 31362

(5) Foreign real estate dealer's license and each renewal of 31363
the license, thirty dollars per salesperson employed by the 31364
dealer, but not less than ~~one~~ two hundred ~~fifty~~ three dollars; 31365

(6) Foreign real estate salesperson's license and each 31366
renewal of the license, ~~fifty~~ sixty-eight dollars. 31367

(C) All fees collected under this section shall be paid to 31368
the treasurer of state. One dollar of each such fee shall be 31369
credited to the real estate education and research fund, except 31370
that for fees that are assessed only once every three years, three 31371
dollars of each triennial fee shall be credited to the real estate 31372
education and research fund. 31373

(D) In all cases, the fee and any penalty shall accompany the 31374
application for the license, license transfer, or license 31375
reactivation or shall accompany the filing of the renewal. 31376

(E) The commission may establish by rule reasonable fees for 31377
services not otherwise established by this chapter. 31378

(F) The commission may adopt rules that provide for a 31379
reduction in the fees established in divisions (B)(2) and (3) of 31380
this section. 31381

Sec. 4735.182. If a check or other draft instrument used to 31382
pay any fee required under this chapter is returned to the 31383
superintendent unpaid by the financial institution upon which it 31384
is drawn for any reason, the superintendent shall notify the 31385
entity or person that the check or other draft instrument was 31386
returned for insufficient funds. 31387

(A) If the check or draft instrument was submitted by a 31388
licensee, the superintendent shall also notify the licensee that 31389
the licensee's license will be suspended unless the licensee, 31390
within fifteen days after the mailing of the notice, submits the 31391
fee and a one-hundred-dollar fee to the superintendent. If the 31392
licensee does not submit both fees within that time period, or if 31393
any check or other draft instrument used to pay either of those 31394
fees is returned to the superintendent unpaid by the financial 31395
institution upon which it is drawn for any reason, the license 31396
shall be suspended immediately without a hearing and the licensee 31397
shall cease activity as a licensee under this chapter. 31398

(B) If the check or draft instrument was remitted by a person 31399
or entity applying to qualify foreign real estate or renew a 31400
property registration, the superintendent shall also notify the 31401
applicant that registration will be suspended, unless the 31402
applicant, within fifteen days after the mailing of the notice, 31403
submits the fee and a one-hundred-dollar fee to the 31404
superintendent. If the applicant does not submit both fees within 31405
that time period, or if any check or other draft instrument used 31406
to pay either of the fees is returned to the superintendent unpaid 31407
by the financial institution upon which it is drawn for any 31408
reason, the property registration shall be suspended immediately 31409
without a hearing and the applicant shall cease activity. 31410

(C) If the check or draft instrument was remitted by an 31411
applicant for licensure, that application shall automatically be 31412
rejected or approval withdrawn, unless the applicant, within 31413
fifteen days after the mailing of the notice, submits the fee and 31414
a one-hundred-dollar fee to the superintendent. If the applicant 31415
does not submit both fees within that time period, or if any check 31416
or other draft instrument used to pay either of those fees is 31417
returned to the superintendent unpaid by the financial institution 31418
upon which it is drawn for any reason, the application shall be 31419

denied or approval withdrawn. 31420

(D) If the check or draft instrument was remitted by an 31421
education course provider or course provider applicant, that 31422
application shall automatically be rejected or approval withdrawn, 31423
unless the applicant, within fifteen days after the mailing of the 31424
notice, submits the fee and a ~~one-hundred-dollar~~ 31425
one-hundred-thirty-five-dollar fee to the superintendent. If the 31426
applicant does not submit both fees within that time period, or if 31427
any check or other draft instrument used to pay either of those 31428
fees is returned to the superintendent unpaid by the financial 31429
institution upon which it is drawn for any reason, the application 31430
shall be denied or approval withdrawn. 31431

Sec. 4735.27. (A) An application to act as a foreign real 31432
estate dealer shall be in writing and filed with the 31433
superintendent of real estate. It shall be in the form the 31434
superintendent prescribes and shall contain the following 31435
information: 31436

(1) The name and address of the applicant; 31437

(2) A description of the applicant, including, if the 31438
applicant is a partnership, unincorporated association, or any 31439
similar form of business organization, the names and the residence 31440
and business addresses of all partners, officers, directors, 31441
trustees, or managers of the organization, and the limitation of 31442
the liability of any partner or member; and if the applicant is a 31443
corporation, a list of its officers and directors, and the 31444
residence and business addresses of each, and, if it is a foreign 31445
corporation, a copy of its articles of incorporation in addition; 31446

(3) The location and addresses of the principal office and 31447
all other offices of the applicant; 31448

(4) A general description of the business of the applicant 31449

prior to the application, including a list of states in which the applicant is a licensed foreign real estate dealer; 31450
31451

(5) The names and addresses of all ~~salesmen~~ salespersons of the applicant at the date of the application; 31452
31453

(6) The nature of the business of the applicant, and its places of business, for the ten-year period preceding the date of application. 31454
31455
31456

(B) Every nonresident applicant shall name a person within this state upon whom process against the applicant may be served and shall give the complete residence and business address of the person designated. Every applicant shall file an irrevocable written consent, executed and acknowledged by an individual duly authorized to give such consent, that actions growing out of a fraud committed by the applicant in connection with the sale in this state of foreign real estate may be commenced against it, in the proper court of any county in this state in which a cause of action for such fraud may arise or in which the plaintiff in such action may reside, by serving on the secretary of state any proper process or pleading authorized by the laws of this state, in the event that the applicant if a resident of this state, or the person designated by the nonresident applicant, cannot be found at the address given. The consent shall stipulate that the service of process on the secretary of state shall be taken in all courts to be as valid and binding as if service had been made upon the foreign real estate dealer. If the applicant is a corporation or an unincorporated association, the consent shall be accompanied by a certified copy of the resolution of the board of directors, trustees, or managers of the corporation or association, authorizing such individual to execute the consent. 31457
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(C) The superintendent may investigate any applicant for a dealer's license, and may require any additional information ~~he~~ the superintendent considers necessary to determine the business 31479
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repute and qualifications of the applicant to act as a foreign 31482
real estate dealer. If the application for a dealer's license 31483
involves investigation outside this state, the superintendent may 31484
require the applicant to advance sufficient funds to pay any of 31485
the actual expenses of the investigation, and an itemized 31486
statement of such expense shall be furnished to the applicant. 31487

(D) Every applicant shall take a written examination, 31488
prescribed and conducted by the superintendent, which covers ~~his~~ 31489
the applicant's knowledge of the principles of real estate 31490
practice, real estate law, financing and appraisal, real estate 31491
transactions and instruments relating to them, canons of business 31492
ethics relating to real estate transactions, and the duties of 31493
foreign real estate dealers and ~~salesmen~~ salespersons. The fee for 31494
the examination, when administered by the superintendent, is 31495
~~seventy five~~ one hundred one dollars. If the applicant does not 31496
appear for the examination, the fee shall be forfeited and a new 31497
application and fee shall be filed, unless good cause for the 31498
failure to appear is shown to the superintendent. The requirement 31499
of an examination may be waived in whole or in part by the 31500
superintendent if an applicant is licensed as a real estate broker 31501
by any state. 31502

Any applicant who fails the examination twice shall wait six 31503
months before applying to retake the examination. 31504

(E) No person shall take the foreign real estate dealer's 31505
examination who has not established to the satisfaction of the 31506
superintendent that ~~he~~ the person: 31507

(1) Has not been convicted of a felony or a crime of moral 31508
turpitude or, if ~~he~~ the applicant has been so convicted, the 31509
superintendent has disregarded the conviction because the 31510
applicant has proven to the superintendent, by a preponderance of 31511
the evidence, that ~~his~~ the applicant's activities and employment 31512
record since the conviction show that ~~he~~ the applicant is honest, 31513

truthful, and of good reputation, and there is no basis in fact 31514
for believing that ~~he~~ the applicant again will violate the laws 31515
involved; 31516

(2) Has not been finally adjudged by a court to have violated 31517
any municipal, state, or federal civil rights laws relevant to the 31518
protection of purchasers or sellers of real estate or, if ~~he~~ the 31519
applicant has been so adjudged, at least two years have passed 31520
since the court decision and the superintendent has disregarded 31521
the adjudication because the applicant has proven, by a 31522
preponderance of the evidence, that ~~his~~ the applicant's activities 31523
and employment record since the adjudication show that ~~he~~ the 31524
applicant is honest, truthful, and of good reputation, and there 31525
is no basis in fact for believing that ~~he~~ the applicant again will 31526
violate the laws involved; 31527

(3) Has not, during any period for which ~~he~~ the applicant was 31528
licensed under this chapter or any former section of the Revised 31529
Code applicable to licensed foreign real estate dealers or 31530
~~salesmen~~ salespersons, violated any provision of, or any rule 31531
adopted pursuant to, this chapter or that section, or, if ~~he~~ the 31532
applicant has violated any such provision or rule, has established 31533
to the satisfaction of the superintendent that ~~he~~ the applicant 31534
will not again violate the provision or rule. 31535

(F) If the superintendent finds that an applicant for a 31536
license as a foreign real estate dealer, or each named member, 31537
manager, or officer of a partnership, association, or corporate 31538
applicant is at least eighteen years of age, is of good business 31539
repute, has passed the examination required under this section or 31540
has had the requirement of an examination waived, and appears 31541
otherwise qualified, the superintendent shall issue a license to 31542
the applicant to engage in business in this state as a foreign 31543
real estate dealer. Dealers licensed pursuant to this section 31544
shall employ as ~~salesmen~~ salespersons of foreign real estate only 31545

persons licensed pursuant to section 4735.28 of the Revised Code. 31546
If at any time such ~~salesmen~~ salespersons resign or are discharged 31547
or new ~~salesmen~~ salespersons are added, the dealer forthwith shall 31548
notify the superintendent and shall file with the division of real 31549
estate the names and addresses of new ~~salesmen~~ salespersons. 31550

(G) If the applicant merely is renewing ~~his~~ the applicant's 31551
license for the previous year, the application need contain only 31552
the information required by divisions (A)(2), (3), and (6) of this 31553
section. 31554

Sec. 4735.28. (A) An application to act as a foreign real 31555
estate ~~salesman~~ salesperson shall be in writing and filed with the 31556
superintendent of real estate. It shall be in the form the 31557
superintendent prescribes and shall contain the following 31558
information: 31559

(1) The name and complete residence and business addresses of 31560
the applicant; 31561

(2) The name of the foreign real estate dealer who is 31562
employing the applicant or who intends to employ ~~him~~ the 31563
applicant; 31564

(3) The age and education of the applicant, and ~~his~~ the 31565
applicant's experience in the sale of foreign real estate; whether 31566
~~he~~ the applicant has ever been licensed by the superintendent, and 31567
if so, when; whether ~~he~~ the applicant has ever been refused a 31568
license by the superintendent; and whether ~~he~~ the applicant has 31569
ever been licensed or refused a license or any similar permit by 31570
any division or superintendent of real estate, by whatsoever name 31571
known or designated, anywhere; 31572

(4) The nature of the employment, and the names and addresses 31573
of the employers, of the applicant for the period of ten years 31574
immediately preceding the date of the application. 31575

(B) Every applicant shall take a written examination, 31576
prescribed and conducted by the superintendent, which covers ~~his~~ 31577
the applicant's knowledge of the principles of real estate 31578
practice, real estate law, financing and appraisal, real estate 31579
transactions and instruments relating to them, canons of business 31580
ethics relating to real estate transactions, and the duties of 31581
foreign real estate ~~salesmen~~ salespersons. The fee for the 31582
examination, when administered by the superintendent, is ~~fifty~~ 31583
sixty-eight dollars. If the applicant does not appear for the 31584
examination, the fee shall be forfeited and a new application and 31585
fee shall be filed, unless good cause for the failure to appear is 31586
shown to the superintendent. The requirement of an examination may 31587
be waived in whole or in part by the superintendent if an 31588
applicant is licensed as a real estate broker or ~~salesman~~ 31589
salesperson by any state. 31590

Any applicant who fails the examination twice shall wait six 31591
months before applying to retake the examination. 31592

(C) No person shall take the foreign real estate ~~salesman's~~ 31593
salesperson's examination who has not established to the 31594
satisfaction of the superintendent that ~~he~~ the person: 31595

(1) Has not been convicted of a felony or a crime of moral 31596
turpitude or, if ~~he~~ the applicant has been so convicted, the 31597
superintendent has disregarded the conviction because the 31598
applicant has proven to the superintendent, by a preponderance of 31599
the evidence, that ~~his~~ the applicant's activities and employment 31600
record since the conviction show that ~~he~~ the applicant is honest, 31601
truthful, and of good reputation, and there is no basis in fact 31602
for believing that ~~he~~ the applicant again will violate the laws 31603
involved; 31604

(2) Has not been finally adjudged by a court to have violated 31605
any municipal, state, or federal civil rights laws relevant to the 31606
protection of purchasers or sellers of real estate or, if ~~he~~ the 31607

applicant has been so adjudged, at least two years have passed 31608
since the court decision and the superintendent has disregarded 31609
the adjudication because the applicant has proven, by a 31610
preponderance of the evidence, that ~~his~~ the applicant's activities 31611
and employment record since the adjudication show that ~~he~~ the 31612
applicant is honest, truthful, and of good reputation, and there 31613
is no basis in fact for believing that ~~he~~ the applicant will again 31614
violate the laws; 31615

(3) Has not, during any period for which ~~he~~ the applicant was 31616
licensed under this chapter or any former section of the Revised 31617
Code ~~aplicable~~ applicable to licensed foreign real estate dealers 31618
or ~~salesmen~~ salespersons, violated any provision of, or any rule 31619
adopted pursuant to, this chapter or that section, or, if ~~he~~ the 31620
applicant has violated any such provision or rule, has established 31621
to the satisfaction of the superintendent that ~~he~~ the applicant 31622
will not again violate the provision or rule. 31623

(D) Every ~~salesman~~ salesperson of foreign real estate shall 31624
be licensed by the superintendent of real estate and shall be 31625
employed only by the licensed foreign real estate dealer specified 31626
on ~~his~~ the salesperson's license. 31627

(E) If the superintendent finds that the applicant is of good 31628
business repute, appears to be qualified to act as a foreign real 31629
estate ~~salesman~~ salesperson, and has fully complied with the 31630
provisions of this chapter, and that the dealer in the application 31631
is a licensed foreign real estate dealer, the superintendent, upon 31632
payment of the fees prescribed by section 4735.15 of the Revised 31633
Code, shall issue a license to the applicant authorizing ~~him~~ the 31634
applicant to act as ~~salesman~~ a salesperson for the dealer named in 31635
the application. 31636

Sec. 4737.045. (A) To register as a scrap metal dealer or a 31637
bulk merchandise container dealer with the director of public 31638

safety as required by division (B) of section 4737.04 of the Revised Code, a person shall do all of the following:

(1) Provide the name and street address of the dealer's place of business;

(2) Provide the name of the primary owner of the business, and of the manager of the business, if the manager is not the primary owner;

(3) Provide the electronic mail address of the business;

(4) Provide confirmation that the dealer has the capabilities to electronically connect with the department of public safety for the purpose of sending and receiving information;

(5) Provide any other information required by the director in rules the director adopts pursuant to sections 4737.01 to 4737.045 of the Revised Code;

(6) Pay an initial registration fee of two hundred dollars.

(B) A person engaging in the business of a scrap metal dealer or a bulk merchandise container dealer in this state on or before September 28, 2012, shall register with the director not later than January 1, 2013. With respect to a person who commences engaging in the business of a scrap metal dealer or a bulk merchandise container dealer after September 28, 2012, the person shall register with the director pursuant to this section prior to commencing business as a scrap metal dealer or a bulk merchandise container dealer.

(C) A registration issued to a scrap metal dealer or a bulk merchandise container dealer pursuant to this section is valid for a period of one year. A dealer shall renew the registration in accordance with the rules adopted by the director and pay a renewal fee of one hundred fifty dollars to cover the costs of operating and maintaining the registry created pursuant to

division (E) of this section. 31669

(D) A scrap metal dealer or a bulk merchandise container 31670
dealer registered under this section shall prominently display a 31671
copy of the annual registration certificate received from the 31672
director pursuant to division (E)(2) of this section. 31673

(E) The director shall do all of the following: 31674

(1) Develop and implement, by January 1, 2014, and maintain 31675
as a registry a secure database for use by law enforcement 31676
agencies that is capable of all of the following: 31677

(a) Receiving and securely storing all of the information 31678
required by division (A) of this section and the daily transaction 31679
data that scrap metal dealers and bulk merchandise dealers are 31680
required to send pursuant to division (E)(1) of section 4737.04 of 31681
the Revised Code; 31682

(b) Providing secure search capabilities to law enforcement 31683
agencies for enforcement purposes; 31684

(c) Creating a link and retransmission capability for receipt 31685
of routine scrap theft alerts published by the institute of scrap 31686
recycling industries for transmission to dealers and law 31687
enforcement agencies in the state; 31688

(d) Making the electronic lists prepared pursuant to division 31689
(F)(2) of section 4737.04 of the Revised Code available through an 31690
electronic searchable format for individual law enforcement 31691
agencies and for dealers in the state; 31692

(e) Providing, without charge, interlink programming enabling 31693
the transfer of information to dealers. 31694

(2) Issue, reissue, or deny registration to dealers; 31695

(3) Adopt rules to enforce sections 4737.01 to 4737.045 of 31696
the Revised Code, rules establishing procedures to renew a 31697
registration issued under this section, rules for the format and 31698

maintenance for the records required under division (A) of section 31699
4737.012 of the Revised Code or division (C) of section 4737.04 of 31700
the Revised Code, and rules regarding the delivery of the report 31701
required by division (E)(1) of section 4737.04 of the Revised Code 31702
to the registry, which shall be used exclusively by law 31703
enforcement agencies. 31704

(F) A scrap metal dealer or bulk merchandise container dealer 31705
may search, modify, or update only the dealer's own business data 31706
contained within the registry established in division (E) of this 31707
section. 31708

(G) All fees received by the director pursuant to this 31709
section and division (F) of section 4737.99 of the Revised Code 31710
shall be used to develop and maintain the registry required under 31711
this section and for the department of public safety's operating 31712
expenses. The fees shall be deposited into the infrastructure 31713
protection fund which is hereby created in the state treasury. 31714

Sec. 4743.05. Except as otherwise provided in sections 31715
4701.20, 4723.062, 4723.082, 4729.65, 4781.121, and 4781.28 of the 31716
Revised Code, all money collected under Chapters 3773., 4701., 31717
4703., 4709., 4713., 4715., 4717., 4723., 4725., 4729., 4732., 31718
4733., 4734., ~~4736.~~, 4741., 4744., 4747., 4753., 4755., 4757., 31719
4758., 4771., 4775., 4779., and 4781. of the Revised Code shall be 31720
paid into the state treasury to the credit of the occupational 31721
licensing and regulatory fund, which is hereby created for use in 31722
administering such chapters. 31723

At the end of each quarter, the director of budget and 31724
management shall transfer from the occupational licensing and 31725
regulatory fund to the nurse education assistance fund created in 31726
section 3333.28 of the Revised Code the amount certified to the 31727
director under division (B) of section 4723.08 of the Revised 31728
Code. 31729

At the end of each quarter, the director shall transfer from 31730
the occupational licensing and regulatory fund to the certified 31731
public accountant education assistance fund created in section 31732
4701.26 of the Revised Code the amount certified to the director 31733
under division (H)(2) of section 4701.10 of the Revised Code. 31734

Sec. 4757.10. (A) The counselor, social worker, and marriage 31735
and family therapist board may adopt any rules necessary to carry 31736
out this chapter. 31737

(B) The board shall adopt rules that do all of the following: 31738

~~(A)~~(1) Concern intervention for and treatment of any impaired 31739
person holding a license or certificate of registration issued 31740
under this chapter; 31741

~~(B)~~(2) Establish standards for training and experience of 31742
supervisors described in division (C) of section 4757.30 of the 31743
Revised Code; 31744

~~(C)~~(3) Define the requirement that an applicant be of good 31745
moral character in order to be licensed or registered under this 31746
chapter; 31747

~~(D)~~(4) Establish requirements for criminal records checks of 31748
applicants under section 4776.03 of the Revised Code; 31749

~~(E)~~(5) Establish a graduated system of fines based on the 31750
scope and severity of violations and the history of compliance, 31751
not to exceed five hundred dollars per incident, that any 31752
professional standards committee of the board may charge for a 31753
disciplinary violation described in section 4757.36 of the Revised 31754
Code; 31755

~~(F)~~(6) Establish the amount and content of corrective action 31756
courses required by the board under section ~~4755.36~~ 4757.36 of the 31757
Revised Code; 31758

~~(G)~~(7) Provide for voluntary registration of all of the 31759

following: 31760

~~(1)(a)~~ Master's level counselor trainees enrolled in practice 31761
and internships; 31762

~~(2)(b)~~ Master's level social worker trainees enrolled in 31763
fieldwork, practice, and internships; 31764

~~(3)(c)~~ Master's level marriage and family therapist trainees 31765
enrolled in practice and internships. 31766

(8) Establish a schedule of deadlines for renewal. 31767

(C) Rules adopted under division ~~(G)(B)(7)~~ of this section 31768
shall not require a trainee to register with the board, and if a 31769
trainee has not registered, shall prohibit any adverse effect with 31770
respect to a trainee's application for licensure by the board. 31771

(D) All rules adopted under this section shall be adopted in 31772
accordance with Chapter 119. of the Revised Code. When it adopts 31773
rules under this section or any other section of this chapter, the 31774
board may consider standards established by any national 31775
association or other organization representing the interests of 31776
those involved in professional counseling, social work, or 31777
marriage and family therapy. 31778

Sec. 4757.13. ~~(A) Each individual who engages in the practice 31779
of professional counseling, social work, or marriage and family 31780
therapy shall prominently display, in a conspicuous place in the 31781
office or place where a major portion of the individual's practice 31782
is conducted, and in such a manner as to be easily seen and read, 31783
the license granted to the individual by the state counselor, 31784
social worker, and marriage and family therapist board. 31785~~

~~(B)~~ A person holding a license holder issued under this 31786
chapter who is engaged in a private individual practice, 31787
partnership, or group practice shall prominently display the 31788
license holder's fee schedule in the office or place where a major 31789

portion of the license holder's practice is conducted. The bottom 31790
of the first page of the fee schedule shall include the following 31791
statement, which shall be followed by the name, address, and 31792
telephone number of the board: 31793

"This information is required by the Counselor, Social 31794
Worker, and Marriage and Family Therapist Board, which regulates 31795
the practices of professional counseling, social work, and 31796
marriage and family therapy in this state." 31797

Sec. 4757.18. The counselor, social worker, and marriage and 31798
family therapist board may enter into a reciprocal agreement with 31799
any state that regulates individuals practicing in the same 31800
capacities as those regulated under this chapter if the board 31801
finds that the state has requirements substantially equivalent to 31802
the requirements this state has for receipt of a license or 31803
certificate of registration under this chapter. In a reciprocal 31804
agreement, the board agrees to issue the appropriate license or 31805
certificate of registration to any resident of the other state 31806
whose practice is currently authorized by that state if that 31807
state's regulatory body agrees to authorize the appropriate 31808
practice of any resident of this state who holds a valid license 31809
or certificate of registration issued under this chapter. 31810

The Subject to section 4757.25 of the Revised Code, the 31811
professional standards committees of the board may, by 31812
endorsement, issue the appropriate license or certificate of 31813
registration to a resident of a state with which the board does 31814
not have a reciprocal agreement, if the person submits proof 31815
satisfactory to the committee of currently being licensed, 31816
certified, registered, or otherwise authorized to practice by that 31817
state. 31818

Sec. 4757.22. (A) The counselors professional standards 31819

committee of the counselor, social worker, and marriage and family therapist board shall issue a license to practice as a licensed professional clinical counselor to each applicant who submits a properly completed application, pays the fee established under section 4757.31 of the Revised Code, and meets the requirements specified in division (B) of this section.

(B)(1) To be eligible for a licensed professional clinical counselor license, an individual must meet the following requirements:

(a) The individual must be of good moral character.

(b) The individual must hold a graduate degree in counseling as described in division (B)(2) of this section.

(c) The individual must complete a minimum of ninety quarter hours or sixty semester hours of graduate credit in counselor training acceptable to the committee, including instruction in the following areas:

(i) Clinical psychopathology, personality, and abnormal behavior;

(ii) Evaluation of mental and emotional disorders;

(iii) Diagnosis of mental and emotional disorders;

(iv) Methods of prevention, intervention, and treatment of mental and emotional disorders.

(d) The individual must complete, in either a private or clinical counseling setting, supervised experience in counseling that is of a type approved by the committee, is supervised by a licensed professional clinical counselor or other qualified professional approved by the committee, and is in the following amounts:

(i) In the case of an individual holding only a master's

degree, not less than two years of experience, which must be 31849
completed after the award of the master's degree; 31850

(ii) In the case of an individual holding a doctorate, not 31851
less than one year of experience, which must be completed after 31852
the award of the doctorate. 31853

(e) The individual must pass a field evaluation that meets 31854
the following requirements: 31855

(i) Has been completed by the applicant's instructors, 31856
employers, supervisors, or other persons determined by the 31857
committee to be competent to evaluate an individual's professional 31858
competence; 31859

(ii) Includes documented evidence of the quality, scope, and 31860
nature of the applicant's experience and competence in diagnosing 31861
and treating mental and emotional disorders. 31862

(f) The individual must pass an examination administered by 31863
the board for the purpose of determining ability to practice as a 31864
licensed professional clinical counselor. 31865

(2) To meet the requirement of division (B)(1)(b) of this 31866
section, a graduate degree in counseling obtained from a ~~mental~~ 31867
~~health~~ counseling program in this state after January 1, 2018, 31868
must be from one of the following: 31869

(a) A ~~clinical mental health counseling program, a clinical~~ 31870
~~rehabilitation counseling program, or an addiction~~ counseling 31871
program accredited by the council for accreditation of counseling 31872
and related educational programs; 31873

(b) A counseling education program approved by the board in 31874
accordance with rules adopted by the board under division (G) of 31875
this section. 31876

(3) All of the following meet the educational requirements of 31877
division (B)(1)(c) of this section: 31878

(a) A clinical mental health counseling program accredited by the council for accreditation of counseling and related educational programs;	31879 31880 31881
(b) Until January 1, 2018, a mental health counseling program accredited by the council for accreditation of counseling and related educational programs;	31882 31883 31884
(c) A graduate degree in counseling issued by another state from a clinical mental health counseling program, a clinical rehabilitation counseling program, or an addiction counseling program that is accredited by the council for accreditation of counseling and related educational programs;	31885 31886 31887 31888 31889
(d) A counseling education program approved by the board in accordance with rules adopted under division (G) of this section.	31890 31891
(C) To be accepted by the committee for purposes of division (B) of this section, counselor training must include at least the following:	31892 31893 31894
(1) Instruction in human growth and development; counseling theory; counseling techniques; group dynamics, processing, and counseling; appraisal of individuals; research and evaluation; professional, legal, and ethical responsibilities; social and cultural foundations; and lifestyle and career development;	31895 31896 31897 31898 31899
(2) Participation in a supervised practicum and <u>clinical</u> internship in counseling.	31900 31901
(D) The committee may issue a temporary license to an applicant who meets all of the requirements to be licensed under this section, pending the receipt of transcripts or action by the committee to issue a license to practice as a licensed professional clinical counselor.	31902 31903 31904 31905 31906
(E) An individual may not sit for the licensing examination unless the individual meets the educational requirements to be	31907 31908

licensed under this section. An individual who is denied admission 31909
to the licensing examination may appeal the denial in accordance 31910
with Chapter 119. of the Revised Code. 31911

(F) The board shall adopt any rules necessary for the 31912
committee to implement this section. The rules shall do both of 31913
the following: 31914

(1) Establish criteria for the committee to use in 31915
determining whether an applicant's training should be accepted and 31916
supervised experience approved; 31917

(2) Establish course content requirements for qualifying 31918
counseling degrees issued by institutions in other states from 31919
clinical mental health counseling programs, clinical 31920
rehabilitation counseling programs, and addiction counseling 31921
programs that are not accredited by the council for accreditation 31922
of counseling and related educational programs. 31923

Rules adopted under this division shall be adopted in 31924
accordance with Chapter 119. of the Revised Code. 31925

(G)(1) The board may adopt rules to temporarily approve a 31926
counseling education program created after January 1, 2018, that 31927
has not been accredited by the council for accreditation of 31928
counseling and related educational programs. If the board adopts 31929
rules under this division, the board shall do all of the following 31930
in the rules: 31931

(a) Create an application process under which a program 31932
administrator may apply to the board for approval of the program; 31933

(b) Identify the educational requirements that an individual 31934
must satisfy to receive a graduate degree in counseling from the 31935
approved program; 31936

(c) Establish a time period during which an individual may 31937
use an unaccredited degree granted under the program to satisfy 31938

the requirements of divisions (B)(1)(b) and (c) of this section; 31939

(d) Specify that, if the program is denied accreditation, a 31940
student enrolled in the program before the accreditation is denied 31941
may apply for licensure before completing the program and, on 31942
receiving a degree from the program, is considered to satisfy 31943
divisions (B)(1)(b) and (c) of this section. 31944

(2) A degree from a counseling education program approved by 31945
the board pursuant to the rules adopted under division (G)(1) of 31946
this section satisfies the requirements of divisions (B)(1)(b) and 31947
(c) of this section for the time period approved by the board. 31948

Sec. 4757.23. (A) The counselors professional standards 31949
committee of the counselor, social worker, and marriage and family 31950
therapist board shall issue a license as a licensed professional 31951
counselor to each applicant who submits a properly completed 31952
application, pays the fee established under section 4757.31 of the 31953
Revised Code, and meets the requirements established under 31954
division (B) of this section. 31955

(B)(1) To be eligible for a license as a licensed 31956
professional counselor, an individual must meet the following 31957
requirements: 31958

(a) The individual must be of good moral character. 31959

(b) The individual must hold a graduate degree in counseling 31960
as described in division (B)(2) of this section. 31961

(c) The individual must complete a minimum of ninety quarter 31962
hours or sixty semester hours of graduate credit in counselor 31963
training acceptable to the committee, which the individual may 31964
complete while working toward receiving a graduate degree in 31965
counseling, or subsequent to receiving the degree, and which shall 31966
include training in the following areas: 31967

(i) Clinical psychopathology, personality, and abnormal 31968

behavior;	31969
(ii) Evaluation of mental and emotional disorders;	31970
(iii) Diagnosis of mental and emotional disorders;	31971
(iv) Methods of prevention, intervention, and treatment of mental and emotional disorders.	31972 31973
(d) The individual must pass an examination administered by the board for the purpose of determining ability to practice as a licensed professional counselor.	31974 31975 31976
(2) To meet the requirement of division (B)(1)(b) of this section, a graduate degree in counseling obtained from a mental health counseling program in this state after January 1, 2018, must be from one of the following:	31977 31978 31979 31980
(a) A clinical mental health counseling program, clinical rehabilitation counseling program, or addiction counseling program accredited by the council for accreditation of counseling and related educational programs;	31981 31982 31983 31984
(b) A counseling education program approved by the board in accordance with rules adopted by the board under division (G) of this section.	31985 31986 31987
(3) All of the following meet the educational requirements of division (B)(1)(c) of this section:	31988 31989
(a) A clinical mental health counseling program accredited by the council for accreditation of counseling and related educational programs;	31990 31991 31992
(b) Until January 1, 2018, a mental health counseling program accredited by the council for accreditation of counseling and related educational programs;	31993 31994 31995
(c) A graduate degree in counseling issued by an institution in another state from a clinical mental health counseling program, a clinical rehabilitation counseling program, or an addiction	31996 31997 31998

counseling program that is accredited by the council for 31999
accreditation of counseling and related educational programs; 32000

(d) A counseling education program approved by the board in 32001
accordance with rules adopted under division (G) of this section. 32002

(C) To be accepted by the committee for purposes of division 32003
(B) of this section, counselor training must include at least the 32004
following: 32005

(1) Instruction in human growth and development; counseling 32006
theory; counseling techniques; group dynamics, processing, and 32007
counseling; appraisal of individuals; research and evaluation; 32008
professional, legal, and ethical responsibilities; social and 32009
cultural foundations; and lifestyle and career development; 32010

(2) Participation in a supervised practicum and clinical 32011
internship in counseling. 32012

(D) The committee may issue a temporary license to practice 32013
as a licensed professional counselor to an applicant who meets all 32014
of the requirements to be licensed under this section as follows: 32015

(1) Pending the receipt of transcripts or action by the 32016
committee to issue a license as a licensed professional counselor; 32017

(2) For a period not to exceed ninety days, to an applicant 32018
who provides the board with a statement from the applicant's 32019
academic institution indicating that the applicant has met the 32020
academic requirements for the applicant's degree and the projected 32021
date the applicant will receive the applicant's transcript showing 32022
a conferred degree. 32023

On application to the committee, a temporary license issued 32024
under division (D)(2) of this section may be renewed for good 32025
cause shown. 32026

(E) An individual may not sit for the licensing examination 32027
unless the individual meets the educational requirements to be 32028

licensed under this section. An individual who is denied admission 32029
to the licensing examination may appeal the denial in accordance 32030
with Chapter 119. of the Revised Code. 32031

(F) The board shall adopt any rules necessary for the 32032
committee to implement this section. The rules shall do both of 32033
the following: 32034

(1) Establish criteria for the committee to use in 32035
determining whether an applicant's training should be accepted and 32036
supervised experience approved; 32037

(2) Establish course content requirements for qualifying 32038
counseling degrees issued by institutions in other states from 32039
clinical mental health counseling programs, clinical 32040
rehabilitation counseling programs, and addiction counseling 32041
programs that are not accredited by the council for accreditation 32042
of counseling and related educational programs. 32043

Rules adopted under this division shall be adopted in 32044
accordance with Chapter 119. of the Revised Code. 32045

(G)(1) The board may adopt rules to temporarily approve a 32046
counseling education program created after January 1, 2018, that 32047
has not been accredited by the council for accreditation of 32048
counseling and related educational programs. If the board adopts 32049
rules under this division, the board shall do all of the following 32050
in the rules: 32051

(a) Create an application process under which a program 32052
administrator may apply to the board for approval of the program; 32053

(b) Identify the educational requirements that an individual 32054
must satisfy to receive a graduate degree in counseling from the 32055
approved program; 32056

(c) Establish a time period during which an individual may 32057
use an unaccredited degree granted under the program to satisfy 32058

the requirements of divisions (B)(1)(b) and (c) of this section; 32059

(d) Specify that, if the program is denied accreditation, a 32060
student enrolled in the program before the accreditation is denied 32061
may apply for licensure before completing the program and, on 32062
receiving a degree from the program, is considered to satisfy 32063
divisions (B)(1)(b) and (c) of this section. 32064

(2) A degree from a counseling education program approved by 32065
the board pursuant to the rules adopted under division (G)(1) of 32066
this section satisfies the requirements of divisions (B)(1)(b) and 32067
(c) of this section for the time period approved by the board. 32068

Sec. 4757.25. (A) Notwithstanding any provision in sections 32069
4757.22 and 4757.23 of the Revised Code to the contrary, the 32070
counselors professional standards committee of the counselor, 32071
social worker, and marriage and family therapist board may, by 32072
endorsement, issue a license to practice as a licensed 32073
professional clinical counselor or a licensed professional 32074
counselor to a person who is authorized to practice in another 32075
state even though the person does not hold a graduate degree in 32076
counseling if the person meets all of the following requirements: 32077

(1) The person has a graduate degree in a field of study that 32078
demonstrates an education in the diagnosis and treatment of mental 32079
and emotional disorders. 32080

(2) The person has continuously engaged in the practice of 32081
professional counseling in the other state for a period of five 32082
years or more immediately preceding the date the application is 32083
submitted. 32084

(3) The person's scope of practice in the other state is 32085
comparable to the scope of practice associated with the license 32086
the person is requesting. 32087

(4) The person's license, certificate, registration, or other 32088

authorization to practice in the other state is in good standing 32089
at the time the person submits the application. 32090

(5) The person has not been disciplined by the regulatory 32091
authority of the other state that issued the license, certificate, 32092
registration, or other authorization for a period of five years or 32093
more preceding the date the application is submitted. 32094

(6) The person has achieved a passing score on the 32095
examination required by the board for licensure as a licensed 32096
professional clinical counselor or a licensed professional 32097
counselor, as applicable. 32098

(B) To meet the requirement of division (A)(1) of this 32099
section, the coursework the person completed to obtain the 32100
graduate degree must be comparable to the coursework required to 32101
obtain a degree in clinical mental health counseling from a 32102
program accredited by the council for accreditation of counseling 32103
and related educational programs. 32104

(C) Before issuing a license to practice as a licensed 32105
professional clinical counselor by endorsement under this section, 32106
the committee shall require an applicant to complete not less than 32107
seven hundred fifty hours of supervised experience that is of a 32108
type approved by the committee. 32109

Sec. 4757.32. A license or certificate of registration issued 32110
under this chapter ~~expires two years after it is issued and is~~ 32111
valid without further recommendation or examination until revoked 32112
or suspended or until the license or certificate of registration 32113
expires for failure to renew as provided for in this section. 32114
Licenses and certificates of registration shall be renewed 32115
biennially in accordance with the schedule established in rules 32116
adopted by the counselor, social worker, and marriage and family 32117
therapist board under section 4757.10 of the Revised Code. A 32118
license or certificate of registration may be renewed in 32119

accordance with the standard renewal procedure established under 32120
Chapter 4745. of the Revised Code. 32121

Subject to section 4757.36 of the Revised Code, the staff of 32122
the appropriate professional standards committee of the ~~counselor,~~ 32123
~~social worker, and marriage and family therapist~~ board shall, on 32124
behalf of each committee, issue a renewed license or certificate 32125
of registration to each applicant who has paid the renewal fee 32126
established by the board under section 4757.31 of the Revised Code 32127
and satisfied the continuing education requirements established by 32128
the board under section 4757.33 of the Revised Code. 32129

A license or certificate of registration that is not renewed 32130
lapses on its expiration date. A license or certificate of 32131
registration that has lapsed may be restored if the individual, 32132
not later than two years after the license or certificate expired, 32133
applies for restoration of the license or certificate. The staff 32134
of the appropriate professional standards committee shall issue a 32135
restored license or certificate of registration to the applicant 32136
if the applicant pays the renewal fee established under section 32137
4757.31 of the Revised Code and satisfies the continuing education 32138
requirements established under section 4757.33 of the Revised Code 32139
for restoring the license or certificate of registration. The 32140
board and its professional standards committees shall not require 32141
a person to take an examination as a condition of having a lapsed 32142
license or certificate of registration restored. 32143

Sec. 4757.33. (A) Except as provided in division (B) of this 32144
section, each person who holds a license ~~or certificate of~~ 32145
~~registration~~ issued under this chapter shall complete during the 32146
period that the license ~~or certificate~~ is in effect not less than 32147
thirty clock hours of continuing professional education as a 32148
condition of receiving a renewed license ~~or certificate~~. To Except 32149
as provided in division (B) of this section, each person who holds 32150

a certificate of registration as a social work assistant shall 32151
complete during the period the certificate is in effect fifteen 32152
clock hours of continuing professional education as a condition of 32153
receiving a renewed certificate of registration. 32154

To have a lapsed license or certificate of registration 32155
restored, a person shall complete the number of hours of 32156
continuing education specified by the counselor, social worker, 32157
and marriage and family therapist board in rules it shall adopt in 32158
accordance with Chapter 119. of the Revised Code. 32159

The professional standards committees of the counselor, 32160
social worker, and marriage and family therapist board shall adopt 32161
rules in accordance with Chapter 119. of the Revised Code 32162
establishing standards and procedures to be followed by the 32163
committees in conducting the continuing education approval 32164
process, which shall include registering individuals and entities 32165
to provide continuing education programs approved by the board. 32166

(B) The board may waive the continuing education requirements 32167
established under this section for persons who are unable to 32168
fulfill them because of military service, illness, residence 32169
abroad, or any other reason the committee considers acceptable. 32170

Sec. 4763.16. (A) The real estate appraiser recovery fund is 32171
hereby created in the state treasury, to be administered by the 32172
superintendent of real estate. The treasurer of state shall credit 32173
to the fund amounts collected by the superintendent as prescribed 32174
in this section and interest earned on the assets of the fund. The 32175
superintendent shall ascertain the balance of the fund as of the 32176
first day of October of each year. If that balance is less than 32177
~~five~~ two hundred thousand dollars at any time, the director of 32178
budget and management, upon the request of the superintendent, may 32179
transfer from the real estate appraiser operating fund to the real 32180

estate appraiser recovery fund a sum as will bring the real estate 32181
appraiser recovery fund to that amount. 32182

(B) When any person obtains a final judgment in any court of 32183
competent jurisdiction against a certificate holder, registrant, 32184
or licensee, based upon conduct that is in violation of this 32185
chapter or the rules adopted under it, which conduct occurred on 32186
or after the date of their certification, registration, or 32187
licensure, and that is associated with an act or transaction of a 32188
certificate holder, registrant, or licensee specified in this 32189
chapter, that person may file a verified complaint, as described 32190
in this division, in the Franklin county court of common pleas for 32191
an order directing payment out of the real estate appraiser 32192
recovery fund of the portion of the judgment that remains unpaid 32193
and that represents the actual and direct loss of the person for 32194
the act or transaction upon which the underlying judgment was 32195
based, and court costs, if awarded in the underlying judgment, 32196
provided that no person shall receive more than ten thousand 32197
dollars from the fund for any one judgment. A bonding or insurance 32198
company or any partnership, corporation, or association that uses 32199
any tool to develop a valuation of real property for purposes of a 32200
loan or that employs, retains, or engages as an independent 32201
contractor a person licensed, registered, or certified as a real 32202
estate appraiser in its usual or occasional operations may not 32203
seek an order directing, and is not eligible for, payment out of 32204
the fund. Punitive or exemplary damages are not recoverable from 32205
the fund. 32206

The complaint shall specify the nature of the act or 32207
transaction upon which the underlying judgment was based, the 32208
activities of the applicant in pursuit of remedies available under 32209
law for the collection of judgments, and the amount of the fee 32210
paid by the applicant to the certificate holder, registrant, or 32211
licensee. The applicant shall attach to the complaint a copy of 32212

each pleading and order in the underlying court action. 32213

The Franklin county court of common pleas shall order the 32214
superintendent to make payments out of the fund when the person 32215
seeking the order has shown all of the following: 32216

(1) The person has obtained a judgment, as provided in this 32217
division; 32218

(2) All appeals from the judgment have been exhausted and the 32219
person has given notice to the superintendent, as required by 32220
division (C) of this section; 32221

(3) The person is not a spouse of the certificate holder, 32222
registrant, or licensee, or the personal representative of the 32223
spouse; 32224

(4) The person has diligently pursued the person's remedies 32225
against all the certificate holders, registrants, licensees, and 32226
all other persons liable to the person in the transaction for 32227
which the person seeks recovery from the fund; 32228

(5) The person is making a complaint not more than one year 32229
after termination of all proceedings, including appeals, in 32230
connection with the judgment. 32231

(C) A person who applies to the Franklin county court of 32232
common pleas for an order directing payment out of the fund shall 32233
file notice of the complaint with the superintendent. The 32234
superintendent shall send notice to the affected certificate 32235
holder, registrant, or licensee, where possible. The 32236
superintendent may defend the action on behalf of the fund and 32237
shall have recourse to all appropriate means of defense and 32238
review, including examination of witnesses. The superintendent may 32239
move the court at any time to dismiss the complaint when it 32240
appears there are no triable issues and the complaint is without 32241
merit. The motion may be supported by affidavit of any person 32242
having knowledge of the facts and may be made on the basis that 32243

the complaint, including the judgment referred to in the 32244
complaint, does not form the basis for a meritorious recovery 32245
claim. The superintendent may, subject to court approval, 32246
compromise a claim based upon the complaint of an aggrieved party. 32247
The superintendent is not bound by any prior compromise or 32248
stipulation of the certificate holder, registrant, or licensee. 32249
Upon petition of the superintendent, the court may require all 32250
claimants and prospective claimants against one certificate 32251
holder, registrant, or licensee to be joined in one action, to the 32252
end that the respective rights of all such claimants to the fund 32253
may be equitably adjudicated and settled. 32254

(D) If the superintendent pays from the fund any amount in 32255
settlement of a claim or toward satisfaction of a judgment against 32256
a certificate holder, registrant, or licensee, the certificate, 32257
registration, or license of the certificate holder, registrant, or 32258
licensee automatically is suspended upon the date of payment from 32259
the fund. No certificate, registration, or license that has been 32260
suspended pursuant to this division shall be reinstated until the 32261
certificate holder, registrant, or licensee has repaid in full, 32262
plus interest per annum at the rate specified in division (A) of 32263
section 1343.03 of the Revised Code, the amount paid from the fund 32264
on the certificate holder's, registrant's, or licensee's account. 32265
A discharge in bankruptcy does not relieve a person from the 32266
suspension and requirements for reinstatement provided in this 32267
section. 32268

(E) If, at any time, the money deposited in the fund is 32269
insufficient to satisfy any duly authorized claim or portion of a 32270
claim, the superintendent shall, when sufficient money has been 32271
deposited in the fund, satisfy the unpaid claims or portions, in 32272
the order that the claims or portions were originally filed, plus 32273
accumulated interest per annum at the rate specified in division 32274
(A) of section 1343.03 of the Revised Code. 32275

(F) When, upon the order of the court, the superintendent has 32276
paid from the fund any sum to the judgment creditor, the 32277
superintendent is subrogated to all of the rights of the judgment 32278
creditor to the extent of the amount so paid, and the judgment 32279
creditor shall assign all of the judgment creditor's right, title, 32280
and interest in the judgment to the superintendent to the extent 32281
of the amount so paid. The superintendent shall deposit in the 32282
fund any amount and interest so recovered by the superintendent on 32283
the judgment. 32284

(G) Nothing contained in this section shall limit the 32285
authority of the real estate appraiser board to take disciplinary 32286
action against a certificate holder, registrant, or licensee under 32287
other provisions of this chapter. The repayment in full of all 32288
obligations to the fund by a certificate holder, registrant, or 32289
licensee does not nullify or modify the effect of any other 32290
disciplinary proceeding brought pursuant to this chapter, unless 32291
repayment is imposed as a condition in that proceeding. 32292

(H) The superintendent shall collect from the fund a service 32293
fee in an amount equivalent to the interest rate specified in 32294
division (A) of section 1343.03 of the Revised Code multiplied by 32295
the annual interest earned on the assets of the fund, to defray 32296
the expenses incurred in the administration of the fund. 32297

Sec. 4768.09. (A) ~~Except within the first thirty days after~~ 32298
~~an appraiser is first added to the appraiser panel of an appraisal~~ 32299
~~management company, an~~ An appraisal management company shall not 32300
remove the appraiser from its appraiser panel or otherwise refuse 32301
to assign requests for real estate appraisal services to the 32302
appraiser without first doing both of the following: 32303

(1) Notifying the appraiser in writing of the reasons the 32304
appraiser is being removed from the appraiser panel or is refused 32305
assignment requests for appraisal services; 32306

(2) Providing the appraiser with an opportunity to respond to that notification, in writing, within ten business days after the appraisal management company sends the removal notification.

(B) The notice described in division (A)(1) of this section shall be sent by a delivery system that delivers letters, packages, and other materials in its ordinary course of business with traceable delivery and signature receipt. An appraisal management company that sends such notice shall keep a copy of the notice for at least five years from the date the notice is sent to the appraiser.

(C) Nothing in this section prohibits an appraisal management company from suspending an appraiser from receiving assignment requests during the period described in division (A)(2) of this section.

Sec. 4773.01. As used in this chapter:

(A) "General x-ray machine operator" means an individual who ~~performs~~ operates ionizing radiation-generating equipment in order to perform standard, ~~diagnostic, radiologic~~ radiography procedures; whose performance of ~~radiologic~~ such procedures is limited to specific body sites; and who does not, to any significant degree, determine procedure positioning or the site or dosage of radiation to which a patient is exposed.

(B) "Chiropractor" means an individual licensed under Chapter 4734. of the Revised Code to practice chiropractic.

(C) "Ionizing radiation" means any electromagnetic or particulate radiation that interacts with atoms to produce ionization in matter, including x-rays, gamma rays, alpha and beta particles, high speed electrons, neutrons, and other nuclear particles.

(D) "Physician" means an individual ~~who holds a certificate~~

~~issued~~ authorized under Chapter 4731. of the Revised Code 32337
authorizing the individual to practice medicine and surgery or 32338
osteopathic medicine and surgery. 32339

(E) "Podiatrist" means an individual ~~who holds a certificate~~ 32340
~~issued~~ authorized under Chapter 4731. of the Revised Code 32341
~~authorizing the individual to practice podiatry~~ podiatric medicine 32342
and surgery. 32343

(F) "Nuclear medicine technologist" means an individual who 32344
prepares and administers radio-pharmaceuticals to human beings and 32345
conducts in vivo or in vitro detection and measurement of 32346
radioactivity for medical purposes. 32347

(G) "Radiation therapy technologist" or "radiation therapist" 32348
means an individual who utilizes ionizing radiation-generating 32349
equipment, including therapy simulator radiation-generating 32350
equipment, for therapeutic purposes on human ~~subjects~~ beings. 32351

(H) "Radiographer" means an individual who ~~performs~~ operates 32352
ionizing radiation-generating equipment, administers contrast, and 32353
determines procedure positioning and the dosage of ionizing 32354
radiation in order to perform a comprehensive scope of ~~diagnostic~~ 32355
~~radiologic radiography~~ procedures employing equipment that emits 32356
~~ionizing radiation, exposes radiographs, and performs other~~ 32357
~~procedures that contribute significantly to determining the site~~ 32358
~~or dosage of ionizing radiation to which a patient is exposed on~~ 32359
human beings. 32360

(I) "Mechanotherapist" means an individual who holds a 32361
certificate issued under section 4731.15 of the Revised Code 32362
authorizing the individual to practice mechanotherapy. 32363

Sec. 4773.011. As used in this chapter, "radiation therapy 32364
technologist" includes a radiation therapist. 32365

Sec. 4773.061. Subject to section 4773.06 of the Revised 32366

Code, a radiation therapy technologist or nuclear medicine
technologist may perform computed tomography procedures if the
technologist is certified in computed tomography by a national
certifying organization approved by the director of health under
section 4773.08 of the Revised Code.

When performing computed tomography procedures, the radiation
therapy technologist or nuclear medicine technologist shall act in
accordance with rules adopted under section 4773.08 of the Revised
Code.

Sec. 4773.08. The director of health shall adopt rules to
implement and administer this chapter. In adopting the rules, the
director shall consider any recommendations made by the radiation
advisory council created under section ~~3701.93~~ 3748.20 of the
Revised Code. The rules shall be adopted in accordance with
Chapter 119. of the Revised Code and shall not be less stringent
than any applicable standards specified in 42 C.F.R. 75. The rules
shall establish all of the following:

(A) Standards for licensing general x-ray machine operators,
radiographers, radiation therapy technologists, and nuclear
medicine technologists;

(B) Application, renewal, and reinstatement fees for licenses
issued under this chapter that do not exceed the cost incurred in
issuing, renewing, and reinstating the licenses;

(C) Standards for accreditation of educational programs and
approval of continuing education programs in general x-ray machine
operation, radiography, radiation therapy technology, and nuclear
medicine technology;

(D) Fees for accrediting educational programs and approving
continuing education programs in general x-ray machine operation,
radiography, radiation therapy technology, and nuclear medicine

technology that do not exceed the cost incurred in accrediting the educational programs;	32397 32398
(E) Fees for issuing conditional licenses under section 4773.05 of the Revised Code that do not exceed the cost incurred in issuing the licenses;	32399 32400 32401
(F) Continuing education requirements that must be met to have a license renewed or reinstated under section 4773.03 of the Revised Code;	32402 32403 32404
(G) Continuing education requirements that the holder of a conditional license must meet to receive a license issued under section 4773.03 of the Revised Code;	32405 32406 32407
(H) <u>Standards for approving national certifying organizations that certify nuclear medicine technologists or radiation therapy technologists to perform computed tomography;</u>	32408 32409 32410
(I) <u>Standards for performing computed tomography procedures;</u>	32411
(J) Any other rules necessary for the implementation or administration of this chapter.	32412 32413
Sec. 4776.20. (A) As used in this section:	32414
(1) "Licensing agency" means, in addition to each board identified in division (C) of section 4776.01 of the Revised Code, the board or other government entity authorized to issue a license under Chapters <u>3722.</u> , 4703., 4707., 4709., 4712., 4713., 4719., 4723., 4727., 4728., 4733., 4735., 4736. , 4737., 4738., 4740., 4742., 4747., 4749., 4751., 4752., 4753., 4758., 4759., 4763., 4764., 4765., 4766., 4771., 4773., and 4781. of the Revised Code. "Licensing agency" includes an administrative officer that has authority to issue a license.	32415 32416 32417 32418 32419 32420 32421 32422 32423
(2) "Licensee" means, in addition to a licensee as described in division (B) of section 4776.01 of the Revised Code, the person to whom a license is issued by the board or other government	32424 32425 32426

entity authorized to issue a license under Chapters 3722., 4703., 32427
4707., 4709., 4712., 4713., 4719., 4723., 4727., 4728., 4733., 32428
4735., ~~4736.~~, 4737., 4738., 4740., 4742., 4747., 4749., 4751., 32429
4752., 4753., 4758., 4759., 4763., 4764., 4765., 4766., 4771., 32430
4773., and 4781. of the Revised Code. 32431

(3) "Prosecutor" has the same meaning as in section 2935.01 32432
of the Revised Code. 32433

(B) On a licensee's conviction of, plea of guilty to, 32434
judicial finding of guilt of, or judicial finding of guilt 32435
resulting from a plea of no contest to the offense of trafficking 32436
in persons in violation of section 2905.32 of the Revised Code, 32437
the prosecutor in the case shall promptly notify the licensing 32438
agency of the conviction, plea, or finding and provide the 32439
licensee's name and residential address. On receipt of this 32440
notification, the licensing agency shall immediately suspend the 32441
licensee's license. 32442

(C) If there is a conviction of, plea of guilty to, judicial 32443
finding of guilt of, or judicial finding of guilt resulting from a 32444
plea of no contest to the offense of trafficking in persons in 32445
violation of section 2905.32 of the Revised Code and all or part 32446
of the violation occurred on the premises of a facility that is 32447
licensed by a licensing agency, the prosecutor in the case shall 32448
promptly notify the licensing agency of the conviction, plea, or 32449
finding and provide the facility's name and address and the 32450
offender's name and residential address. On receipt of this 32451
notification, the licensing agency shall immediately suspend the 32452
facility's license. 32453

(D) Notwithstanding any provision of the Revised Code to the 32454
contrary, the suspension of a license under division (B) or (C) of 32455
this section shall be implemented by a licensing agency without a 32456
prior hearing. After the suspension, the licensing agency shall 32457
give written notice to the subject of the suspension of the right 32458

to request a hearing under Chapter 119. of the Revised Code. After 32459
a hearing is held, the licensing agency shall either revoke or 32460
permanently revoke the license of the subject of the suspension, 32461
unless it determines that the license holder has not been 32462
convicted of, pleaded guilty to, been found guilty of, or been 32463
found guilty based on a plea of no contest to the offense of 32464
trafficking in persons in violation of section 2905.32 of the 32465
Revised Code. 32466

Sec. 4937.01. As used in sections 4937.01 to 4937.05 of the 32467
Revised Code: 32468

(A) "Hazard" has the same meaning as in section 5502.21 of 32469
the Revised Code. 32470

(B) "Member agency" means the state agency of which a member 32471
of the utility radiological safety board is an officer. 32472

(C) "Nuclear electric facility" means any facility operated 32473
by a nuclear electric utility using nuclear energy to produce 32474
electricity and any facility for the storage of spent nuclear fuel 32475
arising from such production. 32476

(D) "Nuclear electric facility incident" means any hazard 32477
within the state which is associated with a nuclear electric 32478
facility and requires, pursuant to sections 5502.21 to 5502.51 of 32479
the Revised Code, emergency management to mitigate its effects. 32480

(E) "Nuclear electric utility" includes every person, their 32481
agents, assignees, or trustees, within this state engaged in the 32482
business of producing electricity using nuclear energy, or in the 32483
storage of spent nuclear fuel arising from such production. 32484

(F) "Nuclear electric utility holding company" means any 32485
company that holds an equity interest in a nuclear electric 32486
utility and is part of an electric utility holding company system 32487
exempt under section 3(a)(1) or (2) of the "Public Utility Holding 32488

Company Act of 1935," 49 Stat. 810, 15 U.S.C.A. 79c, and the 32489
regulations adopted under the act. 32490

Sec. 4937.05. (A) Subject to division (B) of this section, 32491
the utility radiological safety board may apportion among and 32492
assess against each nuclear electric utility in this state against 32493
which an assessment may be made under section 4905.10 of the 32494
Revised Code an amount no greater than the maximums specified in 32495
the applicable main operating appropriations act. The assessment 32496
shall be made in proportion to the intrastate gross receipts of 32497
the utility, excluding receipts from sales to other public 32498
utilities for resale, for the calendar year next preceding that in 32499
which the assessments are made, or be made based upon the 32500
utility's decommissioning budget for the year of the assessment, 32501
if the utility is not engaged in the business of producing 32502
electricity using nuclear energy. On or before the first day of 32503
October in each year, the board shall notify each such utility of 32504
the sum assessed against it, whereupon payment shall be made to 32505
the board. The board shall deposit the payment into any nuclear 32506
safety fund for which a maximum is specified, for the purposes of 32507
this section, in the applicable main operating appropriations act. 32508
Any assessments so deposited which are not expended shall be 32509
credited ratably to each nuclear electric utility that paid them, 32510
according to the respective portions of the amount assessable 32511
against the utility for the ensuing calendar year. The assessments 32512
for such calendar year shall be adjusted accordingly. 32513

(B) The board shall assess an amount against the nuclear 32514
electric utilities pursuant to division (A) of this section only 32515
in accordance with this division and subject to the conditions it 32516
specifies. 32517

(1) Nuclear electric utilities and, separately, the 32518
environmental protection agency, the department of health, the 32519

department of agriculture, and the emergency management agency of 32520
the department of public safety, as member agencies of the board, 32521
shall negotiate, in good faith, amounts to be given as grants by 32522
the nuclear electric utilities pursuant to this division for 32523
funding the member agency for a fiscal biennium. Any such grant 32524
shall cover all costs related to the statutory requirements or 32525
agreements specified in division (B)(4) of this section, but shall 32526
not be required to cover any costs of activities not directly 32527
related to those statutory requirements or agreements. 32528

(2)(a) If any of the member agencies specified in division 32529
(B)(1) of this section disagrees, before the first day of 32530
September of the first year of a fiscal biennium, with the nuclear 32531
electric utilities on a grant amount under that division for the 32532
agency's funding for that biennium and the agency is requesting a 32533
specified amount not exceeding seventy-five per cent of the 32534
maximum specified in the applicable main operating appropriations 32535
act, the agency shall make a written directive to the board for an 32536
assessment against the nuclear electric utilities for that 32537
specified amount and shall notify the controlling board, the 32538
director of budget and management, and the nuclear electric 32539
utilities in writing of that directive. Upon receipt of the 32540
directive, the utility radiological safety board shall assess the 32541
specified amount against the nuclear electric utilities as 32542
provided in division (A) of this section, notwithstanding any 32543
provision of that division to the contrary, provided the amount 32544
assessed does not exceed the maximum specified in the applicable 32545
main operating appropriations act. 32546

(b) If any of the member agencies specified in division 32547
(B)(1) of this section disagrees, before the first day of 32548
September of the first year of a fiscal biennium, with the nuclear 32549
electric utilities on a grant amount under that division for the 32550
agency's funding for that biennium and the agency is requesting a 32551

specified amount that exceeds seventy-five per cent of the maximum 32552
specified for that agency in the applicable main operating 32553
appropriations act, the agency may request that the controlling 32554
board approve an assessment against the electric utilities in the 32555
specified amount. The controlling board shall not approve an 32556
assessment so requested if it exceeds that maximum or will not be 32557
used for the purposes specified in division (B)(4) of this 32558
section. If the controlling board approves the request, the 32559
utility radiological safety board shall impose an assessment in 32560
the approved amount against the nuclear electric utilities as 32561
provided in division (A) of this section, notwithstanding any 32562
provision of that division to the contrary. 32563

(c) The board shall not assess against the nuclear electric 32564
utilities pursuant to division (A) of this section in any fiscal 32565
biennium for which each member agency and the nuclear electric 32566
utilities agree on grant amounts pursuant to division (B)(1) of 32567
this section. 32568

(3) Revenues received pursuant to grants or assessments under 32569
division (B)(1) or (2) of this section shall be deposited into the 32570
requesting agency's nuclear safety fund, as such fund is specified 32571
in the applicable main operating appropriations act. 32572

(4) Funding provided under this division to a member agency 32573
shall be for the purpose of enabling a member agency to fulfill 32574
its authority and duties under the statutes related to nuclear 32575
safety or the utility safety radiological board, or under 32576
agreements with the nuclear regulatory commission. 32577

(5) If a nuclear electric utility makes any recommendation to 32578
render the nuclear safety programs of member agencies of the 32579
utility radiological safety board more cost effective, the member 32580
agencies shall implement the recommendation or provide to the 32581
utility a written statement explaining why the recommendation will 32582
not be implemented or will be implemented with substantial 32583

modification. 32584

Sec. 5101.061. (A) There is hereby established in the 32585
department of job and family services the office of human services 32586
innovation. The office shall develop recommendations, as described 32587
in division (B) of this section, regarding the coordination and 32588
reform of state programs to assist the residents of this state in 32589
preparing for life and the dignity of work and to promote 32590
individual responsibility and work opportunity. 32591

The director of job and family services shall establish the 32592
office's organizational structure, may reassign the department's 32593
staff and resources as necessary to support the office's 32594
activities, and is responsible for the office's operations. The 32595
superintendent of public instruction, chancellor of the Ohio board 32596
of regents, and director of the governor's office of workforce 32597
~~transformation, and director of the governor's office of health~~ 32598
~~transformation~~ shall assist the director of job and family 32599
services with leadership and organizational support for the 32600
office. 32601

(B) Not later than January 1, 2015, the office shall submit 32602
to the governor recommendations for all of the following: 32603

(1) Coordinating services across all public assistance 32604
programs to help individuals find employment, succeed at work, and 32605
stay out of poverty; 32606

(2) Revising incentives for public assistance programs to 32607
foster person-centered case management; 32608

(3) Standardizing and automating eligibility determination 32609
policies and processes for public assistance programs; 32610

(4) Other matters the office considers appropriate. 32611

(C) Not later than three months after ~~the effective date of~~ 32612
~~this section~~ September 15, 2014, the office shall establish clear 32613

principles to guide the development of its recommendations, shall 32614
identify in detail the problems to be addressed in the 32615
recommendations, and shall make an inventory of all state and 32616
other resources that the office considers relevant to the 32617
recommendations. 32618

(D) The office shall convene the directors and staff of the 32619
departments, agencies, offices, boards, commissions, and 32620
institutions of the executive branch of the state as necessary to 32621
develop the office's recommendations. The departments, agencies, 32622
offices, boards, commissions, and institutions shall comply with 32623
all requests and directives that the office makes, subject to the 32624
supervision of the directors of the departments, agencies, 32625
offices, boards, commissions, and institutions. The office also 32626
shall convene other individuals interested in the issues that the 32627
office addresses in the development of the recommendations to 32628
obtain their input on, and support for, the recommendations. 32629

Sec. 5101.14. (A) As used in this section and section 32630
5101.144 of the Revised Code, "children services" means services 32631
provided to children pursuant to Chapter 5153. of the Revised 32632
Code. 32633

(B) Within available funds, the department of job and family 32634
services shall distribute funds to the counties within thirty days 32635
after the beginning of each calendar quarter for a part of the 32636
counties' costs for children services. 32637

Funds provided to the county under this section shall be 32638
deposited into the children services fund created pursuant to 32639
section 5101.144 of the Revised Code. 32640

(C) In each fiscal year, the amount of funds available for 32641
distribution under this section shall be allocated to counties as 32642
follows: 32643

(1) If the amount is less than the amount initially 32644
appropriated for the immediately preceding fiscal year, each 32645
county shall receive an amount equal to the percentage of the 32646
funding it received in the immediately preceding fiscal year, 32647
exclusive of any releases from or additions to the allocation or 32648
any sanctions imposed under this section; 32649

(2) If the amount is equal to the amount initially 32650
appropriated for the immediately preceding fiscal year, each 32651
county shall receive an amount equal to the amount it received in 32652
the preceding fiscal year, exclusive of any releases from or 32653
additions to the allocation or any sanctions imposed under this 32654
section; 32655

(3) If the amount is greater than the amount initially 32656
appropriated for the immediately preceding fiscal year, each 32657
county shall receive the amount determined under division (C)(2) 32658
of this section as a base allocation, plus a percentage of the 32659
amount that exceeds the amount initially appropriated for the 32660
immediately preceding fiscal year. The amount exceeding the amount 32661
initially appropriated in the immediately preceding fiscal year 32662
shall be allocated to the counties as follows: 32663

(a) Twelve per cent divided equally among all counties; 32664

(b) Forty-eight per cent in the ratio that the number of 32665
residents of the county under the age of eighteen bears to the 32666
total number of such persons residing in this state; 32667

(c) Forty per cent in the ratio that the number of residents 32668
of the county with incomes under the federal poverty guideline 32669
bears to the total number of such persons in this state. 32670

As used in division (C)(3)(c) of this section, "federal 32671
poverty guideline" means the poverty guideline as defined by the 32672
United States office of management and budget and revised by the 32673
United States secretary of health and human services in accordance 32674

with section 673 of the "Community Services Block Grant Act," 95 Stat. 511 (1981), 42 U.S.C.A. 9902, as amended. 32675
32676

(D) Within ninety days after the end of each state fiscal biennium, each county shall return any unspent funds to the department. 32677
32678
32679

(E) Each county shall contribute local funds in accordance with division (F)(2) of this section to the county children services fund described in section 5101.144 of the Revised Code. 32680
32681
32682

(F)(1) The director of job and family services may adopt the following rules in accordance with section 111.15 of the Revised Code: 32683
32684
32685

(1)(a) Rules that are necessary for the allocation of funds under this section; 32686
32687

~~(2)(b)~~ Rules prescribing reports on expenditures to be submitted by the counties as necessary for the implementation of this section. 32688
32689
32690

(2) The director shall adopt rules that determine the amount of local funds to be contributed by each county under division (E) of this section in accordance with section 111.15 of the Revised Code. 32691
32692
32693
32694

Sec. 5101.141. (A) As used in sections 5101.141 to 5101.1414 of the Revised Code: 32695
32696

(1) "Adopted young adult" means a person: 32697

(a) Who was in the temporary or permanent custody of a public children services agency; 32698
32699

(b) Who was adopted at the age of sixteen or seventeen and attained the age of sixteen before a Title IV-E adoption assistance agreement became effective; 32700
32701
32702

(c) Who has attained the age of eighteen; and 32703

<u>(d) Who has not yet attained the age of twenty-one.</u>	32704
<u>(2) "Child" includes a means any of the following:</u>	32705
<u>(a) A person who meets the requirements of division (A)(1)</u>	32706
<u>(B)(3) of section 5101.1411 5153.01 of the Revised Code or an</u>	32707
<u>adopted person who meets the requirements applicable to such a</u>	32708
<u>person under division (B)(1) of section 5101.1411 of the Revised</u>	32709
<u>Code.</u>	32710
<u>(2) "Designee" means a person with whom the department of job</u>	32711
<u>and family services has entered into a contract, pursuant to</u>	32712
<u>division (B)(2) of this section;</u>	32713
<u>(b) An adopted young adult;</u>	32714
<u>(c) An emancipated young adult.</u>	32715
<u>(3) "Emancipated young adult" means a person:</u>	32716
<u>(a) Who was in the temporary or permanent custody of a public</u>	32717
<u>children services agency, a planned permanent living arrangement,</u>	32718
<u>or in the Title-IV-E-eligible care and placement responsibility of</u>	32719
<u>a juvenile court or other governmental agency that provides Title</u>	32720
<u>IV-E reimbursable placement services;</u>	32721
<u>(b) Whose custody, arrangement, or care and placement was</u>	32722
<u>terminated on or after the person's eighteenth birthday; and</u>	32723
<u>(c) Who has not yet attained the age of twenty-one.</u>	32724
<u>(4) "Representative" means a person with whom the department</u>	32725
<u>of job and family services has entered into a contract, pursuant</u>	32726
<u>to division (B)(2)(b) of this section.</u>	32727
<u>(5) "Title IV-E" means Title IV-E of the "Social Security</u>	32728
<u>Act," 94 Stat. 501, 42 U.S.C. 670 (1980), as amended.</u>	32729
<u>(B)(1) Except as provided in division (B)(2) of this section,</u>	32730
<u>the department of job and family services shall act as the single</u>	32731
<u>state agency to administer federal payments for foster care and</u>	32732

adoption assistance made pursuant to Title IV-E. The director of 32733
job and family services shall adopt rules to implement this 32734
authority. Rules governing financial and administrative 32735
requirements applicable to public children services agencies and 32736
government entities that provide Title IV-E reimbursable placement 32737
services to children shall be adopted in accordance with section 32738
111.15 of the Revised Code, as if they were internal management 32739
rules. Rules governing requirements applicable to private child 32740
placing agencies and private noncustodial agencies and rules 32741
establishing eligibility, program participation, and other 32742
requirements concerning Title IV-E shall be adopted in accordance 32743
with Chapter 119. of the Revised Code. A public children services 32744
agency to which the department distributes Title IV-E funds shall 32745
administer the funds in accordance with those rules. 32746

(2) If the state plan is amended under divisions (A) and (B) 32747
of section 5101.1411 of the Revised Code, both of the following 32748
shall apply: 32749

(a) Implementation of the amendments to the plan shall begin 32750
fifteen months after September 13, 2016, the effective date of 32751
H.B. 50 of the 131st general assembly, if both of the following 32752
apply: 32753

(i) The plan as amended is approved by the secretary of 32754
health and human services; 32755

(ii) The general assembly has appropriated sufficient funds 32756
to operate the program required under the plan as amended. 32757

(b) The department shall have, exercise, and perform all new 32758
duties required under the plan as amended. In doing so, the 32759
department may contract with another person to carry out those new 32760
duties, to the extent permitted under Title IV-E. 32761

(C)(1) The Except with regard to the new duties imposed on 32762
the department or its contractor under division (B)(2)(b) of this 32763

section that are not imposed on the county, the county, on behalf 32764
of each child eligible for foster care maintenance payments under 32765
Title IV-E, shall make payments to cover the cost of providing all 32766
of the following: 32767

(a) The child's food, clothing, shelter, daily supervision, 32768
and school supplies; 32769

(b) The child's personal incidentals; 32770

(c) Reasonable travel to the child's home for visitation. 32771

(2) In addition to payments made under division (C)(1) of 32772
this section, the county may, on behalf of each child eligible for 32773
foster care maintenance payments under Title IV-E, make payments 32774
to cover the cost of providing the following: 32775

(a) Liability insurance with respect to the child; 32776

(b) If the county is participating in the demonstration 32777
project established under division (A) of section 5101.142 of the 32778
Revised Code, services provided under the project. 32779

(3) With respect to a child who is in a child-care 32780
institution, including any type of group home designed for the 32781
care of children or any privately operated program consisting of 32782
two or more certified foster homes operated by a common 32783
administrative unit, the foster care maintenance payments made by 32784
the county on behalf of the child shall include the reasonable 32785
cost of the administration and operation of the institution, group 32786
home, or program, as necessary to provide the items described in 32787
divisions (C)(1) and (2) of this section. 32788

(D) To the extent that either foster care maintenance 32789
payments under division (C) of this section or Title IV-E adoption 32790
assistance payments for maintenance costs require the expenditure 32791
of county funds, the board of county commissioners shall report 32792
the nature and amount of each expenditure of county funds to the 32793

department. 32794

(E) The department shall distribute to public children 32795
services agencies that incur and report expenditures of the type 32796
described in division (D) of this section federal financial 32797
participation received for administrative and training costs 32798
incurred in the operation of foster care maintenance and adoption 32799
assistance programs. The department may withhold not more than 32800
three per cent of the federal financial participation received. 32801
The funds withheld may be used only to fund the following: 32802

(1) The Ohio child welfare training program established under 32803
section 5103.30 of the Revised Code; 32804

(2) The university partnership program for college and 32805
university students majoring in social work who have committed to 32806
work for a public children services agency upon graduation; 32807

(3) Efforts supporting organizational excellence, including 32808
voluntary activities to be accredited by a nationally recognized 32809
accreditation organization. 32810

The funds withheld shall be in addition to any administration 32811
and training cost for which the department is reimbursed through 32812
its own cost allocation plan. 32813

(F) All federal financial participation funds received by a 32814
county pursuant to this section shall be deposited into the 32815
county's children services fund created pursuant to section 32816
5101.144 of the Revised Code. 32817

(G) The department shall periodically publish and distribute 32818
the maximum amounts that the department will reimburse public 32819
children services agencies for making payments on behalf of 32820
children eligible for foster care maintenance payments. 32821

(H) The department, by and through its director, is hereby 32822
authorized to develop, participate in the development of, 32823

negotiate, and enter into one or more interstate compacts on 32824
behalf of this state with agencies of any other states, for the 32825
provision of social services to children in relation to whom all 32826
of the following apply: 32827

(1) They have special needs. 32828

(2) This state or another state that is a party to the 32829
interstate compact is providing adoption assistance on their 32830
behalf. 32831

(3) They move into this state from another state or move out 32832
of this state to another state. 32833

Sec. 5101.1411. (A)(1) The director of job and family 32834
services shall, not later than nine months after September 13, 32835
2016, the effective date of H.B. 50 of the 131st general assembly, 32836
submit an amendment to the state plan required by 42 U.S.C. 671 to 32837
the United States secretary of health and human services to 32838
implement 42 U.S.C. 675(8) to make federal payments for foster 32839
care under Title IV-E directly to, or on behalf of, any ~~person~~ 32840
emancipated young adult who meets the following requirements: 32841

~~(a) The person has attained the age of eighteen but not 32842
attained the age of twenty one. 32843~~

~~(b) The person was in the custody of a public children 32844
services agency upon attaining the age of eighteen. 32845~~

~~(c) The person emancipated young adult signs a voluntary 32846
participation agreement. 32847~~

~~(d)(b) The person emancipated young adult satisfies division 32848
(C) of this section. 32849~~

(2) Any ~~person~~ emancipated young adult who meets the 32850
requirements of division (A)(1) of this section may apply for 32851
foster care payments and make the appropriate application at any 32852
time. 32853

(B)(1) The director of job and family services shall, not 32854
later than nine months after September 13, 2016, the effective 32855
date of H.B. 50 of the 131st general assembly, submit an amendment 32856
to the state plan required by 42 U.S.C. 671 to the United States 32857
secretary of health and human services to implement 42 U.S.C. 32858
675(8) to make federal payments for adoption assistance under 32859
Title IV-E available to any parent who meets all of the following 32860
requirements: 32861

(a) The parent adopted a person ~~while the adopted person was~~ 32862
~~sixteen or seventeen and had been in the custody of a public~~ 32863
~~children services agency, or who is an adopted young adult and~~ 32864
parent ~~enters~~ entered into an adoption assistance agreement under 32865
42 U.S.C. 673+ while the adopted person was age sixteen or 32866
seventeen. 32867

(b) ~~The adopted person has attained the age of eighteen but~~ 32868
~~has not attained the age of twenty one;~~ 32869

~~(c)~~ The parent maintains parental responsibility ~~to that for~~ 32870
the adopted person; young adult. 32871

~~(d)~~(c) The adopted ~~person~~ young adult satisfies division (C) 32872
of this section. 32873

(2) Any parent who meets the requirements of division (B)(1) 32874
of this section that are applicable to a parent may request an 32875
extension of adoption assistance payments at any time before the 32876
adopted ~~person~~ young adult reaches age twenty-one. 32877

(3) An adopted young adult who is eligible to receive 32878
adoption assistance payments is not considered an emancipated 32879
young adult and is therefore not eligible to receive payment under 32880
division (A) of this section. 32881

(C) In addition to other requirements, ~~a person who is in~~ 32882
~~foster care or has been adopted~~ an adopted or emancipated young 32883
adult must meet at least one of the following criteria: 32884

(1) Is completing secondary education or a program leading to an equivalent credential;	32885 32886
(2) Is enrolled in an institution that provides post-secondary or vocational education;	32887 32888
(3) Is participating in a program or activity designed to promote, or remove barriers to, employment;	32889 32890
(4) Is employed for at least eighty hours per month;	32891
(5) Is incapable of doing any of the activities described in division <u>divisions</u> (C)(1) to (4) of this section due to a medical <u>physical or mental</u> condition, which incapacity is supported by regularly updated information in the person's case record or plan.	32892 32893 32894 32895
(D) Any person <u>emancipated young adult</u> described in division (A)(1) of this section who is directly receiving foster care payments, or on whose behalf such foster care payments are received, or any parent receiving adoption assistance payments, pursuant to this section may refuse the payments at any time. If the person or parent refuses payments and seeks payments at a later date, the person or parent must reapply for the payments in accordance with this section.	32896 32897 32898 32899 32900 32901 32902 32903
(E)(1) A person <u>An emancipated young adult</u> described in division (A)(1) of this section who is directly receiving foster care payments, or on whose behalf such foster care payments are received, or a parent receiving adoption assistance payments and the adopted person, pursuant to this section, <u>young adult</u> shall be eligible for services set forth in the federal, "Fostering Connections to Success and Increasing Adoptions Act of 2008," P.L. 110-351, 122 Stat. 3949.	32904 32905 32906 32907 32908 32909 32910 32911
(2) A person <u>An emancipated young adult</u> described in division (A)(1) of this section who is directly receiving foster care payments, or on whose behalf such foster care payments are received, pursuant to this section, may be eligible to reside in a	32912 32913 32914 32915

supervised independent living setting, including apartment living, 32916
room and board arrangements, college or university dormitories, 32917
host homes, and shared roommate settings. 32918

(F) Any determination by the department that denies or 32919
terminates foster care or adoption assistance payments shall be 32920
subject to a state hearing pursuant to section 5101.35 of the 32921
Revised Code. 32922

Sec. 5101.1412. (A) Without the approval of a court, ~~a child~~ 32923
an emancipated young adult who receives payments, or on whose 32924
behalf payments are received, under division (A) of section 32925
5101.1411 of the Revised Code, may enter into a voluntary 32926
participation agreement with the department of job and family 32927
services, or its designee representative, for the ~~child's~~ 32928
emancipated young adult's care and placement. The agreement shall 32929
~~expire within one hundred eighty days and may not be renewed~~ 32930
~~without court approval~~ stay in effect until one of the following 32931
occurs: 32932

(1) The emancipated young adult enrolled in the program 32933
notifies the department, or its representative, that they want to 32934
terminate the agreement. 32935

(2) The emancipated young adult becomes ineligible for the 32936
program. 32937

(B) ~~Prior to the agreement's expiration~~ During the 32938
one-hundred-eighty-day period after the voluntary participation 32939
agreement becomes effective, the department or its ~~designee~~ 32940
representative shall seek approval from the court that the ~~child's~~ 32941
emancipated young adult's best interest is served by ~~extending~~ 32942
continuing the care and placement with the department or its 32943
~~designee~~ representative. 32944

(C) In order to maintain Title IV-E eligibility for the 32945

emancipated young adult, not later than twelve months after the 32946
effective date of the voluntary participation agreement, and at 32947
least once every twelve months thereafter, the department or its 32948
representative must petition the court for, and obtain, a judicial 32949
determination that the department or its representative has made 32950
reasonable efforts to finalize a permanency plan that addresses 32951
the department's or its representative's efforts to prepare the 32952
emancipated young adult for independence. 32953

Sec. 5101.1414. (A) Not later than nine months after 32954
September 13, 2016, the effective date of H.B. 50 of the 131st 32955
general assembly, the department of job and family services shall 32956
adopt rules necessary to carry out the purposes of sections 32957
5101.1411 to 5101.1413 of the Revised Code, including rules that 32958
do all of the following: 32959

(1) Allow ~~a person~~ an emancipated young adult described in 32960
division (A)(1) of section 5101.1411 of the Revised Code who is 32961
directly receiving foster care payments, or on whose behalf such 32962
foster care payments are received, or ~~a person~~ an adopted young 32963
adult whose adoptive parents are receiving adoption assistance 32964
payments, to maintain eligibility while transitioning into, or out 32965
of, qualified employment or educational activities; 32966

(2) Require that a thirty-day notice of termination be given 32967
by the department to ~~a person~~ an emancipated young adult described 32968
in division (A)(1) of section 5101.1411 of the Revised Code who is 32969
receiving foster care payments, or on whose behalf such foster 32970
care payments are received, or to a parent receiving adoption 32971
assistance payments for an adopted ~~person~~ young adult described in 32972
division (B)(1) of section 5101.1411 of the Revised Code, who is 32973
determined to be ineligible for payments; 32974

(3) Establish the scope of practice and training necessary 32975
for ~~foster care workers and foster care worker~~ case managers and 32976

supervisors who care for ~~persons~~ emancipated young adults 32977
described in division (A)(1) of section 5101.1411 of the Revised 32978
Code who are receiving foster care payments, or on whose behalf 32979
such foster care payments are received, under section 5101.1411 of 32980
the Revised Code. 32981

(B) The department of job and family services shall create an 32982
advisory council to evaluate and make recommendations for 32983
statewide implementation of sections 5101.1411 and 5101.1412 of 32984
the Revised Code not later than one month after September 13, 32985
2016, the effective date of H.B. 50 of the 131st general assembly. 32986

Sec. 5101.1415. The provisions of divisions (A) and (C) to 32987
(F) of section 5101.1411 of the Revised Code shall not apply if 32988
the person is eligible for temporary or permanent custody until 32989
age twenty-one pursuant to a dispositional order under sections 32990
2151.353, 2151.414, and 2151.415 of the Revised Code. 32991

Sec. 5101.83. (A) As used in this section: 32992

(1) "Assistance group" has the same meaning as in section 32993
5107.02 of the Revised Code, except that it also means a group 32994
provided benefits and services under the prevention, retention, 32995
and contingency program or the comprehensive case management and 32996
employment program. 32997

(2) "Fraudulent assistance" means assistance and ~~service~~ 32998
services, including cash assistance, provided under the Ohio works 32999
first program established under Chapter 5107., or benefits and 33000
services provided under the prevention, retention, and contingency 33001
program established under Chapter 5108. of the Revised Code or 33002
under the comprehensive case management and employment program 33003
established under Chapter 5116. of the Revised Code, to or on 33004
behalf of an assistance group that is provided as a result of 33005
fraud by a member of the assistance group, including an 33006

intentional violation of the program's requirements. "Fraudulent assistance" does not include assistance or services to or on behalf of an assistance group that is provided as a result of an error that is the fault of a county department of job and family services or the ~~state~~ Ohio department of job and family services.

(B) If a county director of job and family services determines that an assistance group has received fraudulent assistance, the assistance group is ineligible to participate in the Ohio works first program ~~or~~, the prevention, retention, and contingency program, or the comprehensive case management and employment program until a member of the assistance group repays the cost of the fraudulent assistance. If a member repays the cost of the fraudulent assistance and the assistance group otherwise meets the eligibility requirements for the Ohio works first program ~~or~~, the prevention, retention, and contingency program, or the comprehensive case management and employment program, the assistance group shall not be denied the opportunity to participate in the program.

This section does not limit the ability of a county department of job and family services to recover erroneous payments under section 5107.76 of the Revised Code.

The ~~state~~ Ohio department of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section.

Sec. 5101.85. As used in sections 5101.851 to ~~5101.853~~ 5101.856 of the Revised Code, "kinship caregiver" means any of the following who is eighteen years of age or older and is caring for a child in place of the child's parents:

(A) The following individuals related by blood or adoption to the child:

(1) Grandparents, including grandparents with the prefix "great," "great-great," or "great-great-great";	33037 33038
(2) Siblings;	33039
(3) Aunts, uncles, nephews, and nieces, including such relatives with the prefix "great," "great-great," "grand," or "great-grand";	33040 33041 33042
(4) First cousins and first cousins once removed.	33043
(B) Stepparents and stepsiblings of the child;	33044
(C) Spouses and former spouses of individuals named in divisions (A) and (B) of this section;	33045 33046
(D) A legal guardian of the child;	33047
(E) A legal custodian of the child;	33048
<u>(F) Any nonrelative adult having a familiar and long-standing relationship or bond with the child or the family, which relationship or bond will ensure the child's social ties.</u>	33049 33050 33051
Sec. 5101.851. The department of job and family services may <u>shall</u> establish a statewide program of kinship care navigators <u>navigator program</u> to assist kinship caregivers who are seeking information regarding, or assistance obtaining, services and benefits available at the state and local level that address the needs of those caregivers residing in each county. The program shall provide to kinship caregivers information and referral services and assistance obtaining support services including the following:	33052 33053 33054 33055 33056 33057 33058 33059 33060
(A) Publicly funded child care;	33061
(B) Respite care;	33062
(C) Training related to caring for special needs children;	33063
(D) A toll-free telephone number that may be called to obtain	33064

basic information about the rights of, and services available to, 33065
kinship caregivers; 33066

(E) Legal services. 33067

Sec. 5101.853. The director of job and family services shall 33068
divide the state into not less than five and not greater than 33069
twelve regions, for the kinship care navigator program under 33070
section 5101.851 of the Revised Code. The director shall take the 33071
following into consideration when establishing the regions: 33072

(A) The population size; 33073

(B) The estimated number of kinship caregivers; 33074

(C) The expertise of kinship navigators; 33075

(D) Any other factor the director considers relevant. 33076

Sec. 5101.854. The program in each kinship care navigator 33077
region established under section 5101.853 of the Revised Code 33078
shall provide information and referral services and assistance in 33079
obtaining support services for kinship caregivers within its 33080
region. 33081

Sec. ~~5101.853~~ 5101.855. The Not later than one year after the 33082
effective date of this amendment, the department of job and family 33083
services ~~may~~ shall adopt rules to implement the kinship care 33084
navigators ~~navigators~~ navigator program. The rules shall be adopted under 33085
Chapter 119. of the Revised Code, except that rules governing 33086
fiscal and administrative matters related to implementation of the 33087
navigators program are internal management rules and shall be 33088
adopted under section 111.15 of the Revised Code. 33089

Sec. 5101.856. (A)(1) The kinship care navigator program 33090
shall be funded to the extent that general revenue funds have been 33091
appropriated by the general assembly for that purpose. 33092

(2) The director of job and family services shall take any action necessary to obtain funds available for the kinship care navigator program under Title IV-E of the "Social Security Act," 94 Stat. 501 (1980), 42 U.S.C. 670, as amended.

(B) The department shall pay the full nonfederal share for the kinship care navigator program. No county department of job and family services or public children services agency shall be responsible for the cost of the program.

Sec. 5103.02. As used in sections 5103.03 to ~~5103.17~~ 5103.181 of the Revised Code:

(A)(1) "Association" or "institution" includes all of the following:

(a) Any incorporated or unincorporated organization, society, association, or agency, public or private, that receives or cares for children for two or more consecutive weeks;

(b) Any individual, including the operator of a foster home, who, for hire, gain, or reward, receives or cares for children for two or more consecutive weeks, unless the individual is related to them by blood or marriage;

(c) Any individual not in the regular employ of a court, or of an institution or association certified in accordance with section 5103.03 of the Revised Code, who in any manner becomes a party to the placing of children in foster homes, unless the individual is related to such children by blood or marriage or is the appointed guardian of such children.

(2) "Association" or "institution" does not include any of the following:

(a) Any organization, society, association, school, agency, child guidance center, detention or rehabilitation facility, or children's clinic licensed, regulated, approved, operated under

the direction of, or otherwise certified by the department of 33123
education, a local board of education, the department of youth 33124
services, the department of mental health and addiction services, 33125
or the department of developmental disabilities; 33126

(b) Any individual who provides care for only a single-family 33127
group, placed there by their parents or other relative having 33128
custody; 33129

(c) A private, nonprofit therapeutic wilderness camp. 33130

(B) "Family foster home" means a foster home that is not a 33131
specialized foster home. 33132

(C) "Foster caregiver" means a person holding a valid foster 33133
home certificate issued under section 5103.03 of the Revised Code. 33134

(D) "Foster home" means a private residence in which children 33135
are received apart from their parents, guardian, or legal 33136
custodian, by an individual reimbursed for providing the children 33137
nonsecure care, supervision, or training twenty-four hours a day. 33138
"Foster home" does not include care provided for a child in the 33139
home of a person other than the child's parent, guardian, or legal 33140
custodian while the parent, guardian, or legal custodian is 33141
temporarily away. Family foster homes and specialized foster homes 33142
are types of foster homes. 33143

(E) "Medically fragile foster home" means a foster home that 33144
provides specialized medical services designed to meet the needs 33145
of children with intensive health care needs who meet all of the 33146
following criteria: 33147

(1) Under rules adopted by the medicaid director governing 33148
medicaid payments for long-term care services, the children 33149
require a skilled level of care. 33150

(2) The children require the services of a doctor of medicine 33151
or osteopathic medicine at least once a week due to the 33152

instability of their medical conditions.	33153
(3) The children require the services of a registered nurse on a daily basis.	33154 33155
(4) The children are at risk of institutionalization in a hospital, skilled nursing facility, or intermediate care facility for individuals with intellectual disabilities.	33156 33157 33158
(F) "Private, nonprofit therapeutic wilderness camp" means a structured, alternative residential setting for children who are experiencing emotional, behavioral, moral, social, or learning difficulties at home or school in which all of the following are the case:	33159 33160 33161 33162 33163
(1) The children spend the majority of their time, including overnight, either outdoors or in a primitive structure.	33164 33165
(2) The children have been placed there by their parents or another relative having custody.	33166 33167
(3) The camp accepts no public funds for use in its operations.	33168 33169
(G) "Recommending agency" means a public children services agency, private child placing agency, or private noncustodial agency that recommends that the department of job and family services take any of the following actions under section 5103.03 of the Revised Code regarding a foster home:	33170 33171 33172 33173 33174
(1) Issue a certificate;	33175
(2) Deny a certificate;	33176
(3) Renew a certificate;	33177
(4) Deny renewal of a certificate;	33178
(5) Revoke a certificate.	33179
(H) "Specialized foster home" means a medically fragile foster home or a treatment foster home.	33180 33181

(I) "Treatment foster home" means a foster home that 33182
incorporates special rehabilitative services designed to treat the 33183
specific needs of the children received in the foster home and 33184
that receives and cares for children who are emotionally or 33185
behaviorally disturbed, who are chemically dependent, who have 33186
developmental disabilities, or who otherwise have exceptional 33187
needs. 33188

Sec. 5103.031. Except as provided in section 5103.033 of the 33189
Revised Code, the department of job and family services may not 33190
issue a certificate under section 5103.03 of the Revised Code to a 33191
foster home unless the prospective foster caregiver successfully 33192
completes ~~the following amount of~~ preplacement training through a 33193
preplacement training program approved by the department of job 33194
and family services under section 5103.038 of the Revised Code or 33195
preplacement training provided under division (B) of section 33196
5103.30 of the Revised Code+ 33197

~~(A) If the foster home is a family foster home, at least 33198
thirty six hours; 33199~~

~~(B) If the foster home is a specialized foster home, at least 33200
thirty six hours. Up to twenty per cent of the required 33201
preplacement training may be provided online. 33202~~

Sec. 5103.032. (A) Except as provided in ~~divisions (C), (D), 33203
and (E)~~ division (B) of this section and in section 5103.033 of 33204
the Revised Code ~~and subject to division (B) of this section,~~ the 33205
department of job and family services may not renew a foster home 33206
certificate under section 5103.03 of the Revised Code unless the 33207
foster caregiver successfully completes ~~the following amount of 33208
continuing training in accordance with the foster caregiver's 33209
needs assessment and continuing training plan developed and 33210
implemented under section 5103.035 of the Revised Code+ 33211~~

~~(1) If the foster home is a family foster home, at least
forty hours in the preceding two year period;~~ 33212
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~~(2) If the foster home is a specialized foster home, at least
sixty hours in the preceding two year period.~~ 33214
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~~The continuing training required by this section shall comply
with rules the department adopts pursuant to section 5103.0316 of
the Revised Code.~~ 33216
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~~(B) A foster caregiver may fulfill up to twenty per cent of
the required amount of continuing training described in division
(A) of this section by teaching one or more training classes for
other foster caregivers or by providing mentorship services to
other foster caregivers. The department of job and family services
shall adopt rules in accordance with Chapter 119. of the Revised
Code as necessary for the qualification of foster caregivers to
provide training or mentorship services to other foster
caregivers.~~ 33219
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~~(C) At the beginning of a foster caregiver's two year
certification period, a public children services agency, private
child placing agency, or private noncustodial agency acting as a
recommending agency for a foster caregiver holding a certificate
issued under section 5103.03 of the Revised Code for a family
foster home or specialized foster home may waive up to eight hours
of continuing training the foster caregiver is otherwise required
by division (A) of this section to complete in that two year
certification period if all of the following apply:~~ 33228
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~~(1) The foster caregiver has held a certificate issued under
section 5103.03 of the Revised Code for a family foster home or
specialized foster home for at least two years;~~ 33237
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~~(2) The foster caregiver has provided foster care for at
least ninety days of the twelve months preceding the date the
agency issues the waiver;~~ 33240
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~~(3) The foster caregiver has not violated any requirements governing certification of foster homes during the twelve months preceding the date the agency issues the waiver;~~ 33243
33244
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~~(4) The foster caregiver has complied in full with the needs assessment and continuing training plan developed for the foster caregiver under section 5103.035 of the Revised Code for the preceding certification period.~~ 33246
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~~(D) Each recommending agency shall establish and implement a policy regarding good cause for a foster caregiver's failure to complete the continuing training in accordance with division (A) of this section. If the foster caregiver complies with the policy, as determined by the agency, the department may renew the foster caregiver's foster home certificate. The agency shall submit the policy to the department and provide a copy to each foster home the agency recommends for certification or renewal. The policy shall include the following:~~ 33250
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~~(1) What constitutes good cause, including documented illness, critical emergencies, and lack of accessible training programs;~~ 33259
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~~(2) Procedures for developing a scheduled corrective action plan that provides for prompt completion of the continuing training;~~ 33262
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33264

~~(3) Procedures for recommending revocation of the foster home certificate if the foster caregiver fails to comply with the corrective action plan.~~ 33265
33266
33267

~~(E) A foster caregiver shall be given an additional amount of time within which the foster caregiver must complete the continuing training required under division (A) of this section in accordance with rules adopted by the department of job and family services if either of the following applies:~~ 33268
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~~(1) The foster caregiver has served in active duty outside~~ 33273

this state with a branch of the armed forces of the United States 33274
for more than thirty days in the preceding two-year period. 33275

(2) The foster caregiver has served in active duty as a 33276
member of the Ohio organized militia, as defined in section 33277
5923.01 of the Revised Code, for more than thirty days in the 33278
preceding two-year period and that active duty relates to either 33279
an emergency in or outside of this state or to military duty in or 33280
outside of this state. 33281

Sec. 5103.033. (A) The department of job and family services 33282
may issue or renew a certificate under section 5103.03 of the 33283
Revised Code to a foster home for the care of a child who is in 33284
the custody of a public children services agency or private child 33285
placing agency pursuant to an agreement entered into under section 33286
5103.15 of the Revised Code regarding a child who was less than 33287
six months of age on the date the agreement was executed if the 33288
prospective foster caregiver or foster caregiver successfully 33289
completes the following ~~amount of training~~: 33290

(1) ~~For an initial certificate, at least twelve hours of~~ 33291
~~preplacement training through a~~ A preplacement training program 33292
approved ~~by the department of job and family services~~ under 33293
section 5103.038 of the Revised Code or ~~preplacement training a~~ 33294
program provided under division (B) of section 5103.30 of the 33295
Revised Code; 33296

(2) ~~For renewal of a certificate, at least twenty four hours~~ 33297
~~of continuing training in the preceding two-year period in~~ 33298
~~accordance with the foster caregiver's needs assessment and~~ 33299
~~continuing training plan developed and implemented under section~~ 33300
~~5103.035 of the Revised Code~~ Continuing training in accordance 33301
with the foster caregiver's needs assessment and continuing 33302
training plan developed and implemented under section 5103.035 of 33303
the Revised Code. 33304

(B) A foster caregiver to whom either division (B)(1) or (2) of this section applies shall be given an additional amount of time within which to complete the continuing training required under division (A)(2) of this section in accordance with rules adopted by the department of job and family services:

(1) The foster caregiver has served in active duty outside this state with a branch of the armed forces of the United States for more than thirty days in the preceding two-year period.

(2) The foster caregiver has served in active duty as a member of the Ohio organized militia, as defined in section 5923.01 of the Revised Code, for more than thirty days in the preceding two-year period and that active duty relates to either an emergency in or outside of this state or to military duty in or outside of this state.

Sec. 5103.035. A public children services agency, private child placing agency, or private noncustodial agency acting as a recommending agency for a foster caregiver shall develop and implement a written needs assessment and continuing training plan for the foster caregiver in accordance with rules adopted under section 5103.0316 of the Revised Code. ~~Each needs assessment and continuing training plan shall satisfy all of the following requirements:~~

~~(A) Be effective for the two year period the foster caregiver's certificate is in effect;~~

~~(B) Be appropriate for the type of foster home the foster caregiver operates, and include training for the caregiver that relates to providing independent living services, as defined in section 2151.81 of the Revised Code, to a child placed as provided in division (B)(2) of section 2151.353 of the Revised Code;~~

~~(C) Require the foster caregiver to successfully complete the~~

~~training required by the department in rules adopted pursuant to 33335
section 5103.0316 of the Revised Code and any other courses the 33336
agency considers appropriate; 33337~~

~~(D) Include criteria the agency is to use to determine 33338
whether the foster caregiver has successfully completed the 33339
courses; 33340~~

~~(E) Guarantee that the courses the foster caregiver is 33341
required to complete are available to the foster caregiver at 33342
reasonable times and places; 33343~~

~~(F) Specify the number of hours of continuing training, if 33344
any, the foster caregiver may complete by teaching one or more 33345
training classes to other foster caregivers or by providing 33346
mentoring services to other foster caregivers pursuant to division 33347
(B) of section 5103.032 of the Revised Code; 33348~~

~~(G) Specify the number of hours of continuing training, if 33349
any, the agency will waive pursuant to division (C) of section 33350
5103.032 of the Revised Code. 33351~~

Sec. 5103.037. (A) Prior to employing or appointing a person 33353
as board president, or as an administrator or officer, an 33354
institution or association shall do the following regarding the 33355
person: 33356

(1) Request a summary report of a search of the uniform 33357
statewide automated child welfare information system in accordance 33358
with divisions (A) and (B) of section 5103.18 of the Revised Code; 33359

(2) Request a certified search of the findings for recovery 33360
database; 33361

(3) Conduct a database review at the federal web site known 33362
as the system for award management; 33363

(4) Conduct a search of the United States department of 33364
justice national sex offender public web site. 33365

(B) The institution or association may refuse to hire or
appoint a person as board president, or as an administrator or
officer as follows: 33366
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(1) Based solely on the findings of the summary report
described in division (B)(1)(a) of section 5103.18 of the Revised
Code or the results of the search described in division (A)(4) of
this section; 33369
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(2) Based on the results of a certified search or database
review described in division (A)(2) or (3) of this section, when
considered within the totality of circumstances. 33373
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(C) The director of job and family services shall adopt rules
in accordance with Chapter 119. of the Revised Code necessary for
the implementation and execution of this section. 33376
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Sec. 5103.038. (A) Every other year by a date specified in 33379
rules adopted under section 5103.0316 of the Revised Code, each 33380
private child placing agency and private noncustodial agency that 33381
seeks to operate a preplacement training program or continuing 33382
training program under section 5103.034 of the Revised Code shall 33383
submit to the department of job and family services a proposal 33384
outlining the program. The proposal may be the same as, a 33385
modification of, or different from, a model design developed by 33386
the department. 33387

(B) Not later than thirty days after receiving a proposal 33388
under division (A) of this section, the department shall either 33389
approve or disapprove the proposed program. The department shall 33390
approve a proposed preplacement training program if it complies 33391
with ~~section 5103.039 or 5103.0311~~ rules adopted under section 33392
5103.0316 of the Revised Code, as appropriate, and, in the case of 33393
a proposal submitted by an agency operating a preplacement 33394
training program at the time the proposal is submitted, the 33395
department is satisfied with the agency's operation of the 33396

program. The department shall approve a proposed continuing 33397
training program if it complies with rules adopted pursuant to 33398
~~division (C) of~~ under section 5103.0316 of the Revised Code and, 33399
in the case of a proposal submitted by an agency operating a 33400
continuing training program at the time the proposal is submitted, 33401
the department is satisfied with the agency's operation of the 33402
program. If the department disapproves a proposal, it shall 33403
provide the reason for disapproval to the agency that submitted 33404
the proposal and advise the agency of how to revise the proposal 33405
so that the department can approve it. 33406

(C) The department's approval under division (B) of this 33407
section of a proposed preplacement training program or continuing 33408
training program is valid only for two years following the year 33409
the proposal for the program is submitted to the department under 33410
division (A) of this section. 33411

Sec. 5103.0310. (A) Prior to employing a person, an 33412
institution or association, as defined in division (A)(1)(a) of 33413
section 5103.02 of the Revised Code, shall do the following 33414
regarding the person: 33415

(1) Conduct a search of the United States department of 33416
justice national sex offender public web site regarding the 33417
person; 33418

(2) Request a summary report of a search of the uniform 33419
statewide automated child welfare information system in accordance 33420
with divisions (A) and (B) of section 5103.18 of the Revised Code. 33421

(B) The institution or association may refuse to hire the 33422
person based solely on the results of the search described in 33423
division (A)(1) of this section or the findings of the summary 33424
report described in division (B)(1)(a) of section 5103.18 of the 33425
Revised Code. 33426

(C) The director of job and family services shall adopt rules 33427
in accordance with Chapter 119. of the Revised Code necessary for 33428
the implementation and execution of this section. 33429

Sec. 5103.0313. Except as provided in section 5103.303 of the 33430
Revised Code, the department of job and family services shall 33431
compensate a private child placing agency or private noncustodial 33432
agency for the cost of procuring or operating preplacement and 33433
continuing training programs approved by the department of job and 33434
family services under section 5103.038 of the Revised Code for 33435
prospective foster caregivers and foster caregivers who are 33436
recommended for initial certification or recertification by the 33437
agency. 33438

The compensation shall be paid to the agency in the form of 33439
an allowance to reimburse the agency for the ~~minimum required~~ 33440
~~amount of preplacement and continuing~~ cost of training provided or 33441
~~received under section 5103.031 or 5103.032 of the Revised Code~~ 33442
pursuant to the rules adopted by the department of job and family 33443
services in accordance with section 5103.0316 of the Revised Code. 33444

Sec. 5103.0314. The department of job and family services 33445
shall not compensate a recommending agency for any training the 33446
agency requires a foster caregiver to undergo as a condition of 33447
the agency recommending the department certify ~~or recertify~~ the 33448
foster caregiver's foster home under section 5103.03 of the 33449
Revised Code if the training is in ~~addition to the minimum~~ excess 33450
of the training required ~~by~~ under section 5103.031 ~~or 5103.032~~ of 33451
the Revised Code. 33452

The department of job and family services shall not 33453
compensate a recommending agency for any training the agency 33454
requires a foster caregiver to undergo as a condition of the 33455
agency recommending the department recertify the foster 33456

caregiver's foster home under section 5103.03 of the Revised Code 33457
if the training is in addition to the minimum training required 33458
under section 5103.032 of the Revised Code. 33459

Sec. 5103.0316. The department of job and family services 33460
shall adopt rules in accordance with Chapter 119. of the Revised 33461
Code as necessary for the efficient administration of sections 33462
5103.031 to 5103.0316 of the Revised Code. The rules shall provide 33463
for all of the following: 33464

(A) For the purpose of section 5103.038 of the Revised Code, 33465
the date by which a private child placing agency or private 33466
noncustodial agency that seeks to operate a preplacement training 33467
program or continuing training program under section 5103.034 of 33468
the Revised Code must submit to the department a proposal 33469
outlining the program; 33470

(B) Requirements governing the department's compensation of 33471
private child placing agencies and private noncustodial agencies 33472
under sections 5103.0312 and 5103.0313 of the Revised Code, 33473
including the allowance to reimburse the agencies for the cost of 33474
providing the training under sections 5103.031, 5103.032, and 33475
5103.033 of the Revised Code; 33476

(C) Requirements governing the continuing training required 33477
by sections 5103.032 and 5103.033 of the Revised Code; 33478

(D) The amount of training hours necessary for preplacement 33479
training and continuing training for purposes of sections 33480
5103.031, 5103.032, and 5103.033 of the Revised Code; 33481

(E) Courses necessary to meet the preplacement and continuing 33482
training requirements for foster homes under sections 5103.031, 33483
5103.032, and 5103.033 of the Revised Code; 33484

(F) Criteria used to create a written needs assessment and 33485
continuing training plan for each foster caregiver as required by 33486

section 5103.035 of the Revised Code; 33487

(G) Any other matter the department considers appropriate. 33488

Sec. 5103.0328. (A) Not later than ninety-six hours after 33489
receiving notice from the superintendent of the bureau of criminal 33490
identification and investigation pursuant to section 109.5721 of 33491
the Revised Code that a foster caregiver has been arrested for, 33492
convicted of, or pleaded guilty to any foster 33493
caregiver-disqualifying offense, and not later than ninety-six 33494
hours after learning in any other manner that a foster caregiver 33495
has been arrested for, convicted of, or pleaded guilty to any 33496
foster caregiver-disqualifying offense, the department of job and 33497
family services shall provide notice of that arrest, conviction, 33498
or guilty plea to both the recommending agency relative to the 33499
foster caregiver and the custodial agency of any child currently 33500
placed with that caregiver. 33501

(B) If a recommending agency receives notice from the 33502
department of job and family services pursuant to division (A) of 33503
this section that a foster caregiver has been convicted of or 33504
pleaded guilty to any foster caregiver-disqualifying offense, or 33505
if a recommending agency learns in any other manner that a foster 33506
caregiver has been convicted of or pleaded guilty to any foster 33507
caregiver-disqualifying offense, the recommending agency shall 33508
assess the foster caregiver's overall situation for safety 33509
concerns and forward any recommendations, if applicable, for 33510
revoking the foster caregiver's certificate to the department for 33511
the department's review for possible revocation. 33512

(C) As used in this section, "foster caregiver-disqualifying 33513
offense" means any offense or violation listed or described in 33514
division (C)(1)(a) ~~or (b)~~ of section 2151.86 of the Revised Code. 33515

Sec. 5103.13. (A) As used in this section and section 33516

5103.131 of the Revised Code: 33517

(1)(a) "Children's crisis care facility" means a facility 33518
that has as its primary purpose the provision of residential and 33519
other care to either or both of the following: 33520

(i) One or more preteens voluntarily placed in the facility 33521
by the preteen's parent or other caretaker who is facing a crisis 33522
that causes the parent or other caretaker to seek temporary care 33523
for the preteen and referral for support services; 33524

(ii) One or more preteens placed in the facility by a public 33525
children services agency or private child placing agency that has 33526
legal custody or permanent custody of the preteen and determines 33527
that an emergency situation exists necessitating the preteen's 33528
placement in the facility rather than an institution certified 33529
under section 5103.03 of the Revised Code or elsewhere. 33530

(b) "Children's crisis care facility" does not include either 33531
of the following: 33532

(i) Any organization, society, association, school, agency, 33533
child guidance center, detention or rehabilitation facility, or 33534
children's clinic licensed, regulated, approved, operated under 33535
the direction of, or otherwise certified by the department of 33536
education, a local board of education, the department of youth 33537
services, the department of mental health and addiction services, 33538
or the department of developmental disabilities; 33539

(ii) Any individual who provides care for only a 33540
single-family group, placed there by their parents or other 33541
relative having custody. 33542

(2) "Legal custody" and "permanent custody" have the same 33543
meanings as in section 2151.011 of the Revised Code. 33544

(3) "Preteen" means an individual under thirteen years of 33545
age. 33546

(B) No person shall operate a children's crisis care facility 33547
or hold a children's crisis care facility out as a certified 33548
children's crisis care facility unless there is a valid children's 33549
crisis care facility certificate issued under this section for the 33550
facility. 33551

(C) A person seeking to operate a children's crisis care 33552
facility shall apply to the director of job and family services to 33553
obtain a certificate for the facility. The director shall certify 33554
the person's children's crisis care facility if the facility meets 33555
all of the certification standards established in rules adopted 33556
under division (F) of this section and the person complies with 33557
all of the rules governing the certification of children's crisis 33558
care facilities adopted under that division. The issuance of a 33559
children's crisis care facility certificate does not exempt the 33560
facility from a requirement to obtain another certificate or 33561
license mandated by law. 33562

(D)(1) No certified children's crisis care facility shall do 33563
any of the following: 33564

(a) Provide residential care to a preteen for more than one 33565
hundred twenty days in a calendar year; 33566

(b) Subject to division (D)(1)(c) of this section and except 33567
as provided in division (D)(2) of this section, provide 33568
residential care to a preteen for more than sixty consecutive 33569
days; 33570

(c) ~~Except as provided in division (D)(3) of this section,~~ 33571
~~provide~~ Provide residential care to a preteen for more than 33572
~~seventy-two~~ fourteen consecutive ~~hours~~ days if a public children 33573
services agency or private child placing agency placed the preteen 33574
in the facility; 33575

(d) Fail to comply with section 2151.86 of the Revised Code. 33576

(2) A certified children's crisis care facility may provide 33577

residential care to a preteen for up to ninety consecutive days, 33578
other than a preteen placed in the facility by a public children 33579
services agency or private child placing agency, if any of the 33580
following are the case: 33581

(a) The preteen's parent or other caretaker is enrolled in an 33582
alcohol and drug addiction service or a community mental health 33583
service certified under section 5119.36 of the Revised Code; 33584

(b) The preteen's parent or other caretaker is an inpatient 33585
in a hospital; 33586

(c) The preteen's parent or other caretaker is incarcerated; 33587

(d) A physician has diagnosed the preteen's parent or other 33588
caretaker as medically incapacitated. 33589

~~(3) A certified children's crisis care facility may provide 33590
residential care to a preteen placed in the facility by a public 33591
children services agency or private child placing agency for more 33592
than seventy two consecutive hours if the director of job and 33593
family services or the director's designee issues the agency a 33594
waiver of the seventy two consecutive hour limitation. The waiver 33595
may authorize the certified children's crisis care facility to 33596
provide residential care to the preteen for up to fourteen 33597
consecutive days. 33598~~

(E) The director of job and family services may suspend or 33599
revoke a children's crisis care facility's certificate pursuant to 33600
Chapter 119. of the Revised Code if the facility violates division 33601
(D) of this section or ceases to meet any of the certification 33602
standards established in rules adopted under division (F) of this 33603
section or the facility's operator ceases to comply with any of 33604
the rules governing the certification of children's crisis care 33605
facilities adopted under that division. 33606

(F) Not later than ninety days after September 21, 2006, the 33607
director of job and family services shall adopt rules pursuant to 33608

Chapter 119. of the Revised Code for the certification of 33609
children's crisis care facilities. The rules shall specify that a 33610
certificate shall not be issued to an applicant if the conditions 33611
at the children's crisis care facility would jeopardize the health 33612
or safety of the preteens placed in the facility. 33613

Sec. 5103.181. (A) Prior to certification or recertification 33614
of a foster home under section 5103.03 of the Revised Code, a 33615
recommending agency shall conduct a search of the United States 33616
department of justice national sex offender public web site 33617
regarding the prospective or current foster caregiver and all 33618
persons eighteen years of age or older who reside with the 33619
prospective or current foster caregiver. Certification or 33620
recertification may be denied based solely on the results of the 33621
search. 33622

(B) The director of job and family services shall adopt rules 33623
in accordance with Chapter 119. of the Revised Code necessary for 33624
the implementation and execution of this section. 33625

Sec. 5103.30. The Ohio child welfare training program is 33626
hereby established in the department of job and family services as 33627
a statewide program. The program shall provide all of the 33628
following: 33629

(A) The training that section 3107.014 of the Revised Code 33630
requires an assessor to complete; 33631

(B) The preplacement training that sections 5103.031 and 33632
5103.033 of the Revised Code require a prospective foster 33633
caregiver to complete; 33634

(C) The continuing training that sections 5103.032 and 33635
5103.033 of the Revised Code require a foster caregiver to 33636
complete; 33637

(D) The training that section 5153.122 of the Revised Code 33638

requires a PCSA caseworker to complete; 33639

(E) The training that section 5153.123 of the Revised Code 33640
requires a PCSA caseworker supervisor to complete; 33641

(F) The training required under section 5101.1414 of the 33642
Revised Code for a ~~foster care worker or foster care worker case~~
manager and supervisor. 33643
33644

Sec. 5103.31. Training provided under section 5103.30 of the 33645
Revised Code shall provide the knowledge, skill, and ability 33646
needed to do the jobs that the training is for. The Ohio child 33647
welfare training program coordinator shall identify the 33648
competencies needed to do the jobs that the training is for so 33649
that the training helps the development of those competencies. In 33650
addition, the training shall do all of the following: 33651

(A) In the case of the training provided under division (A) 33652
of section 5103.30 of the Revised Code, comply with the rules 33653
adopted under section 3107.015 of the Revised Code; 33654

(B) In the case of the preplacement training provided under 33655
division (B) of section 5103.30 of the Revised Code, comply with 33656
~~section 5103.039 of the Revised Code and division (A) of the rules~~
adopted under section ~~5103.0311~~ 5103.0316 of the Revised Code; 33657
33658

(C) In the case of the continuing training provided under 33659
division (C) of section 5103.30 of the Revised Code, comply with 33660
rules adopted under ~~division (C) of~~ section 5103.0316 of the 33661
Revised Code; 33662

(D) In the case of the training provided under divisions (D) 33663
and (E) of section 5103.30 of the Revised Code, comply with rules 33664
adopted under section 5153.124 of the Revised Code. 33665

Sec. 5104.01. As used in this chapter: 33666

(A) "Administrator" means the person responsible for the 33667

daily operation of a center, type A home, or ~~type B home~~ approved child day camp. The administrator and the owner may be the same person. 33668
33669
33670

(B) "Approved child day camp" means a child day camp approved pursuant to section 5104.22 of the Revised Code. 33671
33672

(C) "Authorized representative" means an individual employed by a center, type A home, or approved child day camp that is owned by a person other than an individual and who is authorized by the owner to do all of the following: 33673
33674
33675
33676

(1) Communicate on the owner's behalf; 33677

(2) Submit on the owner's behalf applications for licensure or approval; 33678
33679

(3) Enter into on the owner's behalf provider agreements for publicly funded child care. 33680
33681

(D) "Border state child care provider" means a child care provider that is located in a state bordering Ohio and that is licensed, certified, or otherwise approved by that state to provide child care funded by the child care block grant act. 33682
33683
33684
33685

~~(D)~~(E) "Career pathways model" means an alternative pathway to meeting the requirements to be a child-care staff member or administrator that does both of the following: 33686
33687
33688

(1) Uses a framework approved by the director of job and family services to document formal education, training, experience, and specialized credentials and certifications; 33689
33690
33691

(2) Allows the child-care staff member or administrator to achieve a designation as an early childhood professional level one, two, three, four, five, or six. 33692
33693
33694

~~(E)~~(F) "Caretaker parent" means the father or mother of a child whose presence in the home is needed as the caretaker of the child, a person who has legal custody of a child and whose 33695
33696
33697

presence in the home is needed as the caretaker of the child, a 33698
guardian of a child whose presence in the home is needed as the 33699
caretaker of the child, and any other person who stands in loco 33700
parentis with respect to the child and whose presence in the home 33701
is needed as the caretaker of the child. 33702

~~(F)~~(G) "Chartered nonpublic school" means a school that meets 33703
standards for nonpublic schools prescribed by the state board of 33704
education for nonpublic schools pursuant to section 3301.07 of the 33705
Revised Code. 33706

~~(G)~~(H) "Child" includes an infant, toddler, preschool-age 33707
child, or school-age child. 33708

~~(H)~~(I) "Child care block grant act" means the "Child Care and 33709
Development Block Grant Act of 1990," ~~established in section 5082~~ 33710
~~of the "Omnibus Budget Reconciliation Act of 1990," 104 Stat.~~ 33711
~~1388-236 (1990)~~ 2014, 128 Stat. 1971 (2014), 42 U.S.C. 9858, as 33712
amended. 33713

~~(I)~~(J) "Child day camp" means a program in which only 33714
school-age children attend or participate, that operates for no 33715
more than ~~seven~~ twelve hours per day, ~~that operates only during~~ 33716
~~one or more public school district's regular vacation periods or~~ 33717
~~for~~ and no more than fifteen weeks during the summer, ~~and that~~ 33718
~~operates outdoor activities for each child who attends or~~ 33719
~~participates in the program for a minimum of fifty per cent of~~ 33720
~~each day that children attend or participate in the program,~~ 33721
~~except for any day when hazardous weather conditions prevent the~~ 33722
~~program from operating outdoor activities for a minimum of fifty~~ 33723
~~per cent of that day.~~ For purposes of this division, the maximum 33724
~~seven~~ twelve hours of operation time does not include 33725
transportation time from a child's home to a child day camp and 33726
from a child day camp to a child's home. 33727

~~(J)~~(K) "Child care" means all of the following: 33728

- (1) Administering to the needs of infants, toddlers, 33729
preschool-age children, and school-age children outside of school 33730
hours; 33731
- (2) By persons other than their parents, guardians, or 33732
custodians; 33733
- (3) For ~~any~~ part of the twenty-four-hour day; 33734
- (4) In a place other than a child's own home, except that an 33735
in-home aide provides child care in the child's own home; 33736
- (5) By a provider required by this chapter to be licensed or 33737
approved by the department of job and family services, certified 33738
by a county department of job and family services, or under 33739
contract with the department to provide publicly funded child care 33740
as described in section 5104.32 of the Revised Code. 33741
- ~~(K)(L) "Child day-care center" and "center" mean any place in 33742
which child care or publicly funded child care is provided for 33743
thirteen or more children at one time or any place that is not the 33744
permanent residence of the licensee or administrator in which 33745
child care or publicly funded child care is provided for seven to 33746
twelve or more children at one time. In counting children for the 33747
purposes of this division, any children under six years of age who 33748
are related to a licensee, administrator, or employee and who are 33749
on the premises of the center shall be counted. "Child day-care 33750
center" and "center" do not include any of the following: 33751~~
- (1) A place located in and operated by a hospital, as defined 33752
in section 3727.01 of the Revised Code, in which the needs of 33753
children are administered to, if all the children whose needs are 33754
being administered to are monitored under the on-site supervision 33755
of a physician licensed under Chapter 4731. of the Revised Code or 33756
a registered nurse licensed under Chapter 4723. of the Revised 33757
Code, and the services are provided only for children who, in the 33758
opinion of the child's parent, guardian, or custodian, are 33759

exhibiting symptoms of a communicable disease or other illness or	33760
are injured;	33761
(2) A child day camp;	33762
(3) A place that provides child care, but not publicly funded	33763
child care, if all of the following apply:	33764
(a) An organized religious body provides the child care;	33765
(b) A parent, custodian, or guardian of at least one child	33766
receiving child care is on the premises and readily accessible at	33767
all times;	33768
(c) The child care is not provided for more than thirty days	33769
a year;	33770
(d) The child care is provided only for preschool-age and	33771
school-age children.	33772
(L) (M) "Child care resource and referral service	33773
organization" means a community-based nonprofit organization that	33774
provides child care resource and referral services but not child	33775
care.	33776
(M) (N) "Child care resource and referral services" means all	33777
of the following services:	33778
(1) Maintenance of a uniform data base of all child care	33779
providers in the community that are in compliance with this	33780
chapter, including current occupancy and vacancy data;	33781
(2) Provision of individualized consumer education to	33782
families seeking child care;	33783
(3) Provision of timely referrals of available child care	33784
providers to families seeking child care;	33785
(4) Recruitment of child care providers;	33786
(5) Assistance in the development, conduct, and dissemination	33787
of <u>developing, conducting, and disseminating</u> training for child	33788

care providers <u>professionals</u> and provision of technical assistance	33789
to current and potential child care providers, employers, and the	33790
community;	33791
(6) Collection and analysis of data on the supply of and	33792
demand for child care in the community;	33793
(7) Technical assistance concerning locally, state, and	33794
federally funded child care and early childhood education	33795
programs;	33796
(8) Stimulation of employer involvement in making child care	33797
more affordable, more available, safer, and of higher quality for	33798
their employees and for the community;	33799
(9) Provision of written educational materials to caretaker	33800
parents and informational resources to child care providers;	33801
(10) Coordination of services among child care resource and	33802
referral service organizations to assist in developing and	33803
maintaining a statewide system of child care resource and referral	33804
services if required by the department of job and family services;	33805
(11) Cooperation with the county department of job and family	33806
services in encouraging the establishment of parent cooperative	33807
child care centers and parent cooperative type A family day-care	33808
homes.	33809
(N) (O) "Child-care staff member" means an employee of a child	33810
day-care center or , type A family day-care home, <u>licensed type B</u>	33811
<u>family day-care home, or approved child day camp</u> who is primarily	33812
responsible for the care and supervision of children. The	33813
administrator, <u>authorized representative, or owner</u> may be a	33814
part-time child-care staff member when not involved in other	33815
duties.	33816
(O) (P) "Drop-in child day-care center," "drop-in center,"	33817
"drop-in type A family day-care home," and "drop-in type A home"	33818

mean a center or type A home that provides child care or publicly 33819
funded child care for children on a temporary, irregular basis. 33820

~~(P)~~(O) "Employee" means a person who either: 33821

(1) Receives compensation for duties performed in a child 33822
day-care center ~~or~~, type A family day-care home, licensed type B 33823
family day-care home, or approved child day camp; 33824

(2) Is assigned specific working hours or duties in a child 33825
day-care center ~~or~~, type A family day-care home, licensed type B 33826
family day-care home, or approved child day camp. 33827

~~(Q)~~(R) "Employer" means a person, firm, institution, 33828
organization, or agency that operates a child day-care center ~~or~~, 33829
type A family day-care home, licensed type B family day-care home, 33830
or approved child day camp subject to licensure or approval under 33831
this chapter. 33832

~~(R)~~(S) "Federal poverty line" means the official poverty 33833
guideline as revised annually in accordance with section 673(2) of 33834
the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 33835
U.S.C. 9902, as amended, for a family size equal to the size of 33836
the family of the person whose income is being determined. 33837

~~(S)~~(T) "Head start program" means a comprehensive child 33838
development program serving birth to three years old and 33839
preschool-age children that receives funds distributed under the 33840
"Head Start Act," 95 Stat. 499 (1981), 42 U.S.C.A. 9831, as 33841
amended, and is licensed as a child ~~day-care-center~~ care program. 33842

~~(T)~~(U) "Homeless child care" means child care provided to a 33843
child who satisfies any of the following: 33844

(1) Is homeless as defined in 42 U.S.C. 11302; 33845

(2) Is a homeless child or youth as defined in 42 U.S.C. 33846
11434a; 33847

(3) Resides temporarily with a caretaker in a facility 33848

providing emergency shelter for homeless families or is determined 33849
by a county department of job and family services to be homeless. 33850

(V) "Income" means gross income, as defined in section 33851
5107.10 of the Revised Code, less any amounts required by federal 33852
statutes or regulations to be disregarded. 33853

~~(U)~~(W) "Indicator checklist" means an inspection tool, used 33854
in conjunction with an instrument-based program monitoring 33855
information system, that contains selected licensing requirements 33856
that are statistically reliable indicators or predictors of a 33857
child day-care center's type A family day-care home's, or licensed 33858
type B family day-care home's compliance with licensing 33859
requirements. 33860

~~(V)~~(X) "Infant" means a child who is less than eighteen 33861
months of age. 33862

~~(W)~~(Y) "In-home aide" means a person who does not reside with 33863
the child but provides care in the child's home and is certified 33864
by a county director of job and family services pursuant to 33865
section 5104.12 of the Revised Code to provide publicly funded 33866
child care to a child in a child's own home pursuant to this 33867
chapter and any rules adopted under it. 33868

~~(X)~~(Z) "Instrument-based program monitoring information 33869
system" means a method to assess compliance with licensing 33870
requirements for child day-care centers, type A family day-care 33871
homes, and licensed type B family day-care homes in which each 33872
licensing requirement is assigned a weight indicative of the 33873
relative importance of the requirement to the health, growth, and 33874
safety of the children that is used to develop an indicator 33875
checklist. 33876

~~(Y)~~(AA) "License capacity" means the maximum number in each 33877
age category of children who may be cared for in a child day-care 33878
center ~~or~~, type A family day-care home, or licensed type B family 33879

day-care home at one time as determined by the director of job and 33880
family services considering building occupancy limits established 33881
by the department of commerce, amount of available indoor floor 33882
space and outdoor play space, and amount of available play 33883
equipment, materials, and supplies. ~~For the purposes of a~~ 33884
~~provisional license issued under this chapter, the director shall~~ 33885
~~also consider the number of available child care staff members~~ 33886
~~when determining "license capacity" for the provisional license.~~ 33887

~~(Z)~~(BB) "Licensed child care program" means any of the 33888
following: 33889

(1) A child day-care center licensed by the department of job 33890
and family services pursuant to this chapter; 33891

(2) A type A family day-care home or type B family day-care 33892
home licensed by the department of job and family services 33893
pursuant to this chapter; 33894

(3) A licensed preschool program or licensed school child 33895
program. 33896

~~(AA)~~(CC) "Licensed preschool program" or "licensed school 33897
child program" means a preschool program or school child program, 33898
as defined in section 3301.52 of the Revised Code, that is 33899
licensed by the department of education pursuant to sections 33900
3301.52 to 3301.59 of the Revised Code. 33901

~~(BB)~~(DD) "Licensed type B family day-care home" and "licensed 33902
type B home" mean a type B family day-care home for which there is 33903
a valid license issued by the director of job and family services 33904
pursuant to section 5104.03 of the Revised Code. 33905

~~(CC)~~(EE) "Licensee" means the owner of a child day-care 33906
center, type A family day-care home, or type B family day-care 33907
home that is licensed pursuant to this chapter and who is 33908
responsible for ensuring ~~its~~ compliance with this chapter and 33909
rules adopted pursuant to this chapter. 33910

~~(DD)~~(FF) "Operate a child day camp" means to operate, 33911
establish, manage, conduct, or maintain a child day camp. 33912

~~(EE)~~(GG) "Owner" includes a person, as defined in section 33913
1.59 of the Revised Code, or government entity. 33914

~~(FF)~~(HH) "Parent cooperative child day-care center," "parent 33915
cooperative center," "parent cooperative type A family day-care 33916
home," and "parent cooperative type A home" mean a corporation or 33917
association organized for providing educational services to the 33918
children of members of the corporation or association, without 33919
gain to the corporation or association as an entity, in which the 33920
services of the corporation or association are provided only to 33921
children of the members of the corporation or association, 33922
ownership and control of the corporation or association rests 33923
solely with the members of the corporation or association, and at 33924
least one parent-member of the corporation or association is on 33925
the premises of the center or type A home during its hours of 33926
operation. 33927

~~(GG)~~(II) "Part-time child day-care center," "part-time 33928
center," "part-time type A family day-care home," and "part-time 33929
type A home" mean a center or type A home that provides child care 33930
or publicly funded child care for not more than four hours a day 33931
for any child or not more than fifteen consecutive weeks per year, 33932
regardless of the number of hours per day. 33933

~~(HH)~~(JJ) "Place of worship" means a building where activities 33934
of an organized religious group are conducted and includes the 33935
grounds and any other buildings on the grounds used for such 33936
activities. 33937

~~(II)~~(KK) "Preschool-age child" means a child who is three 33938
years old or older but is not a school-age child. 33939

~~(JJ)~~(LL) "Protective child care" means publicly funded child 33940
care for the direct care and protection of a child to whom either 33941

all of the following ~~applies~~ apply: 33942

(1) A case plan has been prepared and maintained for the 33943
child pursuant to section 2151.412 of the Revised Code. 33944

(2) The case plan indicates a need for protective care ~~and~~ 33945
~~the.~~ 33946

(3) The child resides with a parent, stepparent, guardian, or 33947
another person who stands in loco parentis as defined in rules 33948
adopted under section 5104.38 of the Revised Code. 33949

~~(2) The child and the child's caretaker either temporarily 33950
reside in a facility providing emergency shelter for homeless 33951
families or are determined by the county department of job and 33952
family services to be homeless, and are otherwise ineligible for 33953
publicly funded child care. 33954~~

~~(KK)~~(MM) "Publicly funded child care" means administering to 33955
the needs of infants, toddlers, preschool-age children, and 33956
school-age children under age thirteen during any part of the 33957
twenty-four-hour day by persons other than their caretaker parents 33958
for remuneration wholly or in part with federal or state funds, 33959
including funds available under the child care block grant act, 33960
Title IV-A, and Title XX, distributed by the department of job and 33961
family services. 33962

~~(LL)~~(NN) "Religious activities" means any of the following: 33963
worship or other religious services; religious instruction; Sunday 33964
school classes or other religious classes conducted during or 33965
prior to worship or other religious services; youth or adult 33966
fellowship activities; choir or other musical group practices or 33967
programs; meals; festivals; or meetings conducted by an organized 33968
religious group. 33969

~~(MM)~~(OO) "School-age child" means a child who is enrolled in 33970
or is eligible to be enrolled in a grade of kindergarten or above 33971
but is less than fifteen years old or, in the case of a child who 33972

is receiving special needs child care, is less than eighteen years 33973
old. 33974

~~(NN) "School age child care center" and "school age child~~ 33975
~~type A home" mean a center or type A home that provides child care~~ 33976
~~for school age children only and that does either or both of the~~ 33977
~~following:~~ 33978

~~(1) Operates only during that part of the day that~~ 33979
~~immediately precedes or follows the public school day of the~~ 33980
~~school district in which the center or type A home is located;~~ 33981

~~(2) Operates only when the public schools in the school~~ 33982
~~district in which the center or type A home is located are not~~ 33983
~~open for instruction with pupils in attendance.~~ 33984

~~(OO)(PP) "Serious risk noncompliance" means a licensure or~~ 33985
~~certification rule violation that leads to a great risk of harm~~ 33986
~~to, or death of, a child, and is observable, not inferable.~~ 33987

~~(PP) "State median income" means the state median income~~ 33988
~~calculated by the department of development pursuant to division~~ 33989
~~(A)(1)(g) of section 5709.61 of the Revised Code~~ 33990

(OO) "Special needs child care" means child care provided to 33991
a child who is less than eighteen years of age and either has one 33992
or more chronic health conditions or does not meet age appropriate 33993
expectations in one or more areas of development, including 33994
social, emotional, cognitive, communicative, perceptual, motor, 33995
physical, and behavioral development and that may include on a 33996
regular basis such services, adaptations, modifications, or 33997
adjustments needed to assist in the child's function or 33998
development. 33999

~~(OO)(RR) "Title IV-A" means Title IV-A of the "Social~~ 34000
~~Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended.~~ 34001

~~(RR)(SS) "Title XX" means Title XX of the "Social Security~~ 34002

Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 34003

~~(SS)~~(TT) "Toddler" means a child who is at least eighteen 34004
months of age but less than three years of age. 34005

~~(TT)~~(UU) "Type A family day-care home" and "type A home" mean 34006
a the permanent residence of the administrator in which child care 34007
or publicly funded child care is provided for seven to twelve 34008
children at one time or a permanent residence of the administrator 34009
in which child care is provided for four to twelve children at one 34010
time if four or more children at one time are under two years of 34011
age. In counting children for the purposes of this division, any 34012
children under six years of age who are related to a licensee, 34013
administrator, or employee and who are on the premises of the type 34014
A home shall be counted. "Type A family day-care home" and "type A 34015
home" do not include any child day camp. 34016

~~(UU)~~(VV) "Type B family day-care home" and "type B home" mean 34017
a permanent residence of the provider in which ~~child~~ care is 34018
provided for one to six children at one time and in which no more 34019
than three children are under two years of age at one time. In 34020
counting children for the purposes of this division, any children 34021
under six years of age who are related to the provider and who are 34022
on the premises of the type B home shall be counted. "Type B 34023
family day-care home" and "type B home" do not include any child 34024
day camp. 34025

Sec. 5104.013. ~~(A)(1) At the times specified in division 34026
(A)(3) of this section, the director of job and family services, 34027
as part of the process of licensure of child day care centers, 34028
type A family day care homes, and type B family day care homes 34029
shall request the superintendent of the bureau of criminal 34030
identification and investigation to conduct a criminal records 34031
check with respect to the following persons: 34032~~

~~(a) Any owner, licensee, or administrator of a center; 34033~~

~~(b) Any owner, licensee, or administrator of a type A home or type B home and any person eighteen years of age or older who resides in a type A home or type B home.~~ 34034
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~~(2) At the time specified in division (A)(3) of this section, the director of a county department of job and family services, as part of the process of certification of in-home aides, shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check with respect to any in-home aide.~~ 34037
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~~(3) The director of job and family services shall request a criminal records check pursuant to division (A)(1) of this section at the time of the initial application for licensure and every five years thereafter. The director of a county department of job and family services shall request a criminal records check pursuant to division (A)(2) of this section at the time of the initial application for certification and every five years thereafter. When the director of job and family services or the director of a county department of job and family services requests pursuant to division (A)(1) or (2) of this section a criminal records check for a person at the time of the person's initial application for licensure or certification, the director shall request that the superintendent of the bureau of criminal identification and investigation obtain information from the federal bureau of investigation as a part of the criminal records check for the person, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671 for the person subject to the criminal records check. In all other cases in which the director of job and family services or the director of a county department of job and family services requests a criminal records check for an applicant pursuant to division (A)(1) or (2) of this section, the director may request that the superintendent include information from the federal~~ 34043
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~~bureau of investigation in the criminal records check, including 34066
fingerprint based checks of national crime information databases 34067
as described in 42 U.S.C. 671. 34068~~

~~(4) The director of job and family services shall review the 34069
results of a criminal records check subsequent to a request made 34070
pursuant to divisions (A)(1) and (3) of this section prior to 34071
approval of a license. The director of a county department of job 34072
and family services shall review the results of a criminal records 34073
check subsequent to a request made pursuant to divisions (A)(2) 34074
and (3) of this section prior to approval of certification. 34075~~

~~(B) The director of job and family services or the director 34076
of a county department of job and family services shall provide to 34077
each person for whom a criminal records check is required under 34078
this section a copy of the form prescribed pursuant to division 34079
(C)(1) of section 109.572 of the Revised Code and a standard 34080
impression sheet to obtain fingerprint impressions prescribed 34081
pursuant to division (C)(2) of that section, obtain the completed 34082
form and impression sheet from that person, and forward the 34083
completed form and impression sheet to the superintendent of the 34084
bureau of criminal identification and investigation. 34085~~

~~(C) A person who receives pursuant to division (B) of this 34086
section a copy of the form and standard impression sheet described 34087
in that division and who is requested to complete the form and 34088
provide a set of fingerprint impressions shall complete the form 34089
or provide all the information necessary to complete the form and 34090
shall provide the impression sheet with the impressions of the 34091
person's fingerprints. If the person, upon request, fails to 34092
provide the information necessary to complete the form or fails to 34093
provide impressions of the person's fingerprints, the director may 34094
consider the failure as a reason to deny licensure or 34095
certification. 34096~~

~~(D) Except as provided in rules adopted under division (N) of 34097~~

~~this section:~~ 34098

~~(1) The director of job and family services shall not grant a license to a center, type A home, or type B home and a county director of job and family services shall not certify an in-home aide if a person for whom a criminal records check was required in connection with the center or home previously has been convicted of or pleaded guilty to any of the violations described in division (A)(5) of section 109.572 of the Revised Code.~~ 34099
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~~(2) The director of job and family services shall not grant a license to a type A home or type B home if a resident of the type A home or type B home is under eighteen years of age and has been adjudicated a delinquent child for committing a violation of any section listed in division (A)(5) of section 109.572 of the Revised Code.~~ 34106
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~~(E) Each center, type A home, and type B home shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check conducted in accordance with that section upon a request made pursuant to division (A) of this section.~~ 34112
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~~(F)(1) At the times specified in division (F)(2) of this section, the administrator of a center, type A home or licensed type B home shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check with respect to any applicant who has applied to the center, type A home, or licensed type B home for employment.~~ 34118
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~~(2) The administrator shall request a criminal records check pursuant to division (F)(1) of this section at the time of the applicant's initial application for employment and every five years thereafter. When the administrator requests pursuant to division (F)(1) of this section a criminal records check for an~~ 34124
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~~applicant at the time of the applicant's initial application for 34129
employment, the administrator shall request that the 34130
superintendent obtain information from the federal bureau of 34131
investigation as a part of the criminal records check for the 34132
applicant, including fingerprint based checks of national crime 34133
information databases as described in 42 U.S.C. 671, for the 34134
person subject to the criminal records check. In all other cases 34135
in which the administrator requests a criminal records check for 34136
an applicant pursuant to division (F)(1) of this section, the 34137
administrator may request that the superintendent include 34138
information from the federal bureau of investigation in the 34139
criminal records check, including fingerprint based checks of 34140
national crime information databases as described in 42 U.S.C.
671. 34141
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~~(G) Any person required by division (F) of this section to 34143
request a criminal records check shall inform each person, at the 34144
time of the person's initial application for employment, that the 34145
person is required to provide a set of impressions of the person's 34146
fingerprints and that a criminal records check is required to be 34147
conducted and satisfactorily completed in accordance with section 34148
109.572 of the Revised Code if the person comes under final 34149
consideration for appointment or employment as a precondition to 34150
employment for that position. 34151~~

~~(H) A person required by division (F) of this section to 34152
request a criminal records check shall provide to each applicant a 34153
copy of the form prescribed pursuant to division (C)(1) of section 34154
109.572 of the Revised Code, provide to each applicant a standard 34155
impression sheet to obtain fingerprint impressions prescribed 34156
pursuant to division (C)(2) of section 109.572 of the Revised 34157
Code, obtain the completed form and impression sheet from each 34158
applicant, and forward the completed form and impression sheet to 34159
the superintendent of the bureau of criminal identification and 34160~~

~~investigation at the time the person requests a criminal records check pursuant to division (F) of this section.~~ 34161
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~~(I) An applicant who receives pursuant to division (H) of this section a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a copy of an impression sheet prescribed pursuant to division (C)(2) of that section and who is requested to complete the form and provide a set of fingerprint impressions shall complete the form or provide all the information necessary to complete the form and shall provide the impression sheet with the impressions of the applicant's fingerprints. If an applicant, upon request, fails to provide the information necessary to complete the form or fails to provide impressions of the applicant's fingerprints, the center or type A home shall not employ that applicant for any position for which a criminal records check is required by division (F) of this section.~~ 34163
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~~(J)(1) Except as provided in rules adopted under division (N) of this section, no center, type A home, or licensed type B home shall employ or contract with another entity for the services of a person if the person previously has been convicted of or pleaded guilty to any of the violations described in division (A)(5) of section 109.572 of the Revised Code.~~ 34177
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~~(2) A center, type A home, or licensed type B home may employ an applicant conditionally until the criminal records check required by this section is completed and the center or home receives the results of the criminal records check. If the results of the criminal records check indicate that, pursuant to division (J)(1) of this section, the applicant does not qualify for employment, the center, type A home, or licensed type B home shall release the applicant from employment.~~ 34183
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~~(3) The administrator of a center, type A home, or licensed type B home shall review the results of the criminal records check~~ 34191
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~~before an applicant has sole responsibility for the care, custody, or control of any child.~~ 34193
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~~(K)(1) Each center, type A home, and licensed type B home shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check conducted in accordance with that section upon the request pursuant to division (F) of this section of the administrator of the center, type A home, or licensed type B home.~~ 34195
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~~(2) A center, type A home, or licensed type B home may charge an applicant a fee for the costs it incurs in obtaining a criminal records check under this section. A fee charged under this division shall not exceed the amount of fees the center, type A home, or licensed type B home pays under division (K)(1) of this section. If a fee is charged under this division, the center, type A home, or licensed type B home shall notify the applicant at the time of the applicant's initial application for employment of the amount of the fee and that, unless the fee is paid, the center, type A home, or licensed type B home will not consider the applicant for employment.~~ 34202
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~~(L) The report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code and pursuant to a request made under division (A) or (F) of this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the person who is the subject of the criminal records check or the person's representative, the director of job and family services, the director of a county department of job and family services, the center, type A home, or type B home involved, and any court, hearing officer, or other necessary individual involved in a case dealing with a denial of licensure or certification related to the~~ 34213
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~~criminal records check. 34225~~

~~(M)(1) Each of the following persons shall sign a statement 34226
on forms prescribed by the director of job and family services 34227
attesting to the fact that the person has not been convicted of or 34228
pleaded guilty to any offense set forth in division (A)(5) of 34229
section 109.572 of the Revised Code and that no child has been 34230
removed from the person's home pursuant to section 2151.353 of the 34231
Revised Code: 34232~~

~~(a) An employee of a center, type A home, or licensed type B 34233
home: 34234~~

~~(b) A person eighteen years of age or older who resides in a 34235
type A home or licensed type B home: 34236~~

~~(c) An in-home aide: 34237~~

~~(d) An owner, licensee, or administrator of a center, type A 34238
home, or licensed type B home. 34239~~

~~(2) Each licensee of a type A home or type B home shall sign 34240
a statement on a form prescribed by the director of job and family 34241
services attesting to the fact that no person who resides at the 34242
type A home or licensed type B home and is under eighteen years of 34243
age has been adjudicated a delinquent child for committing a 34244
violation of any section listed in division (A)(5) of section 34245
109.572 of the Revised Code. 34246~~

~~(3) The statements required under divisions (M)(1) and (2) of 34247
this section shall be kept on file as follows: 34248~~

~~(a) With respect to an owner, licensee, administrator, or 34249
employee of a center, type A home, or licensed type B home, or a 34250
person eighteen years of age or older residing in a type A home or 34251
licensed type B home, at the center, type A home, or licensed type 34252
B home: 34253~~

~~(b) With respect to in-home aides, at the county department 34254~~

~~of job and family services.~~ 34255

~~(4) No owner, administrator, licensee, or employee of a center, type A home, or licensed type B home, and no person eighteen years of age or older residing in a type A home or licensed type B home, shall withhold information from, or falsify information on, any statement required pursuant to division (M)(1) or (2) of this section.~~ 34256
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~~(N) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section, including rules specifying exceptions to the prohibitions in divisions (D) and (J) of this section for persons who have been convicted of an offense listed in division (A)(5) of section 109.572 of the Revised Code but who meet standards in regard to rehabilitation set by the director.~~ 34262
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~~(O) As used in this section:~~ 34269

~~(1) "Applicant" means a person who is under final consideration for appointment to or employment in a position with a center, a type A home, or licensed type B home or any person who would serve in any position with a center, type A home, or licensed type B home pursuant to a contract with another entity.~~ 34270
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~~(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.~~ 34275
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(A) As used in this section: 34277

(1) "Applicant" means either of the following: 34278

(a) A person who is under final consideration for appointment to or employment in a position with a licensed preschool program or licensed school child program that provides publicly funded child care, child day-care center, type A family day-care home, licensed type B family day-care home, or child day camp; 34279
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(b) A person who would serve in any position with a licensed 34284

preschool program or licensed school child program that provides 34285
publicly funded child care, child day-care center, type A family 34286
day-care home, licensed type B family day-care home, or child day 34287
camp pursuant to a contract with another entity. 34288

(2) "Criminal records check" has the same meaning as in 34289
section 109.572 of the Revised Code. 34290

(B)(1) At the times specified in division (B)(2)(a) of this 34291
section, the director of job and family services shall request the 34292
superintendent of the bureau of criminal identification and 34293
investigation to conduct a criminal records check for each of the 34294
following persons: 34295

(a) Any owner or licensee of a child day-care center; 34296

(b) Any owner or licensee of a type A family day-care home or 34297
licensed type B family day-care home and any person eighteen years 34298
of age or older who resides in the home; 34299

(c) Any owner of an approved child day camp; 34300

(d) Any director of a licensed preschool program or licensed 34301
school child program that provides publicly funded child care; 34302

(e) Any in-home aide; 34303

(f) Any applicant or employee, including an administrator, of 34304
a child day-care center, type A family day-care home, licensed 34305
type B family day-care home, approved child day camp, or licensed 34306
preschool program or licensed school child program that provides 34307
publicly funded child care. 34308

(2)(a) The director shall request a criminal records check at 34309
the following times: 34310

(i) In the case of an owner or licensee of child day-care 34311
center or an owner or licensee of a type A family day-care home or 34312
licensed type B family day-care home or a resident of such a home, 34313
at the time of initial application for licensure and every five 34314

years thereafter; 34315

(ii) In the case of an owner of an approved child day camp, at the time of initial application for approval and every five years thereafter; 34316
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(iii) In the case of a director of a licensed child care program or licensed school child program, at the time of initial application to provide publicly funded child care and every five years thereafter; 34319
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(iv) In the case of an in-home aide, at the time of initial application for certification and every five years thereafter; 34323
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(v) Except as provided in division (B)(2)(a)(vi) of this section, in the case of an applicant or employee, at the time of initial application for employment and every five years thereafter; 34325
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(vi) In the case of an applicant who has been determined eligible for employment after a review of a criminal records check within the past five years and who has been employed by a licensed preschool program or licensed school child program that provides publicly funded child care, child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp within the past one hundred eighty consecutive days, every five years after the date of the initial determination. 34329
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(b) A criminal records check requested at the time of initial application shall include a request that the superintendent of the bureau of criminal identification and investigation obtain information from the federal bureau of investigation as part of the criminal records check for the person, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671 for the person subject to the criminal records check. 34338
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(c) A criminal records check requested at any time other than the time of initial application may include a request that the superintendent of the bureau of criminal identification and investigation obtain information from the federal bureau of investigation as part of the criminal records check for the person, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671 for the person subject to the criminal records check. 34346
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(3) With respect to a criminal records check requested for a person described in division (B)(1) of this section, the director of job and family services shall do all of the following: 34354
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(a) Provide to the person a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard impression sheet to obtain fingerprint impressions prescribed pursuant to division (C)(2) of that section; 34357
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(b) Obtain the completed form and impression sheet from the person; 34361
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(c) Forward the completed form and impression sheet to the superintendent of the bureau of criminal identification and investigation; 34363
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(d) Review the results of the criminal records check. 34366

(4) A person who receives from the director a copy of the form and standard impression sheet and who is requested to complete the form and provide a set of fingerprint impressions shall complete the form or provide all of the information necessary to complete the form and shall provide the impression sheet with the impressions of the person's fingerprints. If the person, upon request, fails to provide the information necessary to complete the form or fails to provide impressions of the person's fingerprints, the director or a county director of job and family services may consider the failure a reason to deny 34367
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licensure, approval, or certification or to determine an employee 34377
ineligible for employment. 34378

(5) Except as provided in rules adopted under division (F) of 34379
this section: 34380

(a) The director of job and family services shall refuse to 34381
issue a license to or approve a center, type A home, type B home, 34382
child day camp, preschool program, or school child program, and 34383
shall revoke a license or approval, and a county director of job 34384
and family services shall not certify an in-home aide and shall 34385
revoke a certification, if a person for whom a criminal records 34386
check was required under division (B)(1)(a) to (B)(1)(e) of this 34387
section has been convicted of or pleaded guilty to any of the 34388
violations described in division (A)(5) of section 109.572 of the 34389
Revised Code. 34390

(b) The director of job and family services shall not issue a 34391
license to a type A home or type B home if a resident of the type 34392
A home or type B home is under eighteen years of age and has been 34393
adjudicated a delinquent child for committing either a violation 34394
of any section listed in division (A)(5) of section 109.572 of the 34395
Revised Code or an offense of another state or the United States 34396
that is substantially equivalent to an offense listed in division 34397
(A)(5) of section 109.572 of the Revised Code. 34398

(c) The director shall determine an applicant or employee 34399
ineligible for employment if the person has been convicted of or 34400
pleaded guilty to any of the violations described in division 34401
(A)(5) of section 109.572 of the Revised Code. 34402

(6) Each child day-care center, type A home, type B home, 34403
approved child day camp, licensed child care program, licensed 34404
school child program, and in-home aide shall pay to the bureau of 34405
criminal identification and investigation the fee prescribed 34406
pursuant to division (C)(3) of section 109.572 of the Revised Code 34407

for each criminal records check conducted in accordance with that 34408
section upon a request made pursuant to division (B) of this 34409
section. 34410

A center, home, camp, preschool program, or school child 34411
program may charge an applicant a fee for the costs it incurs in 34412
obtaining a criminal records check under this section. A fee 34413
charged under this division shall not exceed the amount the 34414
center, home, camp, or program pays under this section. If a fee 34415
is charged, the center, home, camp, or program shall notify the 34416
applicant at the time of the applicant's initial application for 34417
employment of the amount of the fee and that, unless the fee is 34418
paid, the center, home, camp, or program will not consider the 34419
applicant for employment. 34420

(7) The report of any criminal records check conducted by the 34421
bureau of criminal identification and investigation in accordance 34422
with section 109.572 of the Revised Code and pursuant to a request 34423
made under division (B) of this section is confidential and not a 34424
public record for the purposes of section 149.43 of the Revised 34425
Code. The report shall not be made available to any person other 34426
than the person who is the subject of the criminal records check 34427
or the person's representative, the director of job and family 34428
services, the director of a county department of job and family 34429
services, and any court, hearing officer, or other necessary 34430
individual involved in a case dealing with a denial or revocation 34431
of licensure, approval, or certification related to the criminal 34432
records check. 34433

(C)(1) At the times specified in division (C)(2) of this 34434
section, the director of job and family services shall search the 34435
uniform statewide automated child welfare information system for 34436
information concerning any abuse or neglect report made pursuant 34437
to section 2151.421 of the Revised Code of which any of the 34438
following persons is a subject: 34439

<u>(a) Any owner or licensee of a child day-care center;</u>	34440
<u>(b) Any owner or licensee of a type A family day-care home or licensed type B family day-care home and any person eighteen years of age or older who resides in the home;</u>	34441 34442 34443
<u>(c) Any owner of an approved child day camp;</u>	34444
<u>(d) Any director of a licensed preschool program or licensed school child program that provides publicly funded child care;</u>	34445 34446
<u>(e) Any in-home aide;</u>	34447
<u>(f) Any applicant or employee, including an administrator, of a child day-care center, type A family day-care home, licensed type B family day-care home, approved child day camp, or licensed preschool program or licensed school child program that provides publicly funded child care.</u>	34448 34449 34450 34451 34452
<u>(2) The director shall search the information system at the following times:</u>	34453 34454
<u>(i) In the case of an owner or licensee of child day-care center or an owner or licensee of a type A family day-care home or licensed type B family day-care home or a resident of such a home, at the time of initial application for licensure and every five years thereafter;</u>	34455 34456 34457 34458 34459
<u>(ii) In the case of an owner of an approved child day camp, at the time of initial application for approval and every five years thereafter;</u>	34460 34461 34462
<u>(iii) In the case of a director of a licensed child care program or licensed school child program, at the time of initial application to provide publicly funded child care and every five years thereafter;</u>	34463 34464 34465 34466
<u>(iv) In the case of an in-home aide, at the time of initial application for certification and every five years thereafter;</u>	34467 34468
<u>(v) Except as provided in division (C)(2)(a)(vi) of this</u>	34469

section, in the case of an applicant or employee, at the time of 34470
initial application for employment and every five years 34471
thereafter; 34472

(vi) In the case of an applicant who has been determined 34473
eligible for employment after a search of the uniform statewide 34474
automated child welfare information system within the past five 34475
years and who has been employed by a licensed preschool program or 34476
licensed school child program that provides publicly funded child 34477
care, child day-care center, type A family day-care home, licensed 34478
type B family day-care home, or approved child day camp within the 34479
past one hundred eighty consecutive days, every five years after 34480
the date of the initial determination. 34481

(3) The director shall consider any information discovered 34482
pursuant to division (C)(1) of this section or that is provided by 34483
a public children services agency pursuant to section 5153.175 of 34484
the Revised Code. If the director determines that the information, 34485
when viewed within the totality of the circumstances, reasonably 34486
leads to the conclusion that the person may directly or indirectly 34487
endanger the health, safety, or welfare of children, the director 34488
or county director of job and family services shall do any of the 34489
following: 34490

(a) Refuse to issue a license to or approve a center, type A 34491
home, type B home, child day camp, preschool program, or school 34492
child program; 34493

(b) Revoke a license or approval; 34494

(c) Refuse to certify an in-home aide or revoke a 34495
certification; 34496

(d) Determine an applicant or employee ineligible for 34497
employment with the center, type A home, licensed type B home, 34498
child day camp, preschool program, or school child program. 34499

(4) Any information obtained under division (C) of this 34500

section is confidential and not a public record for the purposes 34501
of section 149.43 of the Revised Code. The information shall not 34502
be made available to any person other than the person who is the 34503
subject of the search or the person's representative, the director 34504
of job and family services, the director of a county department of 34505
job and family services, and any court, hearing officer, or other 34506
necessary individual involved in a case dealing with a denial or 34507
revocation of licensure, approval, or certification related to the 34508
search. 34509

(D)(1) At the times specified in division (D)(2) of this 34510
section, the director of job and family services shall inspect the 34511
state registry of sex offenders and child-victim offenders 34512
established under section 2950.13 of the Revised Code and the 34513
national sex offender registry as described in 42 U.S.C. 16901 to 34514
determine if any of the following persons is registered or 34515
required to be registered as an offender: 34516

(a) Any owner or licensee of a child day-care center; 34517

(b) Any owner or licensee of a type A family day-care home or 34518
licensed type B family day-care home and any person eighteen years 34519
of age or older who resides in the home; 34520

(c) Any owner of an approved child day camp; 34521

(d) Any director of a licensed preschool program or licensed 34522
school child program that provides publicly funded child care; 34523

(e) Any in-home aide; 34524

(f) Any applicant or employee, including an administrator, of 34525
a child day-care center, type A family day-care home, licensed 34526
type B family day-care home, approved child day camp, or licensed 34527
preschool program or licensed school child program that provides 34528
publicly funded child care. 34529

(2) The director shall inspect each registry at the following 34530

times: 34531

(i) In the case of an owner or licensee of child day-care center or an owner or licensee of a type A family day-care home or type B family day-care home or a resident of such a home, at the time of initial application for licensure and every five years thereafter; 34532
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(ii) In the case of an owner of an approved child day camp, at the time of initial application for approval and every five years thereafter; 34537
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(iii) In the case of a director of a licensed child care program or licensed school child program, at the time of initial application to provide publicly funded child care; 34540
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(iv) In the case of an in-home aide, at the time of initial application for certification and every five years thereafter; 34543
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(v) Except as provided in division (D)(2)(a)(vi) of this section, in the case of an applicant or employee, at the time of initial application for employment and every five years thereafter; 34545
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(vi) In the case of an applicant who has been determined eligible for employment after an inspection of the state registry of sex offenders and child-victim offenders established under section 2950.13 of the Revised Code and the national sex offender registry as described in 42 U.S.C. 16901 within the past five years and who has been employed by a licensed preschool program or licensed school child program that provides publicly funded child care, child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp within the past one hundred eighty consecutive days, every five years after the date of the initial determination. 34549
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(3) If the director determines that the person is registered or required to be registered on either registry, the director or 34560
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county director of job and family services shall do any of the 34562
following: 34563

(a) Refuse to issue a license to or approve a center, type A 34564
home, type B home, child day camp, preschool program, or school 34565
child program; 34566

(b) Revoke a license or approval; 34567

(c) Refuse to certify an in-home aide or revoke a 34568
certification; 34569

(d) Determine an applicant or employee ineligible for 34570
employment with the center, type A home, licensed type B home, 34571
child day camp, preschool program, or school child program. 34572

(4) Any information obtained under division (D) of this 34573
section is confidential and not a public record for the purposes 34574
of section 149.43 of the Revised Code. The information shall not 34575
be made available to any person other than the person who is the 34576
subject of the inspection or the person's representative, the 34577
director of job and family services, the director of a county 34578
department of job and family services, and any court, hearing 34579
officer, or other necessary individual involved in a case dealing 34580
with a denial or revocation of licensure, approval, or 34581
certification related to the search. 34582

(E) Whenever the director of job and family services 34583
determines a person ineligible for employment under division (B), 34584
(C), or (D) of this section, the director shall as soon as 34585
practicable notify the following of that determination: the 34586
licensed preschool program or licensed school child program that 34587
provides publicly funded child care, child day-care center, type A 34588
family day-care home, licensed type B family day-care home, or 34589
approved child day camp that is considering the person for 34590
appointment or employment. A licensed preschool program or 34591
licensed school child program that provides publicly funded child 34592

care, child day-center, type A family day-care home, licensed type 34593
B family day-care home, or approved child day camp shall not 34594
employ a person who is determined under this section to be 34595
ineligible for employment. 34596

(F)(1) An administrator of a child day camp, other than an 34597
approved child day camp shall request the superintendent of the 34598
bureau of criminal identification and investigation to conduct a 34599
criminal records check for any applicant or employee, including an 34600
administrator, of the child day camp. The request shall be made at 34601
the time of initial application for employment and every five 34602
years thereafter. 34603

(2) A criminal records check requested at the time of initial 34604
application shall include a request that the superintendent of the 34605
bureau of criminal identification and investigation obtain 34606
information from the federal bureau of investigation as part of 34607
the criminal records check for the person, including 34608
fingerprint-based checks of national crime information databases 34609
as described in 42 U.S.C. 671 for the person subject to the 34610
criminal records check. 34611

(3) A criminal records check requested at any time other than 34612
the time of initial application may include a request that the 34613
superintendent of the bureau of criminal identification and 34614
investigation obtain information from the federal bureau of 34615
investigation as part of the criminal records check for the 34616
person, including fingerprint-based checks of national crime 34617
information databases as described in 42 U.S.C. 671 for the person 34618
subject to the criminal records check. 34619

(4) With respect to a criminal records check requested under 34620
division (F) of this section, the administrator shall do all of 34621
the following: 34622

(a) Provide to the applicant or employee a copy of the form 34623

prescribed pursuant to division (C)(1) of section 109.572 of the 34624
Revised Code and a standard impression sheet to obtain fingerprint 34625
impressions prescribed pursuant to division (C)(2) of that 34626
section; 34627

(b) Obtain the completed form and impression sheet from the 34628
applicant or employee; 34629

(c) Forward the completed form and impression sheet to the 34630
superintendent of the bureau of criminal identification and 34631
investigation; 34632

(d) Review the results of the criminal records check. 34633

(5) An applicant or employee who receives from the 34634
administrator a copy of the form and standard impression sheet and 34635
who is requested to complete the form and provide a set of 34636
fingerprint impressions shall complete the form or provide all of 34637
the information necessary to complete the form and shall provide 34638
the impression sheet with the impressions of the person's 34639
fingerprints. If the applicant or employee, upon request, fails to 34640
provide the information necessary to complete the form or fails to 34641
provide impressions of the person's fingerprints, the 34642
administrator may consider the failure a reason to determine an 34643
applicant or employee ineligible for employment. 34644

(6) A child day camp, other than an approved child day camp, 34645
may employ an applicant or continue to employ an employee until 34646
the criminal records check required by this section is completed 34647
and the camp receives the results of the check. Until the 34648
administrator has reviewed the results of the criminal records 34649
check and determines that the applicant or employee is eligible 34650
for employment, the camp shall not grant the applicant or employee 34651
sole responsibility for the care, custody, or control of a child. 34652
If the results indicate that the applicant or employee is 34653
ineligible for employment, the camp shall immediately release the 34654

applicant or employee from employment. 34655

(7) Except as provided in rules adopted under this section, 34656
the administrator shall determine an applicant or employee 34657
ineligible for employment if the person has been convicted of or 34658
pleaded guilty to any of the violations described in division 34659
(A)(5) of section 109.572 of the Revised Code. If the applicant or 34660
employee is determined ineligible, the child day camp shall not 34661
employ the applicant or employee or contract with another entity 34662
for the services of the applicant or employee. 34663

(8) Each child day camp shall pay to the bureau of criminal 34664
identification and investigation the fee prescribed pursuant to 34665
division (C)(3) of section 109.572 of the Revised Code for each 34666
criminal records check conducted in accordance with that section 34667
upon a request made pursuant to division (F) of this section. A 34668
camp may charge an applicant or employee a fee for the costs it 34669
incurs in obtaining a criminal records check under division (F) of 34670
this section. A fee charged under this division shall not exceed 34671
the fees the camp pays under this section. If a fee is charged, 34672
the camp shall notify the applicant at the time of the applicant's 34673
initial application for employment of the amount of the fee and 34674
that, unless the fee is paid, the camp will not consider the 34675
applicant for employment. 34676

(9) The report of any criminal records check conducted by the 34677
bureau of criminal identification and investigation in accordance 34678
with section 109.572 of the Revised Code and pursuant to a request 34679
made under division (F) of this section is confidential and not a 34680
public record for the purposes of section 149.43 of the Revised 34681
Code. The report shall not be made available to any person other 34682
than the person who is the subject of the criminal records check 34683
or the person's representative, the director of job and family 34684
services, the administrator, and any court, hearing officer, or 34685
other necessary individual involved in a case dealing with a 34686

denial or revocation of registration related to the criminal records check. 34687
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(G) The director of job and family services shall adopt rules as necessary to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. The rules shall specify exceptions to the prohibitions in division (B), (E), and (F) of this section for a person who has been convicted of or pleaded guilty to a criminal offense listed in division (A)(5) of section 109.572 of the Revised Code but who meets standards in regard to rehabilitation set by the director. 34689
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(H)(1) Whenever the director of job and family services requests a criminal records check, searches the uniform statewide automated child welfare information system, or inspects the state registry of sex offenders and child-victim offenders and national sex offender registry as required by this section and finds that a person who is subject to the requirements of division (B), (C), or (D) of this section resided in another state during the previous five years, the director shall request the following from the other state: a criminal records check and information from the uniform statewide automated child welfare information system or state registry of sex offenders. 34697
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(2) Whenever the director receives from an agency of another state a request for a criminal records check or for information from the uniform statewide automated child welfare information system or state registry of sex offenders that is related to a child care license or the provision of publicly funded child care, the director shall provide to that other state's agency the results of the records check and information from the system and registry. 34708
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Sec. 5104.015. The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code 34716
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governing the operation of child day-care centers, including 34718
parent cooperative centers, part-time centers, and drop-in 34719
centers, ~~and school-age child care centers~~. The rules shall 34720
reflect the various forms of child care and the needs of children 34721
receiving child care or publicly funded child care and shall 34722
include specific rules for school-age child care centers that are 34723
developed in consultation with the department of education. ~~The~~ 34724
~~rules shall not require an existing school facility that is in~~ 34725
~~compliance with applicable building codes to undergo an additional~~ 34726
~~building code inspection or to have structural modifications.~~ The 34727
rules shall include the following: 34728

(A) Submission of a site plan and descriptive plan of 34729
operation to demonstrate how the center proposes to meet the 34730
requirements of this chapter and rules adopted pursuant to this 34731
chapter for the initial license application; 34732

(B) Standards for ensuring that the physical surroundings of 34733
the center are safe and sanitary including the physical 34734
environment, the physical plant, and the equipment of the center; 34735

(C) Standards for the supervision, care, and discipline of 34736
children receiving child care or publicly funded child care in the 34737
center; 34738

(D) Standards for a program of activities, and for play 34739
equipment, materials, and supplies, to enhance the development of 34740
each child; however, any educational curricula, philosophies, and 34741
methodologies that are developmentally appropriate and that 34742
enhance the social, emotional, intellectual, and physical 34743
development of each child shall be permissible. As used in this 34744
division, "program" does not include instruction in religious or 34745
moral doctrines, beliefs, or values that is conducted at child 34746
day-care centers owned and operated by churches and does include 34747
methods of disciplining children at child day-care centers. 34748

(E) Admissions policies and procedures;	34749
(F) Health care policies and procedures, including procedures for the isolation of children with communicable diseases;	34750 34751
(G) First aid and emergency procedures;	34752
(H) Procedures for discipline and supervision of children;	34753
(I) Standards for the provision of nutritious meals and snacks;	34754 34755
(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;	34756 34757 34758
(K) Procedures for screening employees that may include any necessary physical examinations and immunizations;	34759 34760
(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;	34761 34762 34763 34764
(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;	34765 34766 34767
(N) Procedures for record keeping, organization, and administration;	34768 34769
(O) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	34770 34771 34772
(P) Inspection procedures;	34773
(Q) Procedures and standards for setting initial license application fees;	34774 34775
(R) Procedures for receiving, recording, and responding to complaints about centers;	34776 34777

(S) Procedures for enforcing section 5104.04 of the Revised Code;	34778 34779
(T) A standard requiring the inclusion of a current department of job and family services toll free telephone number on each center provisional license or license which any person may use to report a suspected violation by the center of this chapter or rules adopted pursuant to this chapter <u>Minimum qualifications for employment as an administrator or child-care staff member;</u>	34780 34781 34782 34783 34784 34785
(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;	34786 34787 34788 34789
(V) Standards providing for the special needs of children who are handicapped or who require treatment for health conditions while the child is receiving child care or publicly funded child care in the center;	34790 34791 34792 34793
(W) A procedure for reporting of injuries of children that occur at the center;	34794 34795
(X) Standards for licensing child day-care centers for children with short-term illnesses and other temporary medical conditions;	34796 34797 34798
(Y) Minimum requirements for instructional time for child day-care centers rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code;	34799 34800 34801
(Z) Any other procedures and standards necessary to carry out the provisions of this chapter regarding child day-care centers.	34802 34803
Sec. 5104.016. The director of job and family services, in addition to the rules adopted under section 5104.015 of the Revised Code, shall adopt rules establishing minimum requirements for child day-care centers. The rules shall include the	34804 34805 34806 34807

requirements set forth in sections 5104.032 to ~~5104.036~~ 5104.034 34808
of the Revised Code. Except as provided in section 5104.07 of the 34809
Revised Code, the rules shall not change the square footage 34810
requirements of section 5104.032 of the Revised Code; or the 34811
maximum number of children per child-care staff member and maximum 34812
group size requirements of section 5104.033 of the Revised Code; ~~the educational and experience requirements of section 5104.035 of~~ 34813
~~the Revised Code; the age, educational, and experience~~ 34814
~~requirements of section 5104.036 of the Revised Code; however.~~ 34815
However, the rules shall provide procedures for determining 34816
compliance with those requirements. 34817
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Sec. 5104.02. (A) The director of job and family services is 34819
responsible for ~~the~~ licensing of child day-care centers ~~and~~, type 34820
A family day-care homes, and type B family day-care homes. Each 34821
entity operating a head start program shall meet the criteria for, 34822
and be licensed as, a child day-care center. The director is 34823
responsible for the enforcement of this chapter and of rules 34824
promulgated pursuant to this chapter. 34825

No person, firm, organization, institution, or agency shall 34826
operate, establish, manage, conduct, or maintain a child day-care 34827
center or type A family day-care home without a license issued 34828
under section 5104.03 of the Revised Code. The current license 34829
shall be posted ~~in a conspicuous place~~ in the center or ~~type A~~ 34830
home in a conspicuous place that is accessible to parents, 34831
custodians, or guardians and employees of the center or ~~type A~~ 34832
home at all times when the center or ~~type A~~ home is in operation. 34833

(B) A person, firm, institution, organization, or agency 34834
operating any of the following programs is exempt from the 34835
requirements of this chapter: 34836

(1) A program ~~of child care~~ caring for children that operates 34837

for two ~~or less~~ consecutive weeks or less and not more than six 34838
weeks total in each calendar year; 34839

(2) ~~Child care~~ Caring for children in places of worship 34840
during religious activities ~~during which children are cared for~~ 34841
while at least one parent, guardian, or custodian of each child is 34842
participating in such activities and is readily available; 34843

(3) ~~Religious activities which do not provide child care;~~ 34844

~~(4)~~ Supervised training, instruction, or activities of 34845
children in specific areas, including, but not limited to: art; 34846
drama; dance; music; ~~gymnastics, swimming, or another~~ athletic 34847
~~skill or sport~~ skills or sports; computers; or an educational 34848
subject conducted on an organized or periodic basis ~~no more than~~ 34849
~~one day a week and for no more than six hours duration~~ that a 34850
child does not attend for more than eight total hours per week; 34851

~~(5)~~(4) Programs in which the director determines that at 34852
least one parent, custodian, or guardian of each child who is not 34853
an employee of the facility engaged in employment duties is on the 34854
premises of the facility ~~offering child~~ that offers care and is 34855
readily accessible at all times, ~~except that child care provided~~ 34856
~~on the premises at which a parent, custodian, or guardian is~~ 34857
~~employed more than two and one half hours a day shall be licensed~~ 34858
~~in accordance with division (A) of this section;~~ 34859

~~(6)(a)~~(5) Programs that provide ~~child care funded and~~ 34860
~~regulated or operated~~ and are regulated by state departments other 34861
than the department of job and family services or the state board 34862
of education ~~when the director of job and family services has~~ 34863
~~determined that the rules governing the program are equivalent to~~ 34864
~~or exceed the rules promulgated pursuant to this chapter.~~ 34865

~~Notwithstanding any exemption from regulation under this~~ 34866
~~chapter, each state department shall submit to the director of job~~ 34867
~~and family services a copy of the rules that govern programs that~~ 34868

~~provide child care and are regulated or operated and regulated by~~ 34869
~~the department. Annually, each state department shall submit to~~ 34870
~~the director a report for each such program it regulates or~~ 34871
~~operates and regulates that includes the following information:~~ 34872

~~(i) The site location of the program;~~ 34873

~~(ii) The maximum number of infants, toddlers, preschool age~~ 34874
~~children, or school age children served by the program at one~~ 34875
~~time;~~ 34876

~~(iii) The number of adults providing child care for the~~ 34877
~~number of infants, toddlers, preschool age children, or school age~~ 34878
~~children;~~ 34879

~~(iv) Any changes in the rules made subsequent to the time~~ 34880
~~when the rules were initially submitted to the director.~~ 34881

~~The director shall maintain a record of the child care~~ 34882
~~information submitted by other state departments and shall provide~~ 34883
~~this information upon request to the general assembly or the~~ 34884
~~public.~~ 34885

~~(b) Child care programs conducted by boards of education or~~ 34886
~~by chartered nonpublic schools that are conducted in school~~ 34887
~~buildings and that provide child care to school age children only~~ 34888
~~shall be exempt from meeting or exceeding rules promulgated~~ 34889
~~pursuant to this chapter.~~ 34890

~~(7)(6)~~ Any preschool program or school child program, except 34891
a head start program, that is subject to licensure by the 34892
department of education under sections 3301.52 to 3301.59 of the 34893
Revised Code. 34894

~~(8)(7)~~ Any program providing child care that meets all of the 34895
following requirements and, on October 20, 1987, was being 34896
operated by a nonpublic school that holds a charter issued by the 34897
state board of education for kindergarten only: 34898

(a) The nonpublic school has given the notice to the state board and the director of job and family services required by Section 4 of Substitute House Bill No. 253 of the 117th general assembly;

(b) The nonpublic school continues to be chartered by the state board for kindergarten, or receives and continues to hold a charter from the state board for kindergarten through grade five;

(c) The program is conducted in a school building;

(d) The program is operated in accordance with rules promulgated by the state board under ~~sections 3301.52 to 3301.57~~ section 3301.53 of the Revised Code.

~~(9)~~(8) A youth development program operated outside of school hours ~~by a community based center~~ to which all of the following apply:

(a) The children enrolled in the program are under nineteen years of age and enrolled in or eligible to be enrolled in a grade of kindergarten or above.

(b) The program provides informal ~~child~~ care, which is ~~child~~ care that does not require parental signature, permission, or notice for the child receiving the care to enter or leave the program.

(c) The program provides any of the following supervised activities: educational, recreational, culturally enriching, social, and personal development activities.

~~(d) The program is eligible for participation in the child and adult care food program as an outside school hours care center pursuant to standards established under section 3313.813 of the Revised Code.~~

~~(e)~~ The ~~community based center~~ entity operating the program is exempt from federal income taxation pursuant to 26 U.S.C.

501(a) and (c)(3). 34929

~~(10)(9)~~ A preschool program operated by a nonchartered, 34930
nontax-supported school if the preschool program meets all of the 34931
following conditions: 34932

(a) The program complies with state and local health, fire, 34933
and safety laws. 34934

(b) The program annually certifies in a report to the parents 34935
of its pupils that the school is in compliance with division 34936
(B)~~(10)(9)~~(a) of this section and files a copy of the report with 34937
the department of job and family services on or before the 34938
thirtieth day of September of each year. 34939

(c) The program complies with all applicable reporting 34940
requirements in the same manner as required by the state board of 34941
education for nonchartered, nonpublic primary and secondary 34942
schools. 34943

(d) The program is associated with a nonchartered, 34944
nontax-supported primary or secondary school. 34945

(10) A program that provides activities for children who are 34946
five years of age or older and is operated by a county, township, 34947
municipal corporation, township park district created under 34948
section 511.18 of the Revised Code, park district created under 34949
section 1545.04 of the Revised Code, or joint recreation district 34950
established under section 755.14 of the Revised Code. 34951

Sec. 5104.021. The director of job and family services may 34952
issue a child day-care center or type A family day-care home 34953
license to a youth development program that is exempted by 34954
division (B)~~(9)(8)~~ of section 5104.02 of the Revised Code from the 34955
requirements of this chapter if the youth development program 34956
applies for and meets all of the requirements for the license. 34957

Sec. 5104.03. (A) As used in this section, "owner" has the same meaning as in section 5104.01 of the Revised Code, except that "owner" also includes a firm, organization, institution, or agency, as well as any individual governing board members, partners, or authorized representatives of the owner.

(B) Any person, firm, organization, institution, or agency seeking to establish a child day-care center, type A family day-care home, or licensed type B family day-care home shall apply for a license to the director of job and family services on such form as the director prescribes. The director shall provide at no charge to each applicant for licensure a copy of the child care license requirements in this chapter and a copy of the rules adopted pursuant to this chapter. The copies may be provided in paper or electronic form.

Fees shall be set by the director pursuant to sections 5104.015, 5104.017, and 5104.018 of the Revised Code and shall be paid at the time of application for a license to operate a center, type A home, or type B home. Fees collected under this section shall be paid into the state treasury to the credit of the general revenue fund.

(C)(1) Upon filing of the application for a license, the director shall investigate and inspect the center, type A home, or type B home to determine the license capacity for each age category of children of the center, type A home, or type B home and to determine whether the center, type A home, or type B home complies with this chapter and rules adopted pursuant to this chapter. When, after investigation and inspection, the director is satisfied that this chapter and rules adopted pursuant to it are complied with, subject to division ~~(F)~~(G) of this section, a license shall be issued as soon as practicable in such form and manner as prescribed by the director. The license shall be

designated as provisional and shall be valid for at least twelve 34989
months from the date of issuance ~~unless and until the continuous~~ 34990
~~license is issued or until the provisional license is revoked or~~ 34991
~~suspended pursuant to section 5104.042 of the Revised Code.~~ 34992

(2) The director may contract with a government entity or a 34993
private nonprofit entity for the entity to inspect type A or type 34994
B family day-care homes pursuant to this section. If the director 34995
contracts with a government entity or private nonprofit entity for 34996
that purpose, the entity may contract with another government 34997
entity or private nonprofit entity for the other entity to inspect 34998
type A or type B homes pursuant to this section. The director, 34999
government entity, or private nonprofit entity shall conduct an 35000
inspection prior to the issuance of a license for a type A or type 35001
B home and, as part of that inspection, ensure that the home is 35002
safe and sanitary. 35003

~~(D)(1) On receipt of an application for licensure as a type B 35004
family day care home to provide publicly funded child care, the 35005
director shall search the uniform statewide automated child 35006
welfare information system for information concerning any abuse or 35007
neglect report made pursuant to section 2151.421 of the Revised 35008
Code of which the applicant, any other adult residing in the 35009
applicant's home, or a person designated by the applicant to be an 35010
emergency or substitute caregiver for the applicant is the 35011
subject.~~ 35012

~~(2) The director shall consider any information discovered 35013
pursuant to division (D)(1) of this section or that is provided by 35014
a public children services agency pursuant to section 5153.175 of 35015
the Revised Code. If the director determines that the information, 35016
when viewed within the totality of the circumstances, reasonably 35017
leads to the conclusion that the applicant may directly or 35018
indirectly endanger the health, safety, or welfare of children, 35019
the director shall deny the application for licensure or revoke 35020~~

~~the license of a type B family day care home.~~ 35021

~~(E)~~ The director shall investigate and inspect the center, 35022
type A home, or type B home at least once during operation under a 35023
license designated as provisional. If after the investigation and 35024
inspection the director determines that the requirements of this 35025
chapter and rules adopted pursuant to this chapter are met, 35026
subject to division ~~(I)~~(G) of this section, the director shall 35027
issue a ~~new~~ continuous license to the center or home. 35028

~~(F)~~(E) Each license shall state the name of the licensee, the 35029
name of the administrator, the address of the center, type A home, 35030
or licensed type B home, and the license capacity for each age 35031
category of children. The license shall include thereon, in 35032
accordance with sections 5104.015, 5104.017, and 5104.018 of the 35033
Revised Code, the toll-free telephone number to be used by persons 35034
suspecting that the center, type A home, or licensed type B home 35035
has violated a provision of this chapter or rules adopted pursuant 35036
to this chapter. A license is valid only for the licensee, 35037
administrator, address, and license capacity for each age category 35038
of children designated on the license. The license capacity 35039
specified on the license is the maximum number of children in each 35040
age category that may be cared for in the center, type A home, or 35041
licensed type B home at one time. 35042

~~The A~~ center or ~~type A~~ home licensee shall notify the 35043
director in writing when the administrator, address, or license 35044
capacity of the center or home changes. The director shall amend 35045
the current license to reflect a change in ~~an~~ any of the 35046
following: 35047

(1) An administrator, if the administrator meets the 35048
requirements of this chapter and rules adopted pursuant to this 35049
chapter, ~~or a change in license;~~ 35050

(2) Address, if the new address meets the requirements of 35051

this chapter and rules adopted pursuant to this chapter; 35052

(3) License capacity for any age category of children as 35053
determined by the director of job and family services. 35054

~~(G)~~(F) If the director revokes the license of a center, a 35055
type A home, or a type B home, the director shall not issue 35056
another license to the owner of the center, type A home, or type B 35057
home until five years have elapsed from the date the license is 35058
revoked. 35059

If the director denies an application for a license, the 35060
director shall not consider another application from the applicant 35061
until five years have elapsed from the date the application is 35062
denied. 35063

~~(H) If during the application for licensure process the 35064
director determines that the license of the owner has been 35065
revoked, the investigation of the center, type A home, or type B 35066
home shall cease. This action does not constitute denial of the 35067
application and may not be appealed under division (I) of this 35068
section. 35069~~

~~(I)~~(G)(1) Except as provided in division ~~(I)~~(G)(2) of this 35070
section, all actions of the director with respect to licensing 35071
centers, type A homes, or type B homes, refusal to license, and 35072
revocation of a license shall be in accordance with Chapter 119. 35073
of the Revised Code. Except as provided in division ~~(I)~~(G)(2) of 35074
this section, any applicant who is denied a license or any owner 35075
whose license is revoked may appeal in accordance with section 35076
119.12 of the Revised Code. 35077

(2) The following actions by the director are not subject to 35078
Chapter 119. of the Revised Code: 35079

(a) The director ~~does not issue a license to~~ ceases its 35080
review of an application because the owner of a center, type A 35081
home, or type B home ~~because the owner~~ sought a license before 35082

five years had elapsed from the date the previous license was 35083
revoked and the director does not issue the license. 35084

(b) The director ~~does not issue a license~~ ceases its review 35085
of an application because the applicant applied for licensure 35086
before five years had elapsed from the date the previous 35087
application was denied and the director does not issue the 35088
license. 35089

(c) The director closes a license because the director has 35090
determined that the center, type A home, or type B home is no 35091
longer operating at the address stated on the license and did not 35092
notify the director of the address change as described in division 35093
(E) of this section. 35094

~~(J)~~(H) In no case shall the director issue a license under 35095
this section for a center, type A home, or type B home if the 35096
director, based on documentation provided by the appropriate 35097
county department of job and family services, determines that the 35098
applicant had been certified as a ~~type B family day care home when~~ 35099
~~such certifications were issued by county departments prior to~~ 35100
~~January 1, 2014~~ an in-home aide, that the county department 35101
revoked that certification within the immediately preceding five 35102
years, that the revocation was based on the applicant's refusal or 35103
inability to comply with the criteria for certification, and that 35104
the refusal or inability resulted in a risk to the health or 35105
safety of children. 35106

~~(K)(1) Except as provided in division (K)(2) of this section,~~ 35107
~~an administrator~~ (I) An owner of a type B family day-care home 35108
that receives a license pursuant to this section ~~to provide~~ 35109
~~publicly funded child care~~ is an independent contractor and is not 35110
an employee of the department of job and family services. 35111

~~(2) For purposes of Chapter 4141. of the Revised Code,~~ 35112
~~determinations concerning the employment of an administrator of a~~ 35113

~~type B family day care home that receives a license pursuant to 35114
this section shall be determined under Chapter 4141. of the 35115
Revised Code. 35116~~

Sec. 5104.04. (A) The department of job and family services 35117
shall establish procedures to be followed in investigating, 35118
inspecting, and licensing child day-care centers, type A family 35119
day-care homes, and licensed type B family day-care homes. 35120

(B)(1)(a) The department shall, at least once during every 35121
twelve-month period of operation of a center, type A home, or 35122
licensed type B home, inspect the center, type A home, or licensed 35123
type B home. ~~The department shall inspect a part-time center or 35124
part-time type A home at least once during every twelve-month 35125
period of operation.~~ The department shall provide a written 35126
inspection report to the licensee within a reasonable time after 35127
each inspection. ~~The licensee shall display its most recent 35128
inspection report in a conspicuous place in the center, type A 35129
home, or licensed type B home.~~ 35130

Inspections may be unannounced. No person, firm, 35131
organization, institution, or agency shall interfere with the 35132
inspection of a center, type A home, or licensed type B home by 35133
any state or local official engaged in performing duties required 35134
of the state or local official by this chapter or rules adopted 35135
pursuant to this chapter, including inspecting the center, type A 35136
home, or licensed type B home, reviewing records, or interviewing 35137
licensees, employees, children, or parents. 35138

(b) Upon receipt of any complaint that a center, type A home 35139
or licensed type B home is out of compliance with the requirements 35140
of this chapter or rules adopted pursuant to this chapter, the 35141
department shall investigate the center or home, and both of the 35142
following apply: 35143

(i) If the complaint alleges that a child suffered physical 35144

harm while receiving child care at the center or home or that the 35145
noncompliance alleged in the complaint involved, resulted in, or 35146
poses a substantial risk of physical harm to a child receiving 35147
child care at the center or home, the department shall inspect the 35148
center or home. 35149

(ii) If division (B)(1)(b)(i) of this section does not apply 35150
regarding the complaint, the department may inspect the center or 35151
home. 35152

(c) Division (B)(1)(b) of this section does not limit, 35153
restrict, or negate any duty of the department to inspect a 35154
center, type A home, or licensed type B home that otherwise is 35155
imposed under this section, or any authority of the department to 35156
inspect a center, type A home, or licensed type B home that 35157
otherwise is granted under this section ~~when the department~~ 35158
~~believes the inspection is necessary and it is permitted under the~~ 35159
~~grant.~~ 35160

(2) If the department implements an instrument-based program 35161
monitoring information system, it may use an indicator checklist 35162
to comply with division (B)(1) of this section. 35163

~~(3) The department shall contract with a third party by the 35164
first day of October in each even numbered year to collect 35165
information concerning the amounts charged by the center or home 35166
for providing child care services for use in establishing 35167
reimbursement ceilings and payment pursuant to section 5104.30 of 35168
the Revised Code. The third party shall compile the information 35169
and report the results of the survey to the department not later 35170
than the first day of December in each even numbered year. 35171~~

(C) The department may deny an application or revoke a 35172
license of a center, type A home, or licensed type B home, if the 35173
applicant knowingly ~~makes a false statement on the application,~~ 35174
submits falsified information to the department or if the center 35175

or home does not comply with the requirements of this chapter or 35176
rules adopted pursuant to this chapter, ~~or the applicant or owner~~ 35177
~~has pleaded guilty to or been convicted of an offense described in~~ 35178
~~division (A)(5) of section 109.572 of the Revised Code.~~ 35179

(D) If the department finds, after notice and hearing 35180
pursuant to Chapter 119. of the Revised Code, that any applicant, 35181
person, firm, organization, institution, or agency applying for 35182
licensure or licensed under section 5104.03 of the Revised Code is 35183
in violation of any provision of this chapter or rules adopted 35184
pursuant to this chapter, the department may issue an order of 35185
denial to the applicant or an order of revocation to the center, 35186
type A home, or licensed type B home revoking the license 35187
previously issued by the department. Upon the issuance of such an 35188
order, the person whose application is denied or whose license is 35189
revoked may appeal in accordance with section 119.12 of the 35190
Revised Code. 35191

(E) The surrender of a center, type A home, or licensed type 35192
B home license to the department or the withdrawal of an 35193
application for licensure by the owner or administrator of the 35194
center, type A home, or licensed type B home shall not prohibit 35195
the department from instituting any of the actions set forth in 35196
this section. 35197

(F) Whenever the department receives a complaint, is advised, 35198
or otherwise has any reason to believe that a center or type A 35199
home is providing child care without a license issued pursuant to 35200
section 5104.03 and is not exempt from licensing pursuant to 35201
section 5104.02 of the Revised Code, the department shall 35202
investigate the center or type A home and may inspect the areas 35203
children have access to or areas necessary for the care of 35204
children in the center or type A home during suspected hours of 35205
operation to determine whether the center or type A home is 35206
subject to the requirements of this chapter or rules adopted 35207

pursuant to this chapter. 35208

(G) The department, upon determining that the center or type 35209
A home is operating without a license, shall notify the attorney 35210
general, the prosecuting attorney of the county in which the 35211
center or type A home is located, or the city attorney, village 35212
solicitor, or other chief legal officer of the municipal 35213
corporation in which the center or type A home is located, that 35214
the center or type A home is operating without a license. Upon 35215
receipt of the notification, the attorney general, prosecuting 35216
attorney, city attorney, village solicitor, or other chief legal 35217
officer of a municipal corporation shall file a complaint in the 35218
court of common pleas of the county in which the center or type A 35219
home is located requesting that the court grant an order enjoining 35220
the owner from operating the center or type A home in violation of 35221
section 5104.02 of the Revised Code. The court shall grant such 35222
injunctive relief upon a showing that the respondent named in the 35223
complaint is operating a center or type A home and is doing so 35224
without a license. 35225

(H) The department shall prepare an annual report on 35226
inspections conducted under this section. The report shall include 35227
the number of inspections conducted, the number and types of 35228
violations found, and the steps taken to address the violations. 35229
The department shall file the report with the governor, the 35230
president and minority leader of the senate, and the speaker and 35231
minority leader of the house of representatives on or before the 35232
first day of January of each year, beginning in 1999. 35233

Sec. 5104.042. (A) The department of job and family services 35234
may suspend, without a prior hearing, the license of a child 35235
day-care center, type A family day-care home, or licensed type B 35236
family day-care home if any of the following occur: 35237

(1) A child dies or suffers a serious injury while receiving 35238

child care in the center, type A home, or licensed type B home. 35239

(2) A public children services agency receives a report 35240
pursuant to section 2151.421 of the Revised Code, and the person 35241
alleged to have inflicted abuse or neglect on the child who is the 35242
subject of the report is any of the following: 35243

(a) The owner, licensee, or administrator of the center, type 35244
A home, or licensed type B home; 35245

(b) An employee of the center, type A home, or licensed type 35246
B home who has not immediately been placed on administrative leave 35247
or released from employment; 35248

(c) Any person who resides in the type A home or licensed 35249
type B home. 35250

(3) An owner, licensee, administrator, or employee of the 35251
center, type A home, or licensed type B home, or a resident of the 35252
type A home or licensed type B home is charged by an indictment, 35253
information, or complaint with an offense relating to the abuse or 35254
neglect of a child. 35255

(4) The department or a county department of job and family 35256
services determines that the center, type A home, or licensed type 35257
B home created a serious risk to the health or safety of a child 35258
receiving child care in the center, type A home, or licensed type 35259
B home that resulted in or could have resulted in a child's death 35260
or injury. 35261

(5) The department determines that the owner, or licensee, or 35262
administrator of the center, type A home, or licensed type B home 35263
is charged by indictment, information, or complaint with fraud 35264
does not meet the requirements of section 5104.013 of the Revised 35265
Code. 35266

(B) The department shall issue a written order of suspension 35267
and furnish a copy to the licensee either by certified mail or in 35268

person as described in section 119.07 of the Revised Code. The 35269
licensee may appeal the suspension in accordance with section 35270
request an adjudicatory hearing before the department pursuant to 35271
sections 119.06 to 119.12 of the Revised Code. 35272

~~(C) Except as provided in division (D) of this section, any~~ 35273
Any summary suspension imposed under this section shall remain in 35274
~~effect, unless reversed on appeal,~~ until any of the following 35275
occurs: 35276

(1) The public children services agency completes its 35277
investigation of the report pursuant to section 2151.421 of the 35278
Revised Code and determines that all of the allegations are 35279
unsubstantiated. 35280

(2) All criminal charges are disposed of through dismissal, 35281
or a finding of not guilty, ~~conviction, or a plea of guilty.~~ 35282

(3) ~~A final order is issued by the~~ The department issues 35283
pursuant to Chapter 119. of the Revised Code ~~becomes effective a~~ 35284
final order terminating the suspension. 35285

~~(D) If the department initiates the revocation of a license~~ 35286
~~that has been suspended pursuant to this section, the suspension~~ 35287
~~shall continue until the revocation process is completed.~~ 35288

~~(E)~~ The center, type A home, or licensed type B home shall 35289
not provide child care while the summary suspension remains in 35290
effect. Upon issuance of the order of suspension, the licensee 35291
shall inform the caretaker parent of each child receiving child 35292
care in the center, type A home, or licensed type B home of the 35293
suspension. 35294

~~(F)~~(E) The director of job and family services may adopt 35295
rules in accordance with Chapter 119. of the Revised Code 35296
establishing standards and procedures for the summary suspension 35297
of licenses. 35298

(F) This section does not limit the authority of the 35299
department to revoke a license pursuant to section 5104.04 of the 35300
Revised Code. 35301

Sec. 5104.09. No administrator, employee, licensee, or 35302
child-care staff member shall discriminate in the enrollment of 35303
children in a child day-care center, type A home, licensed type B 35304
home, or approved child day camp upon the basis of race, color, 35305
religion, sex, disability, or national origin. 35306

Sec. 5104.12. (A) ~~The~~(1) A county director of job and family 35307
services may certify in-home aides to provide publicly funded 35308
child care pursuant to this chapter and any rules adopted under 35309
it. Any in-home aide who receives a certificate pursuant to this 35310
section to provide publicly funded child care is an independent 35311
contractor and is not an employee of the county department of job 35312
and family services that issues the certificate. 35313

~~(B)~~(2) Every person desiring to receive certification as an 35314
in-home aide shall apply for certification to ~~the~~ a county 35315
director of job and family services on such forms as the director 35316
of job and family services prescribes. ~~The~~ A county director shall 35317
provide at no charge to each applicant a copy of rules for 35318
certifying in-home aides adopted pursuant to this chapter. 35319

(B) To be eligible for certification as an in-home aide, a 35320
person shall not be either of the following: 35321

(1) The owner of a center or home whose license was revoked 35322
pursuant to section 5104.04 of the Revised Code within the 35323
previous five years; 35324

(2) An in-home aide whose certificate was revoked under 35325
division (C)(2) of this section within the previous five years. 35326

(C)(1) If the county director of job and family services 35327
determines that ~~public funds are available and that the person~~ 35328

applicant complies with this chapter and any rules adopted under 35329
it, the county director shall certify the person as an in-home 35330
aide and issue the person a certificate to provide publicly funded 35331
child care for ~~twelve~~ twenty-four months. The county director 35332
shall furnish a copy of the certificate to the parent, custodian, 35333
or guardian. The certificate shall state the name and address of 35334
the in-home aide, the expiration date of the certification, and 35335
the name and telephone number of the county director who issued 35336
the certificate. 35337

(2) The county director may revoke the certificate in either 35338
of the following circumstances: 35339

(a) The county director determines, pursuant to rules adopted 35340
under Chapter 119. of the Revised Code, that revocation is 35341
necessary; 35342

(b) The in-home aide does not comply with division ~~(D)~~(C)(2) 35343
of section 5104.32 of the Revised Code. 35344

(D)(1) The county director of job and family services shall 35345
inspect every home of a child who is receiving publicly funded 35346
child care in the child's own home while the in-home aide is 35347
providing the services. Inspections may be unannounced. Upon 35348
receipt of a complaint, the county director shall investigate the 35349
in-home aide, shall investigate the home of a child who is 35350
receiving publicly funded child care in the child's own home, and 35351
division (D)(2) of this section applies regarding the complaint. 35352
The caretaker parent shall permit the county director to inspect 35353
any part of the child's home. The county director shall prepare a 35354
written inspection report and furnish one copy each to the in-home 35355
aide and the caretaker parent within a reasonable time after the 35356
inspection. 35357

(2) Upon receipt of a complaint as described in division 35358
(D)(1) of this section, in addition to the investigations that are 35359

required under that division, both of the following apply: 35360

(a) If the complaint alleges that a child suffered physical 35361
harm while receiving publicly funded child care in the child's own 35362
home from an in-home aide or that the noncompliance with law or 35363
act alleged in the complaint involved, resulted in, or poses a 35364
substantial risk of physical harm to a child receiving publicly 35365
funded child care in the child's own home from an in-home aide, 35366
the county director shall inspect the home of the child. 35367

(b) If division (D)(2)(a) of this section does not apply 35368
regarding the complaint, the county director may inspect the home 35369
of the child. 35370

(3) Division (D)(2) of this section does not limit, restrict, 35371
or negate any duty of the county director to inspect a home of a 35372
child who is receiving publicly funded child care from an in-home 35373
aide that otherwise is imposed under this section, or any 35374
authority of the county director to inspect such a home that 35375
otherwise is granted under this section when the county director 35376
believes the inspection is necessary and it is permitted under the 35377
grant. 35378

Sec. 5104.21. (A) The department of job and family services 35379
shall register child day camps and enforce this section and 35380
~~section~~ sections 5104.211 and 5104.22 of the Revised Code and the 35381
rules adopted pursuant to those sections. No person, firm, 35382
organization, institution, or agency shall operate a child day 35383
camp without annually registering with the department. 35384

(B) A person, firm, institution, organization, or agency 35385
operating any of the following programs is exempt from the 35386
provisions of this section and ~~section~~ sections 5104.211 and 35387
5104.22 of the Revised Code: 35388

(1) A child day camp that operates for two ~~or less~~ 35389

consecutive weeks or less and for no more than a total of two 35390
weeks during each calendar year; 35391

(2) Supervised training, instruction, or activities of 35392
children that is conducted on an organized or periodic basis ~~no~~ 35393
~~more than one day a week and for no more than six hours' duration~~ 35394
~~and that is conducted~~ in specific areas or in a combination of 35395
areas for a maximum of eight hours each week, including, ~~but not~~ 35396
~~limited to,~~ art+, drama+, dance+, music; ~~gymnastics, swimming, or~~ 35397
~~another,~~ athletic skill or sport+, computers+, or an educational 35398
subject; 35399

(3) Programs in which the department determines that at least 35400
one parent, custodian, or guardian of each child attending or 35401
participating in the child day camp is on the child day camp 35402
activity site and is readily accessible at all times, except that 35403
a child day camp on the premises of a parent's, custodian's, or 35404
guardian's place of employment shall be registered in accordance 35405
with division (A) of this section; 35406

(4) Child day camps ~~funded and regulated or operated and~~ 35407
~~regulated by any state department,~~ other than the department of 35408
job and family services, ~~when the department of job and family~~ 35409
~~services has determined that the rules governing the child day~~ 35410
~~camp are equivalent to or exceed the rules adopted pursuant to~~ 35411
~~this section and section 5104.22;~~ 35412

(5) A program that provides activities for children who are 35413
five years of age or older and is operated by any county, 35414
township, municipal corporation, township park district created 35415
under section 511.18 of the Revised Code, park district created 35416
under section 1545.04 of the Revised Code, or joint recreation 35417
district established under section 755.04 of the Revised Code. 35418

(C) A person, firm, organization, institution, or agency 35419
operating a child day camp that is exempt under division (B) of 35420

this section from registering under division (A) of this section 35421
may elect to register itself under division (A) of this section. 35422
All requirements of this section and the rules adopted pursuant to 35423
this section shall apply to any exempt child day camp that so 35424
elects to register. 35425

(D) The director of job and family services shall adopt 35426
pursuant to Chapter 119. of the Revised Code rules prescribing the 35427
registration form and establishing the procedure for the child day 35428
camps to register. The form shall ~~not be longer than one~~ 35429
~~typewritten page and shall~~ state both of the following: 35430

(1) That the child day camp administrator or the 35431
administrator's representative agrees to provide the parents of 35432
each school-age child who attends or participates in that child 35433
day camp with the telephone number of the county department of 35434
health and the public children services agency of the county in 35435
which the child day camp is located; 35436

(2) That the child day camp administrator or the 35437
administrator's representative agrees to permit a public children 35438
services agency or the county department of health to review or 35439
inspect the child day camp if a complaint is made to that 35440
department or any other state department or public children 35441
services agency against that child day camp. 35442

(E) The department may charge a fee to register a child day 35443
camp. The fee for each child day camp shall be twenty-five 35444
dollars. No organization that operates, or owner of, child day 35445
camps shall pay a fee that exceeds two hundred fifty dollars for 35446
all of its child day camps. 35447

(F) If a child day camp that is required to register under 35448
this section fails to register with the department in accordance 35449
with this section or the rules adopted pursuant to it or if a 35450
child day camp that files a registration form under this section 35451

knowingly provides false or misleading information on the 35452
registration form, the department shall require the child day camp 35453
to register or register correctly and to pay a registration fee 35454
that equals three times the registration fee as set forth in 35455
division (E) of this section. 35456

(G) A child day camp administrator or the administrator's 35457
representative shall provide the parents of each school-age child 35458
who attends or participates in that child day camp with both of 35459
the ~~telephone~~ following: 35460

(1) Telephone numbers of the county department of health and 35461
the county public children services agency of the county in which 35462
the child day camp is located ~~and a;~~ 35463

(2) A statement that the parents may ~~use these telephone~~ 35464
~~numbers to contact or otherwise contact the departments county~~ 35465
department or agency to make a complaint regarding the child day 35466
camp. 35467

Sec. 5104.211. (A) The director of job and family services 35468
may periodically conduct a random sampling of child day camps to 35469
determine compliance with section 5104.013 of the Revised Code. 35470

(B)(1) No child day camp shall fail to comply with section 35471
5104.013 of the Revised Code in regards to a person it appoints or 35472
employs. 35473

(2) If the director determines that a camp has violated 35474
division (B)(1) of this section, the director shall do both of the 35475
following: 35476

(a) Consider imposing a civil penalty on the camp in an 35477
amount that shall not exceed ten per cent of the camp's gross 35478
revenues for the full month immediately preceding the month in 35479
which the violation occurred. If the camp was not operating for 35480
the entire calendar month preceding the month in which the 35481

violation occurred, the penalty shall be five hundred dollars. 35482

(b) Order the camp to initiate a criminal records check of 35483
the person who is the subject of the violation within a specified 35484
period of time. 35485

(3) If, within the specified period of time, the camp fails 35486
to comply with an order to initiate a criminal records check of 35487
the person who is the subject of the violation or to release the 35488
person from the appointment or employment, the director shall do 35489
both of the following: 35490

(a) Impose a civil penalty in an amount that is not less than 35491
the amount previously imposed and that does not exceed twice the 35492
amount permitted by division (B)(2)(a) of this section; 35493

(b) Order the camp to initiate a criminal records check of 35494
the person who is the subject of the violation within a specified 35495
period of time. 35496

(C) If the director determines that a child day camp has 35497
violated division (B)(1) of this section, the director may post a 35498
notice at a prominent place at the camp that states that the camp 35499
has failed to conduct criminal records checks of its appointees or 35500
employees as required by section 5104.013 of the Revised Code. 35501
Once the camp demonstrates to the department that the camp is in 35502
compliance with that section, the director shall permit the camp 35503
to remove the notice. 35504

(D) The director may include on the web site of the 35505
department of job and family services a list of child day camps 35506
that the director has determined to not be in compliance with the 35507
criminal records check requirements of section 5104.013 of the 35508
Revised Code. The director shall remove a camp's name from the 35509
list when the camp demonstrates to the director that the camp is 35510
in compliance with that section. 35511

(E) For the purposes of divisions (C) and (D) of this 35512

section, a child day camp will be considered to be in compliance 35513
with section 5104.013 of the Revised Code by doing any of the 35514
following: 35515

(1) Requesting that the bureau of criminal identification and 35516
investigation conduct a criminal records check regarding the 35517
person who is the subject of the violation of division (B)(1) of 35518
this section and, if the person does not qualify for the 35519
appointment or employment, releasing the person from the 35520
appointment or employment; 35521

(2) Releasing the person who is the subject of the violation 35522
from the appointment or employment. 35523

(F) The attorney general shall commence and prosecute to 35524
judgment a civil action in a court of competent jurisdiction to 35525
collect any civil penalty imposed under this section that remains 35526
unpaid. 35527

(G) This section does not apply to a child day camp that is 35528
an approved child day camp. 35529

Sec. 5104.22. (A) The director of job and family services, no 35530
later than September 1, 1993, and pursuant to Chapter 119. of the 35531
Revised Code, shall adopt rules establishing a procedure and 35532
standards for the approval of child day camps that will enable an 35533
approved child day camp to receive public moneys pursuant to 35534
sections 5104.30 to 5104.39 of the Revised Code. ~~The procedure and~~ 35535
~~standards shall be similar and comparable to the procedure and~~ 35536
~~standards for accrediting child day camps used by the American~~ 35537
~~camping association.~~ The department of job and family services may 35538
charge a reasonable fee to inspect a child day camp to determine 35539
whether that child day camp meets the standards set forth in this 35540
section or in the rules adopted under this section. The department 35541
shall approve any child day camp that ~~the~~ meets both of the 35542
following: 35543

(1) The department inspects and approves, that the camp and 35544
determines that it meets the standards established in rules 35545
adopted under this section; 35546

(2) The camp is accredited by the American camping camp 35547
association ~~inspects and accredits, or that is inspected and~~ 35548
~~accredited by any~~ a nationally recognized organization that 35549
accredits child day camps by using standards that the department 35550
has determined are substantially similar and comparable to those 35551
of the American ~~camping camp~~ association. The department shall 35552
approve a child day camp for ~~no longer than two years~~ a period of 35553
one year and shall inspect an approved child day camp ~~no less than~~ 35554
~~biennially~~ on an annual basis. 35555

(B) An approved child day camp shall comply with this section 35556
and section 5104.21 of the Revised Code and the rules adopted 35557
pursuant to those sections. If an approved child day camp is not 35558
in substantial compliance with those sections or rules at any 35559
time, the department shall terminate the child day camp's approval 35560
until the child day camp complies with those sections and rules or 35561
for a period of two years, whichever period is longer. 35562

Sec. 5104.29. (A) As used in this section, "early learning 35563
and development program" has the same meaning as "licensed child 35564
care program" as defined in section 5104.01 of the Revised Code. 35565

(B) There is hereby created in the department of job and 35566
family services the step up to quality program, under which the 35567
department of job and family services, in cooperation with the 35568
department of education, shall develop a tiered quality rating and 35569
improvement system for all early learning and development programs 35570
in this state. The step up to quality program shall include all of 35571
the following components: 35572

(1) Quality program standards for early learning and 35573
development programs; 35574

(2) Accountability measures that include tiered ratings representing each program's level of quality;	35575 35576
(3) Program and provider outreach and support to help programs meet higher standards and promote participation in the step up to quality program;	35577 35578 35579
(4) Financial incentives for early learning and development programs that provide publicly funded child care and are linked to achieving and maintaining quality standards;	35580 35581 35582
(5) Parent and consumer education to help parents learn about program quality and ratings so they can make informed choices on behalf of their children.	35583 35584 35585
(C) The step up to quality program shall have the following goals:	35586 35587
(1) Increasing the number of low-income children, special needs children, and children with limited English proficiency participating in quality early learning and development programs;	35588 35589 35590
(2) Providing families with an easy-to-use tool for evaluating the quality of early learning and development programs;	35591 35592
(3) Recognizing and supporting early learning and development programs that achieve higher levels of quality;	35593 35594
(4) Providing incentives and supports to help early learning and development programs implement continuous quality improvement systems.	35595 35596 35597
(D) Under the step up to quality program, participating early learning and development programs may be eligible for grants, technical assistance, training, and other assistance. Programs that maintain a quality rating may be eligible for unrestricted monetary awards.	35598 35599 35600 35601 35602
(E) The tiered ratings developed pursuant to this section shall be based on an early learning and development program's	35603 35604

performance in meeting program standards in the following four 35605
domains: 35606

- (1) Learning and development; 35607
- (2) Administration and leadership practices; 35608
- (3) Staff quality and professional development; 35609
- (4) Family and community partnerships. 35610

(F) The director of job and family services, in collaboration 35611
with the superintendent of public instruction, shall adopt rules 35612
in accordance with Chapter 119. of the Revised Code to implement 35613
the step up to quality program described in this section. 35614

(G)(1) The department of job and family services shall ensure 35615
that the following percentages of early learning and development 35616
~~programs that are not type B family day care homes and that~~ 35617
provide publicly funded child care are rated in the third highest 35618
tier or above in the step up to quality program: 35619

- (a) By June 30, 2017, twenty-five per cent; 35620
- (b) By June 30, 2019, forty per cent; 35621
- (c) By June 30, 2021, sixty per cent; 35622
- (d) By June 30, 2023, eighty per cent; 35623
- (e) By June 30, 2025, one hundred per cent. 35624

~~(2) The department of job and family services and the~~ 35625
~~department of education shall identify ways to accelerate early~~ 35626
~~learning and development programs moving to higher tiers in the~~ 35627
~~step up to quality program and identify strategies for appropriate~~ 35628
~~ratings of type B homes. The departments may consult with the~~ 35629
~~early childhood advisory council established pursuant to section~~ 35630
~~3301.90 of the Revised Code to facilitate their efforts and shall~~ 35631
~~include owners and administrators of early learning and~~ 35632
~~development programs in the identification process. The~~ 35633

~~departments shall report their recommendations to the general assembly not later than October 31, 2016. This division does not apply to early learning and development programs that are either of the following:~~ 35634
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(a) Licensed type B family day-care homes; 35638

(b) Providers described in division (C)(2) of section 5104.31 of the Revised Code. 35639
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Sec. 5104.30. (A) The department of job and family services is hereby designated as the state agency responsible for administration and coordination of federal and state funding for publicly funded child care in this state. Publicly funded child care shall be provided to the following: 35641
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(1) Recipients of transitional child care as provided under section 5104.34 of the Revised Code; 35646
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(2) Participants in the Ohio works first program established under Chapter 5107. of the Revised Code; 35648
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(3) Individuals who would be participating in the Ohio works first program if not for a sanction under section 5107.16 of the Revised Code and who continue to participate in a work activity, developmental activity, or alternative work activity pursuant to an assignment under section 5107.42 of the Revised Code; 35650
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(4) A family receiving publicly funded child care on October 1, 1997, until the family's income reaches one hundred fifty per cent of the federal poverty line; 35655
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(5) Subject to available funds, other individuals determined eligible in accordance with rules adopted under section 5104.38 of the Revised Code. 35658
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The department shall apply to the United States department of health and human services for authority to operate a coordinated program for publicly funded child care, if the director of job and 35661
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family services determines that the application is necessary. For 35664
purposes of this section, the department of job and family 35665
services may enter into agreements with other state agencies that 35666
are involved in regulation or funding of child care. The 35667
department shall consider the special needs of migrant workers 35668
when it administers and coordinates publicly funded child care and 35669
shall develop appropriate procedures for accommodating the needs 35670
of migrant workers for publicly funded child care. 35671

(B) The department of job and family services shall 35672
distribute state and federal funds for publicly funded child care, 35673
including appropriations of state funds for publicly funded child 35674
care and appropriations of federal funds available under the child 35675
care block grant act, Title IV-A, and Title XX. The department may 35676
use any state funds appropriated for publicly funded child care as 35677
the state share required to match any federal funds appropriated 35678
for publicly funded child care. 35679

(C) In the use of federal funds available under the child 35680
care block grant act, all of the following apply: 35681

(1) The department may use the federal funds to hire staff to 35682
prepare any rules required under this chapter and to administer 35683
and coordinate federal and state funding for publicly funded child 35684
care. 35685

(2) Not more than five per cent of the aggregate amount of 35686
the federal funds received for a fiscal year may be expended for 35687
administrative costs. 35688

(3) The department shall allocate and use at least four per 35689
cent of the federal funds for the following: 35690

(a) Activities designed to provide comprehensive consumer 35691
education to parents and the public; 35692

(b) Activities that increase parental choice; 35693

(c) Activities, including child care resource and referral services, designed to improve the quality, and increase the supply, of child care; 35694
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(d) Establishing the step up to quality program pursuant to section 5104.29 of the Revised Code. 35697
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(4) The department shall ensure that the federal funds will be used only to supplement, and will not be used to supplant, federal, state, and local funds available on the effective date of the child care block grant act for publicly funded child care and related programs. If authorized by rules adopted by the department pursuant to section 5104.42 of the Revised Code, county departments of job and family services may purchase child care from funds obtained through any other means. 35699
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(D) The department shall encourage the development of suitable child care throughout the state, especially in areas with high concentrations of recipients of public assistance and families with low incomes. The department shall encourage the development of suitable child care designed to accommodate the special needs of migrant workers. On request, the department, through its employees or contracts with state or community child care resource and referral service organizations, shall provide consultation to groups and individuals interested in developing child care. The department of job and family services may enter into interagency agreements with the department of education, the chancellor of higher education, the department of development, and other state agencies and entities whenever the cooperative efforts of the other state agencies and entities are necessary for the department of job and family services to fulfill its duties and responsibilities under this chapter. 35707
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The department shall develop and maintain a registry of persons providing child care. The director shall adopt rules in accordance with Chapter 119. of the Revised Code establishing 35723
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procedures and requirements for the registry's administration. 35726

(E)(1) The director shall adopt rules in accordance with 35727
Chapter 119. of the Revised Code establishing both of the 35728
following: 35729

(a) Reimbursement ceilings for providers of publicly funded 35730
child care not later than the first day of July in each 35731
odd-numbered year; 35732

(b) A procedure for reimbursing and paying providers of 35733
publicly funded child care. 35734

(2) In establishing reimbursement ceilings under division 35735
(E)(1)(a) of this section, the director shall do all of the 35736
following: 35737

(a) Use the information obtained ~~under division (B)(3) of~~ 35738
~~section 5104.04 of the Revised Code~~ in accordance with 45 C.F.R. 35739
98.45; 35740

(b) Establish an enhanced reimbursement ceiling for providers 35741
who provide child care for caretaker parents who work 35742
nontraditional hours; 35743

~~(c) For an in-home aide, establish an hourly reimbursement~~ 35744
~~ceiling;~~ 35745

~~(d)~~(c) With regard to the step up to quality program 35746
established pursuant to section 5104.29 of the Revised Code, do 35747
both of the following: 35748

(i) Establish enhanced reimbursement ceilings for child 35749
day-care providers that participate in the program and maintain 35750
quality ratings; 35751

(ii) Weigh any reduction in reimbursement ceilings more 35752
heavily against providers that do not participate in the program 35753
or do not maintain quality ratings. 35754

(3) In establishing reimbursement ceilings under division 35755

(E)(1)(a) of this section, the director may establish different reimbursement ceilings based on any of the following:	35756 35757
(a) Geographic location of the provider;	35758
(b) Type of care provided;	35759
(c) Age of the child served;	35760
(d) Special needs of the child served;	35761
(e) Whether the expanded hours of service are provided;	35762
(f) Whether weekend service is provided;	35763
(g) Whether the provider has exceeded the minimum requirements of state statutes and rules governing child care;	35764 35765
(h) Any other factors the director considers appropriate.	35766
Sec. 5104.31. (A) Publicly funded child care may be provided only by the following:	35767 35768
(1) Any of the following licensed by the department of job and family services pursuant to section 5104.03 of the Revised Code or pursuant to rules adopted under section 5104.018 of the Revised Code:	35769 35770 35771 35772
(a) A child day-care center, including a parent cooperative child day-care center;	35773 35774
(b) A type A family day-care home, including a parent cooperative type A family day-care home;	35775 35776
(c) A licensed type B family day-care home.	35777
(2) An in-home aide who has been certified by the county department of job and family services pursuant to section 5104.12 of the Revised Code;	35778 35779 35780
(3) A child day camp approved pursuant to section 5104.22 of the Revised Code;	35781 35782

(4) A licensed preschool program;	35783
(5) A licensed school child program;	35784
(6) A border state child care provider, except that a border state child care provider may provide publicly funded child care only to an individual who resides in an Ohio county that borders the state in which the provider is located.	35785 35786 35787 35788
(B) Publicly funded child day-care may be provided in a child's own home only by an in-home aide.	35789 35790
(C)(1) Beginning July 1, 2020, <u>and except as provided in division (C)(2) of this section, a licensed child care program may provide</u> publicly funded child care may be provided only by a provider that <u>if the program</u> is rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code.	35791 35792 35793 35794 35795 35796
<u>(2) A licensed child care program that is any of the following may provide publicly funded child care without being rated through the step up to quality program:</u>	35797 35798 35799
<u>(a) A program that operates only during the summer and for not more than fifteen consecutive weeks;</u>	35800 35801
<u>(b) A program that operates only during school breaks;</u>	35802
<u>(c) A program that operates only on weekday evenings, weekends, or both;</u>	35803 35804
<u>(d) A program that holds a provisional license issued under section 5104.03 of the Revised Code;</u>	35805 35806
<u>(e) A program that had its step up to quality program rating removed by the department of job and family services within the previous twelve months;</u>	35807 35808 35809
<u>(f) A program that is the subject of a revocation action initiated by the department, but the license has not yet been revoked.</u>	35810 35811 35812

Sec. 5104.32. (A) ~~Except as provided in division (C) of this~~ 35813
~~section, all~~ All purchases of publicly funded child care shall be 35814
made under a contract entered into by a licensed child day-care 35815
center, licensed type A family day-care home, licensed type B 35816
family day-care home, certified in-home aide, approved child day 35817
camp, licensed preschool program, licensed school child program, 35818
or border state child care provider and the department of job and 35819
family services. All contracts for publicly funded child care 35820
shall be contingent upon the availability of state and federal 35821
funds. The department shall prescribe a standard form to be used 35822
for all contracts for the purchase of publicly funded child care, 35823
regardless of the source of public funds used to purchase the 35824
child care. To the extent permitted by federal law and 35825
notwithstanding any other provision of the Revised Code that 35826
regulates state contracts or contracts involving the expenditure 35827
of state or federal funds, all contracts for publicly funded child 35828
care shall be entered into in accordance with the provisions of 35829
this chapter and are exempt from any other provision of the 35830
Revised Code that regulates state contracts or contracts involving 35831
the expenditure of state or federal funds. 35832

(B) Each contract for publicly funded child care shall 35833
specify at least the following: 35834

(1) That the provider of publicly funded child care agrees to 35835
be paid for rendering services at the lower of the rate 35836
customarily charged by the provider for children enrolled for 35837
child care or the reimbursement ceiling or rate of payment 35838
established pursuant to section 5104.30 of the Revised Code; 35839

(2) That, if a provider provides child care to an individual 35840
potentially eligible for publicly funded child care who is 35841
subsequently determined to be eligible, the department agrees to 35842
pay for all child care provided between the date the county 35843

department of job and family services receives the individual's 35844
completed application and the date the individual's eligibility is 35845
determined; 35846

(3) Whether the county department of job and family services, 35847
the provider, or a child care resource and referral service 35848
organization will make eligibility determinations, whether the 35849
provider or a child care resource and referral service 35850
organization will be required to collect information to be used by 35851
the county department to make eligibility determinations, and the 35852
time period within which the provider or child care resource and 35853
referral service organization is required to complete required 35854
eligibility determinations or to transmit to the county department 35855
any information collected for the purpose of making eligibility 35856
determinations; 35857

(4) That the provider, other than a border state child care 35858
provider, shall continue to be licensed, approved, or certified 35859
pursuant to this chapter and shall comply with all standards and 35860
other requirements in this chapter and in rules adopted pursuant 35861
to this chapter for maintaining the provider's license, approval, 35862
or certification; 35863

(5) That, in the case of a border state child care provider, 35864
the provider shall continue to be licensed, certified, or 35865
otherwise approved by the state in which the provider is located 35866
and shall comply with all standards and other requirements 35867
established by that state for maintaining the provider's license, 35868
certificate, or other approval; 35869

(6) Whether the provider will be paid by the state department 35870
of job and family services or in some other manner as prescribed 35871
by rules adopted under section 5104.42 of the Revised Code; 35872

(7) That the contract is subject to the availability of state 35873
and federal funds. 35874

~~(C) Unless specifically prohibited by federal law or by rules adopted under section 5104.42 of the Revised Code, the county department of job and family services shall give individuals eligible for publicly funded child care the option of obtaining certificates that the individual may use to purchase services from any provider qualified to provide publicly funded child care under section 5104.31 of the Revised Code. Providers of publicly funded child care may present these certificates for payment in accordance with rules that the director of job and family services shall adopt. Only providers may receive payment for certificates. The value of the certificate shall be based on the lower of the rate customarily charged by the provider or the rate of payment established pursuant to section 5104.30 of the Revised Code. The county department may provide the certificates to the individuals or may contract with child care providers or child care resource and referral service organizations that make determinations of eligibility for publicly funded child care pursuant to contracts entered into under section 5104.34 of the Revised Code for the providers or resource and referral service organizations to provide the certificates to individuals whom they determine are eligible for publicly funded child care.~~

~~For each six month period a provider of publicly funded child care provides publicly funded child care to the child of an individual given certificates, the individual shall provide the provider certificates for days the provider would have provided publicly funded child care to the child had the child been present. The maximum number of days providers shall be provided certificates shall not exceed ten days in a six month period during which publicly funded child care is provided to the child regardless of the number of providers that provide publicly funded child care to the child during that period.~~

~~(D)(1) The department shall establish the Ohio electronic an~~

~~automated~~ child care system to track attendance and calculate 35907
payments for publicly funded child care. ~~The system shall include~~ 35908
~~issuing an electronic child care card to each caretaker parent to~~ 35909
~~swipe through a point of service device issued to an eligible~~ 35910
~~provider, as described in section 5104.31 of the Revised Code.~~ 35911

(2) Each eligible provider that provides publicly funded 35912
child care shall participate in the ~~Ohio electronic~~ automated 35913
child care system. A provider participating in the system shall 35914
not do any of the following: 35915

(a) Use or have possession of ~~an electronic child care card a~~ 35916
personal identification number or password issued to a caretaker 35917
parent under the automated child care system; 35918

(b) Falsify attendance records; 35919

(c) Knowingly seek or accept payment for publicly funded 35920
child care that was not provided or for which the provider was not 35921
eligible; 35922

(d) Knowingly ~~accept reimbursement for publicly funded child~~ 35923
~~care that was not provided~~ seek or accept payment for child care 35924
provided to a child who resides in the provider's own home. 35925

(D) The department may withhold any money due under this 35926
chapter and may recover through any appropriate method any money 35927
erroneously paid under this chapter if evidence demonstrates that 35928
a provider of publicly funded child care failed to comply with 35929
either of the following: 35930

(1) The terms of the contract entered into under this 35931
section; 35932

(2) This chapter or any rules adopted under it. 35933

(E) If the department has evidence that a provider has 35934
employed an individual who is ineligible for employment under 35935
section 5104.013 of the Revised Code and the provider has not 35936

released the individual from employment upon notice that the 35937
individual is ineligible, the department may terminate immediately 35938
the contract entered into under this section to provide publicly 35939
funded child care. 35940

(F) Any decision by the department concerning publicly funded 35941
child care, including the recovery of funds, overpayment 35942
determinations, and contract terminations is final and is not 35943
subject to appeal, hearing, or further review under Chapter 119. 35944
of the Revised Code. 35945

Sec. 5104.34. (A)(1) Each county department of job and family 35946
services shall implement procedures for making determinations of 35947
eligibility for publicly funded child care. Under those 35948
procedures, the eligibility determination for each applicant shall 35949
be made no later than thirty calendar days from the date the 35950
county department receives a completed application for publicly 35951
funded child care. Each applicant shall be notified promptly of 35952
the results of the eligibility determination. An applicant 35953
aggrieved by a decision or delay in making an eligibility 35954
determination may appeal the decision or delay to the department 35955
of job and family services in accordance with section 5101.35 of 35956
the Revised Code. The due process rights of applicants shall be 35957
protected. 35958

To the extent permitted by federal law, the county department 35959
may make all determinations of eligibility for publicly funded 35960
child care, may contract with child care providers or child care 35961
resource and referral service organizations for the providers or 35962
resource and referral service organizations to make all or any 35963
part of the determinations, and may contract with child care 35964
providers or child care resource and referral service 35965
organizations for the providers or resource and referral service 35966
organizations to collect specified information for use by the 35967

county department in making determinations. If a county department 35968
contracts with a child care provider or a child care resource and 35969
referral service organization for eligibility determinations or 35970
for the collection of information, the contract shall require the 35971
provider or resource and referral service organization to make 35972
each eligibility determination no later than thirty calendar days 35973
from the date the provider or resource and referral organization 35974
receives a completed application that is the basis of the 35975
determination and to collect and transmit all necessary 35976
information to the county department within a period of time that 35977
enables the county department to make each eligibility 35978
determination no later than thirty days after the filing of the 35979
application that is the basis of the determination. 35980

The county department may station employees of the department 35981
in various locations throughout the county to collect information 35982
relevant to applications for publicly funded child care and to 35983
make eligibility determinations. The county department, child care 35984
provider, and child care resource and referral service 35985
organization shall make each determination of eligibility for 35986
publicly funded child care no later than thirty days after the 35987
filing of the application that is the basis of the determination, 35988
shall make each determination in accordance with any relevant 35989
rules adopted pursuant to section 5104.38 of the Revised Code, and 35990
shall notify promptly each applicant for publicly funded child 35991
care of the results of the determination of the applicant's 35992
eligibility. 35993

The director of job and family services shall adopt rules in 35994
accordance with Chapter 119. of the Revised Code for monitoring 35995
the eligibility determination process. In accordance with those 35996
rules, the state department shall monitor eligibility 35997
determinations made by county departments of job and family 35998
services and shall direct any entity that is not in compliance 35999

with this division or any rule adopted under this division to 36000
implement corrective action specified by the department. 36001

(2)(a) All eligibility determinations for publicly funded 36002
child care shall be made in accordance with rules adopted pursuant 36003
to division (A) of section 5104.38 of the Revised Code. Except as 36004
otherwise provided in this section, both of the following apply: 36005

(i) Publicly funded child care may be provided only to 36006
eligible infants, toddlers, preschool-age children, ~~and~~ school-age 36007
children under age thirteen, or children receiving special needs 36008
child care. 36009

(ii) For an applicant to be eligible for publicly funded 36010
child care, the caretaker parent must be employed or participating 36011
in a program of education or training for an amount of time 36012
reasonably related to the time that the parent's children are 36013
receiving publicly funded child care. This restriction does not 36014
apply to families whose children are eligible for protective child 36015
care. 36016

(b) In accordance with rules adopted under division (B) of 36017
section 5104.38 of the Revised Code, an applicant may receive 36018
publicly funded child care while the county department determines 36019
eligibility. An applicant may receive publicly funded child care 36020
while a county department determines eligibility only once during 36021
a twelve-month period. If the county department determines that an 36022
applicant is not eligible for publicly funded child care, the 36023
~~licensed~~ child care ~~program~~ provider shall be paid for providing 36024
publicly funded child care for up to five days after that 36025
determination if the county department received a completed 36026
application with all required documentation. A program may appeal 36027
a denial of payment under this division. 36028

(c) If a caretaker parent who has been determined eligible to 36029
receive publicly funded child care no longer meets the 36030

requirements of division (A)(2)(a)(ii) of this section, the 36031
caretaker parent may continue to receive publicly funded child 36032
care for a period of up to thirteen weeks not to extend beyond the 36033
caretaker parent's twelve-month eligibility period. ~~Such~~ 36034
~~authorization may be given only once during a twelve-month period.~~ 36035

(d) If a child turns thirteen, or if a child receiving 36036
special needs child care turns eighteen, during the twelve-month 36037
eligibility period, the caretaker parent may continue to receive 36038
publicly funded child care until the end of that twelve-month 36039
period. 36040

Subject to available funds, the department of job and family 36041
services shall allow a family to receive publicly funded child 36042
care unless the family's income exceeds the maximum income 36043
eligibility limit. Initial and continued eligibility for publicly 36044
funded child care is subject to available funds unless the family 36045
is receiving child care pursuant to division (A)(1), (2), (3), or 36046
(4) of section 5104.30 of the Revised Code. If the department must 36047
limit eligibility due to lack of available funds, it shall give 36048
first priority for publicly funded child care to an assistance 36049
group whose income is not more than the maximum income eligibility 36050
limit that received transitional child care in the previous month 36051
but is no longer eligible because the twelve-month period has 36052
expired. Such an assistance group shall continue to receive 36053
priority for publicly funded child care until its income exceeds 36054
the maximum income eligibility limit. 36055

(3) An assistance group that ceases to participate in the 36056
Ohio works first program established under Chapter 5107. of the 36057
Revised Code is eligible for transitional child care at any time 36058
during the immediately following twelve-month period that both of 36059
the following apply: 36060

(a) The assistance group requires child care due to 36061
employment; 36062

(b) The assistance group's income is not more than one 36063
hundred fifty per cent of the federal poverty line. 36064

An assistance group ineligible to participate in the Ohio 36065
works first program pursuant to section 5101.83 or section 5107.16 36066
of the Revised Code is not eligible for transitional child care. 36067

(B) To the extent permitted by federal law, the department of 36068
job and family services may require a caretaker parent determined 36069
to be eligible for publicly funded child care to pay a fee 36070
according to the schedule of fees established in rules adopted 36071
under section 5104.38 of the Revised Code. The department shall 36072
make protective child care services and homeless child care 36073
services available to children without regard to the income or 36074
assets of the caretaker parent of the child. 36075

(C) A caretaker parent receiving publicly funded child care 36076
shall report to the entity that determined eligibility any changes 36077
in status with respect to employment or participation in a program 36078
of education or training not later than ten calendar days after 36079
the change occurs. 36080

(D) If the department of job and family services determines 36081
that available resources are not sufficient to provide publicly 36082
funded child care to all eligible families who request it, the 36083
department may establish a waiting list. The department may 36084
establish separate waiting lists within the waiting list based on 36085
income. 36086

(E) A caretaker parent shall not receive ~~full-time~~ publicly 36087
funded child care from more than one child care provider per child 36088
during a week, unless a county department grants the family an 36089
exemption for one of the following reasons: 36090

~~(a)~~(1) The child needs additional care during non-traditional 36091
hours; 36092

~~(b)~~(2) The child needs to change providers in the middle of 36093

the week and the hours of care provided by the providers do not 36094
overlap; 36095

~~(e)~~(3) The child's provider is closed on scheduled school 36096
days off or on calamity days; 36097

~~(d)~~(4) The child is enrolled in a part-time program 36098
participating in the tiered quality rating and improvement system 36099
established under section ~~5104.30~~ 5104.29 of the Revised Code and 36100
needs care from an additional part-time provider. 36101

(F) As used in this section, "maximum income eligibility 36102
limit" means the amount of income specified in rules adopted under 36103
division (A) of section 5104.38 of the Revised Code. 36104

Sec. 5104.38. In addition to any other rules adopted under 36105
this chapter, the director of job and family services shall adopt 36106
rules in accordance with Chapter 119. of the Revised Code 36107
governing financial and administrative requirements for publicly 36108
funded child care and establishing all of the following: 36109

(A) Procedures and criteria to be used in making 36110
determinations of eligibility for publicly funded child care that 36111
give priority to children of families with lower incomes and 36112
procedures and criteria for eligibility for publicly funded 36113
protective child care or homeless child care. The rules shall 36114
specify the maximum amount of income a family may have for initial 36115
and continued eligibility. The maximum amount shall not exceed 36116
three hundred per cent of the federal poverty line. The rules may 36117
specify exceptions to the eligibility requirements in the case of 36118
a family that previously received publicly funded child care and 36119
is seeking to have the child care reinstated after the family's 36120
eligibility was terminated. 36121

(B) Procedures under which an applicant for publicly funded 36122
child care may receive publicly funded child care while the county 36123

department of job and family services determines eligibility and 36124
under which a ~~licensed~~ child care ~~program~~ provider may appeal a 36125
denial of payment under division (A)(2)(b) of section 5104.34 of 36126
the Revised Code; 36127

(C) A schedule of fees requiring all eligible caretaker 36128
parents to pay a fee for publicly funded child care according to 36129
income and family size, which shall be uniform for all types of 36130
publicly funded child care, except as authorized by rule, and, to 36131
the extent permitted by federal law, shall permit the use of state 36132
and federal funds to pay the customary deposits and other advance 36133
payments that a provider charges all children who receive child 36134
care from that provider. 36135

(D) A formula for determining the amount of state and federal 36136
funds appropriated for publicly funded child care that may be 36137
allocated to a county department to use for administrative 36138
purposes; 36139

(E) Procedures to be followed by the department and county 36140
departments in recruiting individuals and groups to become 36141
providers of child care; 36142

(F) Procedures to be followed in establishing state or local 36143
programs designed to assist individuals who are eligible for 36144
publicly funded child care in identifying the resources available 36145
to them and to refer the individuals to appropriate sources to 36146
obtain child care; 36147

(G) Procedures to deal with fraud and abuse committed by 36148
either recipients or providers of publicly funded child care; 36149

(H) Procedures for establishing a child care grant or loan 36150
program in accordance with the child care block grant act; 36151

(I) Standards and procedures for applicants to apply for 36152
grants and loans, and for the department to make grants and loans; 36153

(J) A definition of "person who stands in loco parentis" for 36154
the purposes of division ~~(JJ)(1)~~(LL)(3) of section 5104.01 of the 36155
Revised Code; 36156

(K) Procedures for a county department of job and family 36157
services to follow in making eligibility determinations and 36158
redeterminations for publicly funded child care available through 36159
telephone, computer, and other means at locations other than the 36160
county department; 36161

(L) If the director establishes a different reimbursement 36162
ceiling under division (E)(3)(d) of section 5104.30 of the Revised 36163
Code, standards and procedures for determining the amount of the 36164
higher payment that is to be issued to a child care provider based 36165
on the special needs of the child being served; 36166

(M) To the extent permitted by federal law, procedures for 36167
paying for up to thirty days of child care for a child whose 36168
caretaker parent is seeking employment, taking part in employment 36169
orientation activities, or taking part in activities in 36170
anticipation of enrolling in or attending an education or training 36171
program or activity, if the employment or the education or 36172
training program or activity is expected to begin within the 36173
thirty-day period; 36174

(N) Any other rules necessary to carry out sections 5104.30 36175
to 5104.43 of the Revised Code. 36176

Sec. 5104.41. A child and the child's caretaker ~~who either~~ 36177
~~temporarily reside in a facility providing emergency shelter for~~ 36178
~~homeless families or are determined by the county department of~~ 36179
~~job and family services to be homeless, and who are otherwise~~ 36180
ineligible for publicly funded child care, are eligible for 36181
~~protective~~ homeless child care for the lesser of the following: 36182

(A) ~~Ninety~~ Not more than ninety days; 36183

(B) The period of time they reside in ~~the~~ a facility 36184
providing emergency shelter, ~~if they qualified for protective~~ 36185
~~child care because they reside in the shelter,~~ for homeless 36186
families or the period of time in which the county department 36187
determines they are homeless. 36188

Sec. 5104.99. (A) Whoever violates section 5104.02 of the 36189
Revised Code shall be punished as follows: 36190

(1) For each offense, the offender shall be fined not less 36191
than one hundred dollars nor more than five hundred dollars 36192
multiplied by the number of children receiving child care at the 36193
child day-care center or type A family day-care home that either 36194
exceeds the number of children to which a type B family day-care 36195
home may provide child care or, if the offender is a licensed type 36196
A family day-care home that is operating as a child day-care 36197
center without being licensed as a center, exceeds the license 36198
capacity of the type A home. 36199

(2) In addition to the fine specified in division (A)(1) of 36200
this section, all of the following apply: 36201

(a) Except as provided in divisions (A)(2)(b), (c), and (d) 36202
of this section, the court shall order the offender to reduce the 36203
number of children to which it provides child care to a number 36204
that does not exceed either the number of children to which a type 36205
B family day-care home may provide child care or, if the offender 36206
is a licensed type A family day-care home that is operating as a 36207
child day-care center without being licensed as a center, the 36208
license capacity of the type A home. 36209

(b) If the offender previously has been convicted of or 36210
pleaded guilty to one violation of section 5104.02 of the Revised 36211
Code, the court shall order the offender to cease the provision of 36212
child care to any person until it obtains a child day-care center 36213
license or a type A family day-care home license, as appropriate, 36214

under section 5104.03 of the Revised Code. 36215

(c) If the offender previously has been convicted of or 36216
pleaded guilty to two violations of section 5104.02 of the Revised 36217
Code, the offender is guilty of a misdemeanor of the first degree, 36218
and the court shall order the offender to cease the provision of 36219
child care to any person until it obtains a child day-care center 36220
license or a type A family day-care home license, as appropriate, 36221
under section 5104.03 of the Revised Code. The court shall impose 36222
the fine specified in division (A)(1) of this section and may 36223
impose an additional fine provided that the total amount of the 36224
fines so imposed does not exceed the maximum fine authorized for a 36225
misdemeanor of the first degree under section 2929.28 of the 36226
Revised Code. 36227

(d) If the offender previously has been convicted of or 36228
pleaded guilty to three or more violations of section 5104.02 of 36229
the Revised Code, the offender is guilty of a felony of the fifth 36230
degree, and the court shall order the offender to cease the 36231
provision of child care to any person until it obtains a child 36232
day-care center license or a type A family day-care home license, 36233
as appropriate, under section 5104.03 of the Revised Code. The 36234
court shall impose the fine specified in division (A)(1) of this 36235
section and may impose an additional fine provided that the total 36236
amount of the fines so imposed does not exceed the maximum fine 36237
authorized for a felony of the fifth degree under section 2929.18 36238
of the Revised Code. 36239

~~(B) Whoever violates division (M)(4) of section 5104.013 of 36240
the Revised Code is guilty of a misdemeanor of the first degree. 36241
If the offender is a licensee of a center, type A home, or 36242
licensed type B home, the conviction shall constitute grounds for 36243
denial or revocation of an application for licensure pursuant to 36244
section 5104.04 of the Revised Code. Except as otherwise provided 36245
in this division, the offense established under division (M)(4) of 36246~~

~~section 5104.013 of the Revised Code is a strict liability offense, and section 2901.20 of the Revised Code does not apply. If the offender is a person eighteen years of age or older residing in a type A home or licensed type B home or is an employee of a center, type A home, or licensed type B home and if the licensee had knowledge of, and acquiesced in, the commission of the offense, the conviction shall constitute grounds for denial or revocation of an application for licensure pursuant to section 5104.04 of the Revised Code.~~

~~(C) Whoever violates section 5104.09 of the Revised Code is guilty of a misdemeanor of the third degree.~~

Sec. 5119.185. (A) As used in this section, "physician":

(1) "Advanced practice registered nurse" has the same meaning as in section 4723.01 of the Revised Code.

(2) "Clinician" means any of the following:

(a) An advanced practice registered nurse;

(b) A physician;

(c) A physician assistant.

(3) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

(4) "Physician assistant" means an individual who holds a current, valid license to practice as a physician assistant issued under Chapter 4730. of the Revised Code.

(B) The department of mental health and addiction services may establish a ~~physician~~ clinician recruitment program under which the department agrees to repay all or part of the principal and interest of a government or other educational loan incurred by a ~~physician~~ clinician who agrees to provide services to inpatients

and outpatients of institutions under the department's 36276
administration. To be eligible to participate in the program, a 36277
~~physician~~ clinician must have attended the following: 36278

(1) In the case of a physician, a school that was, at the 36279
time of attendance, a medical school or osteopathic medical school 36280
in this country accredited by the liason committee on medical 36281
education or the American osteopathic association, or a medical 36282
school or osteopathic medical school located outside this country 36283
that was acknowledged by the world health organization and 36284
verified by a member state of that organization as operating 36285
within that state's jurisdiction; 36286

(2) In the case of a physician assistant, a school that was, 36287
at the time of attendance, accredited by the accreditation review 36288
commission on education for the physician assistant or a regional 36289
or specialized and professional accrediting agency recognized by 36290
the council for higher education accreditation; 36291

(3) In the case of an advanced practice registered nurse, a 36292
school that was, at the time of attendance, accredited by a 36293
national or regional accrediting organization. 36294

(C) The department shall enter into a contract with each 36295
~~physician~~ clinician it recruits under this section. Each contract 36296
shall include at least the following terms: 36297

(1) The ~~physician~~ clinician agrees to provide a specified 36298
scope of ~~medical or osteopathic medical~~ health care services for a 36299
specified number of hours per week and a specified number of years 36300
to patients of one or more specified institutions administered by 36301
the department. 36302

(2) The department agrees to repay all or a specified portion 36303
of the principal and interest of a government or other educational 36304
loan taken by the ~~physician~~ clinician for the following expenses 36305
if the ~~physician~~ clinician meets the service obligation agreed to 36306

and the expenses were incurred while the ~~physician~~ clinician was 36307
enrolled in, for up to a maximum of four years, a school that 36308
qualifies the ~~physician~~ clinician to participate in the program: 36309

(a) Tuition; 36310

(b) Other educational expenses for specific purposes, 36311
including fees, books, and laboratory expenses, in amounts 36312
determined to be reasonable in accordance with rules adopted under 36313
division (D) of this section; 36314

(c) Room and board, in an amount determined to be reasonable 36315
in accordance with rules adopted under division (D) of this 36316
section. 36317

(3) The ~~physician~~ clinician agrees to pay the department a 36318
specified amount, which shall be not less than the amount already 36319
paid by the department pursuant to its agreement, as damages if 36320
the ~~physician~~ clinician fails to complete the service obligation 36321
agreed to or fails to comply with other specified terms of the 36322
contract. The contract may vary the amount of damages based on the 36323
portion of the ~~physician's~~ clinician's service obligation that 36324
remains uncompleted as determined by the department. 36325

(4) Other terms agreed upon by the parties. 36326

(D) If the department elects to implement the ~~physician~~ 36327
clinician recruitment program, it shall adopt rules in accordance 36328
with Chapter 119. of the Revised Code that establish all of the 36329
following: 36330

(1) Criteria for designating institutions for which 36331
~~physicians~~ clinicians will be recruited; 36332

(2) Criteria for selecting ~~physicians~~ clinicians for 36333
participation in the program; 36334

(3) Criteria for determining the portion of a ~~physician's~~ 36335
clinician's loan that the department will agree to repay; 36336

(4) Criteria for determining reasonable amounts of the expenses described in divisions (C)(2)(b) and (c) of this section;	36337 36338
(5) Procedures for monitoring compliance by physicians <u>clinicians</u> with the terms of their contracts;	36339 36340
(6) Any other criteria or procedures necessary to implement the program.	36341 36342
Sec. 5119.44. As used in this section, "free clinic" has the same meaning as in section 2305.2341 of the Revised Code.	36343 36344
(A) The department of mental health and addiction services may provide certain goods and services for the department of mental health and addiction services, the department of developmental disabilities, the department of rehabilitation and correction, the department of youth services, and other state, county, or municipal agencies requesting such goods and services when the department of mental health and addiction services determines that it is in the public interest, and considers it advisable, to provide these goods and services. The department of mental health and addiction services also may provide goods and services to agencies operated by the United States government and to public or private nonprofit agencies, other than free clinics, that are funded in whole or in part by the state if the public or private nonprofit agencies are designated for participation in this program by the director of mental health and addiction services for community addiction services providers and community mental health services providers, the director of developmental disabilities for community developmental disabilities agencies, the director of rehabilitation and correction for community rehabilitation and correction agencies, or the director of youth services for community youth services agencies.	36345 36346 36347 36348 36349 36350 36351 36352 36353 36354 36355 36356 36357 36358 36359 36360 36361 36362 36363 36364 36365
Designated community agencies or services providers shall receive goods and services through the department of mental health	36366 36367

and addiction services only in those cases where the designating 36368
state agency certifies that providing such goods and services to 36369
the agency or services provider will conserve public resources to 36370
the benefit of the public and where the provision of such goods 36371
and services is considered feasible by the department of mental 36372
health and addiction services. 36373

(B) The department of mental health and addiction services 36374
may permit free clinics to purchase certain goods and services to 36375
the extent the purchases fall within the exemption to the 36376
Robinson-Patman Act, 15 U.S.C. 13 et seq., applicable to nonprofit 36377
institutions, in 15 U.S.C. 13c, as amended. 36378

(C) The goods and services that may be provided by the 36379
department of mental health and addiction services under divisions 36380
(A) and (B) of this section may include: 36381

(1) Procurement, storage, processing, and distribution of 36382
food and professional consultation on food operations; 36383

(2) Procurement, storage, and distribution of medical and 36384
laboratory supplies, dental supplies, medical records, forms, 36385
optical supplies, and sundries, ~~subject to section 5120.135 of the~~ 36386
~~Revised Code;~~ 36387

(3) Procurement, storage, repackaging, distribution, and 36388
dispensing of drugs, the provision of professional pharmacy 36389
consultation, and drug information services; 36390

(4) Other goods and services. 36391

(D) The department of mental health and addiction services 36392
may provide the goods and services designated in division (C) of 36393
this section to its institutions and to state-operated 36394
community-based mental health or addiction services providers. 36395

(E) After consultation with and advice from the director of 36396
developmental disabilities, the director of rehabilitation and 36397

correction, and the director of youth services, the department of 36398
mental health and addiction services may provide the goods and 36399
services designated in division (C) of this section to the 36400
department of developmental disabilities, the department of 36401
rehabilitation and correction, and the department of youth 36402
services. 36403

(F) The cost of administration of this section shall be 36404
determined by the department of mental health and addiction 36405
services and paid by the agencies, services providers, or free 36406
clinics receiving the goods and services to the department for 36407
deposit in the state treasury to the credit of the Ohio pharmacy 36408
services fund, which is hereby created. The fund shall be used to 36409
pay the cost of administration of this section to the department. 36410

(G) Whenever a state agency fails to make a payment for goods 36411
and services provided under this section within thirty-one days 36412
after the date the payment was due, the office of budget and 36413
management may transfer moneys from the state agency to the 36414
department of mental health and addiction services. The amount 36415
transferred shall not exceed the amount of overdue payments. Prior 36416
to making a transfer under this division, the office of budget and 36417
management shall apply any credits the state agency has 36418
accumulated in payments for goods and services provided under this 36419
section. 36420

(H) Purchases of goods and services under this section are 36421
not subject to section 307.86 of the Revised Code. 36422

Sec. 5120.10. (A)(1) The director of rehabilitation and 36423
correction, by rule, shall promulgate minimum standards for jails 36424
in Ohio, including minimum security jails dedicated under section 36425
341.34 or 753.21 of the Revised Code. Whenever the director files 36426
a rule or an amendment to a rule in final form with both the 36427
secretary of state and the director of the legislative service 36428

commission pursuant to section 111.15 of the Revised Code, the 36429
director of rehabilitation and correction promptly shall send a 36430
copy of the rule or amendment, if the rule or amendment pertains 36431
to minimum jail standards, by ordinary mail to the political 36432
subdivisions or affiliations of political subdivisions that 36433
operate jails to which the standards apply. 36434

(2) The rules promulgated in accordance with division (A)(1) 36435
of this section shall serve as criteria for the investigative and 36436
supervisory powers and duties vested by division (D) of this 36437
section in the division of parole and community services of the 36438
department of rehabilitation and correction or in another division 36439
of the department to which those powers and duties are assigned. 36440

(B) The director may initiate an action in the court of 36441
common pleas of the county in which a facility that is subject to 36442
the rules promulgated under division (A)(1) of this section is 36443
situated to enjoin compliance with the minimum standards for jails 36444
or with the minimum standards and minimum renovation, 36445
modification, and construction criteria for ~~minimum security~~ 36446
jails. 36447

(C) Upon the request of an administrator of a jail facility, 36448
the chief executive of a municipal corporation, or a board of 36449
county commissioners, the director of rehabilitation and 36450
correction or the director's designee shall grant a variance from 36451
the minimum standards for jails in Ohio for a facility that is 36452
subject to one of those minimum standards when the director 36453
determines that strict compliance with the minimum standards would 36454
cause unusual, practical difficulties or financial hardship, that 36455
existing or alternative practices meet the intent of the minimum 36456
standards, and that granting a variance would not seriously affect 36457
the security of the facility, the supervision of the inmates, or 36458
the safe, healthful operation of the facility. If the director or 36459
the director's designee denies a variance, the applicant may 36460

appeal the denial pursuant to section 119.12 of the Revised Code. 36461

(D) The following powers and duties shall be exercised by the 36462
division of parole and community services unless assigned to 36463
another division by the director: 36464

(1) The investigation and supervision of county and municipal 36465
jails, workhouses, minimum security jails, and other correctional 36466
institutions and agencies; 36467

(2) The review and approval of plans submitted to the 36468
department of rehabilitation and correction pursuant to division 36469
(E) of this section; 36470

(3) The management and supervision of the adult parole 36471
authority created by section 5149.02 of the Revised Code; 36472

(4) The review and approval of proposals for community-based 36473
correctional facilities and programs and district community-based 36474
correctional facilities and programs that are submitted pursuant 36475
to division (B) of section 2301.51 of the Revised Code; 36476

(5) The distribution of funds made available to the division 36477
for purposes of assisting in the renovation, maintenance, and 36478
operation of community-based correctional facilities and programs 36479
and district community-based correctional facilities and programs 36480
in accordance with section 5120.112 of the Revised Code; 36481

(6) The performance of the duty imposed upon the department 36482
of rehabilitation and correction in section 5149.31 of the Revised 36483
Code to establish and administer a program of subsidies to 36484
eligible municipal corporations, counties, and groups of 36485
contiguous counties for the development, implementation, and 36486
operation of community-based corrections programs; 36487

(7) Licensing halfway houses and community residential 36488
centers for the care and treatment of adult offenders in 36489
accordance with section 2967.14 of the Revised Code; 36490

(8) Contracting with a public or private agency or a department or political subdivision of the state that operates a licensed halfway house or community residential center for the provision of housing, supervision, and other services to parolees, releasees, persons placed under a residential sanction, persons under transitional control, and other eligible offenders in accordance with section 2967.14 of the Revised Code.

Other powers and duties may be assigned by the director of rehabilitation and correction to the division of parole and community services. This section does not apply to the department of youth services or its institutions or employees.

(E) No plan for any new jail, workhouse, or lockup, and no plan for a substantial addition or alteration to an existing jail, workhouse, or lockup, shall be adopted unless the officials responsible for adopting the plan have submitted the plan to the department of rehabilitation and correction for approval, and the department has approved the plan as provided in division (D)(2) of this section.

Sec. 5120.112. (A) The division of parole and community services shall accept applications for state financial assistance for the renovation, maintenance, and operation of proposed and approved community-based correctional facilities and programs and district community-based correctional facilities and programs that are filed in accordance with section 2301.56 of the Revised Code. The division, upon receipt of an application for a particular facility and program, shall determine whether the application is in proper form, whether the applicant satisfies the standards of operation that are prescribed by the department of rehabilitation and correction under section 5120.111 of the Revised Code, whether the applicant has established the facility and program, and, if the applicant has not at that time established the facility and

program, whether the proposal of the applicant sufficiently 36522
indicates that the standards will be satisfied upon the 36523
establishment of the facility and program. If the division 36524
determines that the application is in proper form and that the 36525
applicant has satisfied or will satisfy the standards of the 36526
department, the division shall notify the applicant that it is 36527
qualified to receive state financial assistance for the facility 36528
and program under this section from moneys made available to the 36529
division for purposes of providing assistance to community-based 36530
correctional facilities and programs and district community-based 36531
correctional facilities and programs. 36532

(B) The amount of state financial assistance that is awarded 36533
to a qualified applicant under this section shall be determined by 36534
the division of parole and community services in accordance with 36535
this division. In determining the amount of state financial 36536
assistance to be awarded to a qualified applicant under this 36537
section, the division shall not calculate the cost of an offender 36538
incarcerated in a community-based correctional facility and 36539
program or district community-based correctional facility program 36540
to be greater than the average yearly cost of incarceration per 36541
inmate in all state correctional institutions, as defined in 36542
section 2967.01 of the Revised Code, as determined by the 36543
department of rehabilitation and correction. 36544

The times and manner of distribution of state financial 36545
assistance to be awarded to a qualified applicant under this 36546
section shall be determined by the division of parole and 36547
community services. 36548

(C) Upon approval of a proposal for a community-based 36549
correctional facility and program or a district community-based 36550
correctional facility and program by the division of parole and 36551
community services, the facility governing board, upon the advice 36552
of the judicial advisory board, shall enter into an award 36553

agreement with the department of rehabilitation and correction 36554
that outlines terms and conditions of the agreement ~~on an annual~~ 36555
~~basis. The agreement shall not be effective for longer than the~~ 36556
state fiscal biennium in which the financial assistance is to be 36557
awarded. In the award agreement, the facility governing board 36558
shall identify a fiscal agent responsible for the deposit of funds 36559
and compliance with sections 2301.55 and 2301.56 of the Revised 36560
Code. 36561

(D) No state financial assistance shall be distributed to a 36562
qualified applicant until an agreement concerning the assistance 36563
has been entered into by the director of rehabilitation and 36564
correction and the deputy director of the division of parole and 36565
community services on the part of the state, and by the 36566
chairperson of the facility governing board of the community-based 36567
correctional facility and program or district community-based 36568
correctional facility and program to receive the financial 36569
assistance, whichever is applicable. The agreement shall not be 36570
effective for ~~a period of one year from the date of the agreement~~ 36571
longer than the state fiscal biennium in which the financial 36572
assistance is to be awarded, and shall specify all terms and 36573
conditions that are applicable to the awarding of the assistance, 36574
including, but not limited to: 36575

(1) The total amount of assistance to be awarded for each 36576
community-based correctional facility and program or district 36577
community-based correctional facility and program, and the times 36578
and manner of the payment of the assistance; 36579

(2) How persons who will staff and operate the facility and 36580
program are to be utilized during the period for which the 36581
assistance is to be granted, including descriptions of their 36582
positions and duties, and their salaries and fringe benefits; 36583

(3) A statement that none of the persons who will staff and 36584
operate the facility and program, including those who are 36585

receiving some or all of their salaries out of funds received by 36586
the facility and program as state financial assistance, are 36587
employees or are to be considered as being employees of the 36588
department of rehabilitation and correction, and a statement that 36589
the employees who will staff and operate that facility and program 36590
are employees of the facility and program; 36591

(4) A list of the type of expenses, other than salaries of 36592
persons who will staff and operate the facility and program, for 36593
which the state financial assistance can be used, and a 36594
requirement that purchases made with funds received as state 36595
financial assistance follow established fiscal guidelines as 36596
determined by the division of parole and community services and 36597
any applicable sections of the Revised Code, including, but not 36598
limited to, sections 125.01 to 125.11 and Chapter 153. of the 36599
Revised Code; 36600

(5) The accounting procedures that are to be used by the 36601
facility and program in relation to the state financial 36602
assistance; 36603

(6) A requirement that the facility and program file reports, 36604
during the period that it receives state financial assistance, 36605
with the division of parole and community services, which reports 36606
shall be statistical in nature and shall contain that information 36607
required under a research design agreed upon by all parties to the 36608
agreement, for purposes of evaluating the facility and program; 36609

(7) A requirement that the facility and program comply with 36610
standards of operation as prescribed by the department under 36611
section 5120.111 of the Revised Code, and with all information 36612
submitted on its application; 36613

(8) A statement that the facility and program will make a 36614
reasonable effort to augment the funding received from the state. 36615

(E)(1) No state financial assistance shall be distributed to 36616

a qualified applicant until its proposal for a community-based 36617
correctional facility and program or district community-based 36618
correctional facility and program has been approved by the 36619
division of parole and community services. 36620

(2) State financial assistance may be denied to any applicant 36621
if it fails to comply with the terms of any agreement entered into 36622
pursuant to division (D) of this section. 36623

(F) The division of parole and community services may expend 36624
up to one-half per cent of the annual appropriation made for 36625
community-based correctional facility programs, for goods or 36626
services that benefit those programs. 36627

Sec. 5122.43. (A) Costs, fees, and expenses of all 36628
proceedings held under this chapter shall be paid as follows: 36629

(1) To police and health officers, other than sheriffs or 36630
their deputies, the same fees allowed to constables, to be paid 36631
upon the approval of the probate judge; 36632

(2) To sheriffs or their deputies, the same fees allowed for 36633
similar services in the court of common pleas; 36634

(3) To physicians or licensed clinical psychologists acting 36635
as expert witnesses and to other expert witnesses designated by 36636
the court, an amount determined by the court; 36637

(4) To other witnesses, the same fees and mileage as for 36638
attendance at the court of common pleas, to be paid upon the 36639
approval of the probate judge; 36640

(5) To a person, other than the sheriff or the sheriff's 36641
deputies, for taking a mentally ill person to a hospital or 36642
removing a mentally ill person from a hospital, the actual 36643
necessary expenses incurred, specifically itemized, and approved 36644
by the probate judge; 36645

(6) To assistants who convey mentally ill persons to the 36646

hospital when authorized by the probate judge, a fee set by the 36647
probate court, provided the assistants are not drawing a salary 36648
from the state or any political subdivision of the state, and 36649
their actual necessary expenses incurred, provided that the 36650
expenses are specifically itemized and approved by the probate 36651
judge; 36652

(7) To an attorney appointed by the probate division for an 36653
indigent who allegedly is a mentally ill person pursuant to any 36654
section of this chapter or a person suffering from alcohol and 36655
other drug abuse and who may be ordered under sections 5119.91 to 36656
5119.98 of the Revised Code to undergo treatment, the fees that 36657
are determined by the probate division. When those indigent 36658
persons are before the court, all filing and recording fees shall 36659
be waived. 36660

(8) To a referee who is appointed to conduct proceedings 36661
under this chapter that involve a respondent whose domicile is or, 36662
before the respondent's hospitalization, was not the county in 36663
which the proceedings are held, compensation as fixed by the 36664
probate division, but not more than the compensation paid for 36665
similar proceedings for respondents whose domicile is in the 36666
county in which the proceedings are held; 36667

(9) To a court reporter appointed to make a transcript of 36668
proceedings under this chapter, the compensation and fees allowed 36669
in other cases under section 2101.08 of the Revised Code. 36670

(B) A county shall pay for the costs, fees, and expenses 36671
described in division (A) of this section with money appropriated 36672
pursuant to section 2101.11 of the Revised Code. A county may seek 36673
reimbursement from the department of mental health and addiction 36674
services by submitting a request and certification by the county 36675
auditor of the costs, fees, and expenses to the department within 36676
two months of the date the costs, fees, and expenses are incurred 36677
by the county. 36678

Each fiscal year, based on past allocations, historical 36679
utilization, and other factors the department considers 36680
appropriate, the department shall allocate for each county an 36681
amount for reimbursements under this section. A county's 36682
allocation may be zero. The department shall set aside an amount 36683
in addition to the allocations to cover court costs associated 36684
with proceedings held under this chapter for counties that 36685
received an allocation of zero but that incurred expenditures 36686
authorized by the department. The total of all the allocations 36687
plus the additional amount set aside shall equal the amount 36688
appropriated for the fiscal year to the department specifically 36689
for the purposes of this section. 36690

On receipt, the department shall review each request for 36691
reimbursement and prepare a voucher for the amount of the costs, 36692
fees, and expenses incurred by the county, provided that the total 36693
amount of money paid to all counties in each fiscal year shall not 36694
exceed the total amount of moneys specifically appropriated to the 36695
department for these purposes. 36696

The department's total reimbursement to each county shall be 36697
the lesser of the full amount requested or either the amount 36698
allocated for the county under this division, or, for counties 36699
that received an allocation of zero, the amount approved by the 36700
department. In addition, the department shall distribute any 36701
surplus remaining from the money appropriated for the fiscal year 36702
to the department for the purposes of this section as follows to 36703
counties whose full requests exceed their allocations: 36704

(1) If the surplus is sufficient to reimburse such counties 36705
the full amount of their requests, each such county shall receive 36706
the full amount of its request; 36707

(2) If the surplus is insufficient, each such county shall 36708
receive a percentage of the surplus determined by dividing the 36709
difference between the county's full request and its allocation by 36710

the difference between the total of the full requests of all such 36711
counties and the total of the amounts allocated for all such 36712
counties. 36713

The department may adopt rules in accordance with Chapter 36714
119. of the Revised Code to implement the payment of costs, fees, 36715
and expenses under this section. 36716

Sec. 5123.023. (A) The director of developmental disabilities 36717
~~may~~ shall establish an employment first task force consisting of 36718
the departments of developmental disabilities, education, 36719
medicaid, job and family services, and mental health and addiction 36720
services; and the opportunities for Ohioans with disabilities 36721
agency. The purpose of the task force shall be to improve the 36722
coordination of the state's efforts to address the needs of 36723
individuals with developmental disabilities who seek community 36724
employment as defined in section 5123.022 of the Revised Code. 36725
36726

(B) The department of developmental disabilities may enter 36727
into interagency agreements with any of the government entities on 36728
the task force. The interagency agreements may specify either or 36729
both of the following: 36730

(1) The roles and responsibilities of the government entities 36731
that are members of the task force, including any money to be 36732
contributed by those entities; 36733

(2) The projects and activities of the task force. 36734

(C) There is hereby created in the state treasury the 36735
employment first taskforce fund. Any money received by the task 36736
force from its members shall be credited to the fund. The 36737
department of developmental disabilities shall use the fund to 36738
support the work of the task force. 36739

~~(D) The task force shall cease to exist on January 1, 2020.~~ 36740

~~Any money, assets, or employees of the department of developmental disabilities that on that date are dedicated to the work of the task force shall be reallocated by the department for employment services for individuals with developmental disabilities.~~

Sec. 5123.046. The department of developmental disabilities shall review each ~~component of the three calendar year~~ annual plan it receives from a county board of developmental disabilities under section 5126.054 of the Revised Code and, in consultation with the department of job and family services and office of budget and management, approve each ~~component~~ plan that includes all the information and conditions specified in that section. ~~The third component of the plan shall be approved or disapproved not later than forty five days after the third component is submitted to the department. If the department approves all three components of the plan, the plan is approved. Otherwise, the plan is disapproved.~~ If the plan is disapproved, the department shall take action against the county board under division (B) of section 5126.056 of the Revised Code.

In approving plans under this section, the department shall ensure that the aggregate of all plans provide for the increased enrollment into home and community-based services during each state fiscal year of at least five hundred individuals who did not receive residential services, supported living, or home and community-based services the prior state fiscal year if the department has enough additional enrollment available for this purpose.

The department shall establish protocols that the department shall use to determine whether a county board is complying with the programmatic and financial accountability mechanisms and achieving outcomes specified in its approved plan. If the department determines that a county board is not in compliance

with the mechanisms or achieving the outcomes specified in its 36772
approved plan, the department may take action under division (F) 36773
of section 5126.055 of the Revised Code. 36774

Sec. 5123.0414. (A) When the director of developmental 36775
disabilities, ~~under section 119.07 of the Revised Code,~~ sends a 36776
party a notice by registered or certified mail, return receipt 36777
requested, that the director intends to take action against the 36778
party authorized by section 5123.166, 5123.168, 5123.19, 5123.45, 36779
5123.51, or 5126.25 of the Revised Code and the notice is returned 36780
to the director with an endorsement indicating that the notice was 36781
refused or unclaimed, the director shall resend the notice by 36782
ordinary mail to the party. 36783

(B) If the original notice was refused, the notice shall be 36784
deemed received as of the date the director resends the notice. 36785

(C) If the original notice was unclaimed, the notice shall be 36786
deemed received as of the date the director resends the notice 36787
unless, not later than thirty days after the date the director 36788
sent the original notice, the resent notice is returned to the 36789
director for failure of delivery. 36790

If the notice concerns taking action under section 5123.51 of 36791
the Revised Code and the resent notice is returned to the director 36792
for failure of delivery not later than thirty days after the date 36793
the director sent the original notice, the director shall cause 36794
the notice to be published in a newspaper of general circulation 36795
in the county of the party's last known residence or business and 36796
shall mail a dated copy of the published notice to the party at 36797
the last known address. The notice shall be deemed received as of 36798
the date of the publication. 36799

If the notice concerns taking action under section 5123.166, 36800
5123.168, 5123.19, 5123.45, or 5126.25 of the Revised Code and the 36801
resent notice is returned to the director for failure of delivery 36802

not later than thirty days after the date the director sent the 36803
original notice, the director shall resend the notice to the party 36804
a second time. The notice shall be deemed received as of the date 36805
the director resends the notice the second time. 36806

Sec. 5123.0419. (A) The director of developmental 36807
disabilities ~~may~~ shall establish an interagency workgroup on 36808
autism. The purpose of the workgroup shall be to improve the 36809
coordination of the state's efforts to address the service needs 36810
of individuals with autism spectrum disorders and the families of 36811
those individuals. In fulfilling this purpose, the director may 36812
enter into interagency agreements with the government entities 36813
represented by the members of the workgroup. The agreements may 36814
specify any or all of the following: 36815

(1) The roles and responsibilities of government entities 36816
that enter into the agreements; 36817

(2) Procedures regarding the receipt, transfer, and 36818
expenditure of funds necessary to achieve the goals of the 36819
workgroup; 36820

(3) The projects to be undertaken and activities to be 36821
performed by the government entities that enter into the 36822
agreements. 36823

(B) Money received from government entities represented by 36824
the members of the workgroup shall be deposited into the state 36825
treasury to the credit of the interagency workgroup on autism 36826
fund, which is hereby created in the state treasury. Money 36827
credited to the fund shall be used by the department of 36828
developmental disabilities solely to support the activities of the 36829
workgroup. 36830

Sec. 5123.0424. (A) As used in this section: 36831

(1) "Official member" means a member of an official workgroup 36832

who was appointed by the director of developmental disabilities. 36833

(2) "Official workgroup" means a workgroup, task force, 36834
council, committee, or similar entity that has been established by 36835
the director of developmental disabilities under the director's 36836
express or implied statutory authority. 36837

(B) Subject to division (C) of this section, the director of 36838
developmental disabilities may, at the director's discretion, 36839
provide for an official member of an official workgroup to be 36840
reimbursed for actual and necessary travel expenses the member 36841
incurs in the performance of the member's duties on the workgroup, 36842
including attending the workgroup's meetings, if all of the 36843
following apply: 36844

(1) The official member serves on the official workgroup as a 36845
representative of the families of, or advocates for, individuals 36846
with developmental disabilities; 36847

(2) The official member does not receive reimbursement for 36848
the travel expenses from any other source; 36849

(3) The official member does not receive wages or other 36850
compensation from any other source for performing the member's 36851
duties on the official workgroup; and 36852

(4) No statute prohibits official members of the official 36853
workgroup from being reimbursed for travel expenses. 36854

(C) The amount the director provides for an official member 36855
of an official workgroup to be reimbursed under division (B) of 36856
this section shall not exceed the rates the director of budget and 36857
management establishes in rules adopted under division (B) of 36858
section 126.31 of the Revised Code. 36859

Sec. 5123.081. (A) As used in this section: 36860

(1)(a) "Applicant" means any of the following: 36861

(i) A person who is under final consideration for appointment to or employment with the department of developmental disabilities or a county board of developmental disabilities;	36862 36863 36864
(ii) A person who is being transferred to the department or a county board;	36865 36866
(iii) An employee who is being recalled to or reemployed by the department or a county board after a layoff;	36867 36868
(iv) A person under final consideration for a direct services position with a provider or subcontractor.	36869 36870
(b) Neither of the following is an applicant:	36871
(i) A person who is employed by a responsible entity in a position for which a criminal records check is required by this section and either is being considered for a different position with the responsible entity or is returning after a leave of absence or seasonal break in employment, unless the responsible entity has reason to believe that the person has committed a disqualifying offense;	36872 36873 36874 36875 36876 36877 36878
(ii) A person who is to provide only respite care under a family support services program established under section 5126.11 of the Revised Code if a family member of the individual with a developmental disability who is to receive the respite care selects the person.	36879 36880 36881 36882 36883
(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.	36884 36885
(3) "Direct services position" means an employment position in which the employee has the opportunity to be alone with or exercises supervision or control over one or more individuals with developmental disabilities.	36886 36887 36888 36889
(4) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of	36890 36891

the Revised Code. 36892

(5)(a) "Employee" means either of the following: 36893

(i) A person appointed to or employed by the department of 36894
developmental disabilities or a county board of developmental 36895
disabilities; 36896

(ii) A person employed in a direct services position by a 36897
provider or subcontractor. 36898

(b) "Employee" does not mean a person who provides only 36899
respite care under a family support services program established 36900
under section 5126.11 of the Revised Code if a family member of 36901
the individual with a developmental disability who receives the 36902
respite care selected the person. 36903

(6) "Minor drug possession offense" has the same meaning as 36904
in section 2925.01 of the Revised Code. 36905

(7) "Provider" means a person that provides specialized 36906
services to individuals with developmental disabilities and 36907
employs one or more persons in direct services positions. 36908

(8) "Responsible entity" means the following: 36909

(a) The department of developmental disabilities in the case 36910
of either of the following: 36911

(i) A person who is an applicant because the person is under 36912
final consideration for appointment to or employment with the 36913
department, being transferred to the department, or being recalled 36914
to or reemployed by the department after a layoff; 36915

(ii) A person who is an employee because the person is 36916
appointed to or employed by the department. 36917

(b) A county board of developmental disabilities in the case 36918
of either of the following: 36919

(i) A person who is an applicant because the person is under 36920

final consideration for appointment to or employment with the county board, being transferred to the county board, or being recalled to or reemployed by the county board after a layoff;

(ii) A person who is an employee because the person is appointed to or employed by the county board.

(c) A provider in the case of either of the following:

(i) A person who is an applicant because the person is under final consideration for a direct services position with the provider;

(ii) A person who is an employee because the person is employed in a direct services position by the provider.

(d) A subcontractor in the case of either of the following:

(i) A person who is an applicant because the person is under final consideration for a direct services position with the subcontractor;

(ii) A person who is an employee because the person is employed in a direct services position by the subcontractor.

(9) "Specialized services" means any program or service designed and operated to serve primarily individuals with developmental disabilities, including a program or service provided by an entity licensed or certified by the department of developmental disabilities. If there is a question as to whether a provider or subcontractor is providing specialized services, the provider or subcontractor may request that the director of developmental disabilities make a determination. The director's determination is final.

(10) "Subcontractor" means a person to which both of the following apply:

(a) The person has either of the following:

(i) A subcontract with a provider to provide specialized

services included in the contract between the provider and the 36951
department of developmental disabilities or a county board of 36952
developmental disabilities; 36953

(ii) A subcontract with another subcontractor to provide 36954
specialized services included in a subcontract between the other 36955
subcontractor and a provider or other subcontractor. 36956

(b) The person employs one or more persons in direct services 36957
positions. 36958

(B) A responsible entity shall not employ an applicant or 36959
continue to employ an employee if either of the following applies: 36960

(1) The applicant or employee fails to comply with division 36961
(D)(3) of this section. 36962

(2) Except as provided in rules adopted under this section, 36963
the applicant or employee is found by a criminal records check 36964
required by this section to have been convicted of, pleaded guilty 36965
to, or been found eligible for intervention in lieu of conviction 36966
for a disqualifying offense. 36967

(C) Before employing an applicant in a position for which a 36968
criminal records check is required by this section, a responsible 36969
entity shall require the applicant to submit a statement with the 36970
applicant's signature attesting that the applicant has not been 36971
convicted of, pleaded guilty to, or been found eligible for 36972
intervention in lieu of conviction for a disqualifying offense. 36973
The responsible entity also shall require the applicant to sign an 36974
agreement under which the applicant agrees to notify the 36975
responsible entity within fourteen calendar days if, while 36976
employed by the responsible entity, the applicant is formally 36977
charged with, is convicted of, pleads guilty to, or is found 36978
eligible for intervention in lieu of conviction for a 36979
disqualifying offense. The agreement shall provide that the 36980
applicant's failure to provide the notification may result in 36981

termination of the applicant's employment. 36982

(D)(1) As a condition of employing any applicant in a 36983
position for which a criminal records check is required by this 36984
section, a responsible entity shall request the superintendent of 36985
the bureau of criminal identification and investigation to conduct 36986
a criminal records check of the applicant. If rules adopted under 36987
this section require an employee to undergo a criminal records 36988
check, a responsible entity shall request the superintendent to 36989
conduct a criminal records check of the employee at times 36990
specified in the rules as a condition of the responsible entity's 36991
continuing to employ the employee in a position for which a 36992
criminal records check is required by this section. If an 36993
applicant or employee does not present proof that the applicant or 36994
employee has been a resident of this state for the five-year 36995
period immediately prior to the date upon which the criminal 36996
records check is requested, the responsible entity shall request 36997
that the superintendent obtain information from the federal bureau 36998
of investigation as a part of the criminal records check. If the 36999
applicant or employee presents proof that the applicant or 37000
employee has been a resident of this state for that five-year 37001
period, the responsible entity may request that the superintendent 37002
include information from the federal bureau of investigation in 37003
the criminal records check. For purposes of this division, an 37004
applicant or employee may provide proof of residency in this state 37005
by presenting, with a notarized statement asserting that the 37006
applicant or employee has been a resident of this state for that 37007
five-year period, a valid driver's license, notification of 37008
registration as an elector, a copy of an officially filed federal 37009
or state tax form identifying the applicant's or employee's 37010
permanent residence, or any other document the responsible entity 37011
considers acceptable. 37012

(2) A responsible entity shall do all of the following: 37013

(a) Provide to each applicant and employee for whom a criminal records check is required by this section a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard impression sheet to obtain fingerprint impressions prescribed pursuant to division (C)(2) of section 109.572 of the Revised Code;

(b) Obtain the completed form and standard impression sheet from the applicant or employee;

(c) Forward the completed form and standard impression sheet to the superintendent at the time the criminal records check is requested.

(3) Any applicant or employee who receives pursuant to this division a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a copy of the standard impression sheet prescribed pursuant to division (C)(2) of that section and who is requested to complete the form and provide a set of the applicant's or employee's fingerprint impressions shall complete the form or provide all the information necessary to complete the form and shall provide the standard impression sheet with the impressions of the applicant's or employee's fingerprints.

(4) A responsible entity shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check requested and conducted pursuant to this section.

(E) A responsible entity may request any other state or federal agency to supply the responsible entity with a written report regarding the criminal record of an applicant or employee. If an employee holds an occupational or professional license or other credentials, the responsible entity may request that the

state or federal agency that regulates the employee's occupation 37045
or profession supply the responsible entity with a written report 37046
of any information pertaining to the employee's criminal record 37047
that the agency obtains in the course of conducting an 37048
investigation or in the process of renewing the employee's license 37049
or other credentials. The responsible entity may consider the 37050
reports when determining whether to employ the applicant or to 37051
continue to employ the employee. 37052

(F) As a condition of employing an applicant in a position 37053
for which a criminal records check is required by this section and 37054
that involves transporting individuals with developmental 37055
disabilities or operating a responsible entity's vehicles for any 37056
purpose, the responsible entity shall obtain the applicant's 37057
driving record from the bureau of motor vehicles. If rules adopted 37058
under this section require a responsible entity to obtain an 37059
employee's driving record, the responsible entity shall obtain the 37060
employee's driving record from the bureau at times specified in 37061
the rules as a condition of continuing to employ the employee. The 37062
responsible entity may consider the applicant's or employee's 37063
driving record when determining whether to employ the applicant or 37064
to continue to employ the employee. 37065

(G) A responsible entity may employ an applicant 37066
conditionally pending receipt of a report regarding the applicant 37067
requested under this section. The responsible entity shall request 37068
the report before employing the applicant conditionally. The 37069
responsible entity shall terminate the applicant's employment if 37070
it is determined from a report that the applicant failed to inform 37071
the responsible entity that the applicant had been convicted of, 37072
pleaded guilty to, or been found eligible for intervention in lieu 37073
of conviction for a disqualifying offense. 37074

(H) A responsible entity may charge an applicant a fee for 37075
costs the responsible entity incurs in obtaining a report 37076

regarding the applicant under this section if the responsible 37077
entity notifies the applicant of the amount of the fee at the time 37078
of the applicant's initial application for employment and that, 37079
unless the fee is paid, the responsible entity will not consider 37080
the applicant for employment. The fee shall not exceed the amount 37081
of the fee, if any, the responsible entity pays for the report. 37082

(I)(1) Any report obtained pursuant to this section is not a 37083
public record for purposes of section 149.43 of the Revised Code 37084
and shall not be made available to any person, other than the 37085
following: 37086

(a) The applicant or employee who is the subject of the 37087
report or the applicant's or employee's representative; 37088

(b) The responsible entity that requested the report or its 37089
representative; 37090

(c) The department if a county board, provider, or 37091
subcontractor is the responsible entity that requested the report 37092
and the department requests the responsible entity to provide a 37093
copy of the report to the department; 37094

(d) A county board if a provider or subcontractor is the 37095
responsible entity that requested the report and the county board 37096
requests the responsible entity to provide a copy of the report to 37097
the county board; 37098

(e) Any court, hearing officer, or other necessary individual 37099
involved in a case dealing with any of the following: 37100

(i) The denial of employment to the applicant or employee; 37101

(ii) The denial, suspension, or revocation of a certificate 37102
under section 5123.166 or 5123.45 of the Revised Code; 37103

(iii) A civil or criminal action regarding the medicaid 37104
program or a program the department administers. 37105

(2) An applicant or employee for whom the responsible entity 37106

has obtained reports under this section may submit a written 37107
request to the responsible entity to have copies of the reports 37108
sent to any state agency, entity of local government, or private 37109
entity. The applicant or employee shall specify in the request the 37110
agencies or entities to which the copies are to be sent. On 37111
receiving the request, the responsible entity shall send copies of 37112
the reports to the agencies or entities specified. 37113

(3) A responsible entity may request that a state agency, 37114
entity of local government, or private entity send copies to the 37115
responsible entity of any report regarding a records check or 37116
criminal records check that the agency or entity possesses, if the 37117
responsible entity obtains the written consent of the individual 37118
who is the subject of the report. 37119

(4) A responsible entity shall provide each applicant and 37120
employee with a copy of any report obtained about the applicant or 37121
employee under this section. 37122

(J) The director of developmental disabilities shall adopt 37123
rules in accordance with Chapter 119. of the Revised Code to 37124
implement this section. 37125

(1) The rules may do the following: 37126

(a) Require employees to undergo criminal records checks 37127
under this section; 37128

(b) Require responsible entities to obtain the driving 37129
records of employees under this section; 37130

(c) If the rules require employees to undergo criminal 37131
records checks, require responsible entities to obtain the driving 37132
records of employees, or both, exempt one or more classes of 37133
employees from the requirements. 37134

(2) The rules shall do ~~both~~ all of the following: 37135

(a) If the rules require employees to undergo criminal 37136

records checks, require responsible entities to obtain the driving 37137
records of employees, or both, specify the times at which the 37138
criminal records checks are to be conducted and the driving 37139
records are to be obtained; 37140

(b) Specify circumstances under which a responsible entity 37141
may employ an applicant or employee who is found by a criminal 37142
records check required by this section to have been convicted of, 37143
pleaded guilty to, or been found eligible for intervention in lieu 37144
of conviction for a disqualifying offense but meets standards in 37145
regard to rehabilitation set by the director; 37146

(c) Require a responsible entity to request a criminal 37147
records check under this section before employing an applicant 37148
conditionally as permitted under division (G) of this section. 37149

Sec. 5123.092. (A) There is hereby established at each 37150
institution and branch institution under the control of the 37151
department of developmental disabilities a citizen's advisory 37152
council ~~consisting~~. Each council shall consist of thirteen seven 37153
~~members. At least seven of the members shall be persons who are 37154~~
~~not providers of services for persons with developmental 37155~~
~~disabilities. Each council shall include, including parents or 37156~~
other relatives of residents of institutions under the control of 37157
the department, community leaders, professional persons in 37158
relevant fields, and persons who have an interest in or knowledge 37159
of developmental disabilities. The managing officer of the 37160
institution shall be a nonvoting member of the council. 37161

(B) The director of developmental disabilities shall be the 37162
appointing authority for the voting members of each citizen's 37163
advisory council. Each time the term of a voting member expires, 37164
the ~~remaining members of the council~~ managing officer of the 37165
institution with which the council is associated shall recommend 37166
to the director one or more persons to serve on the council. The 37167

director may accept a nominee of the ~~council~~ managing officer or 37168
reject the nominee or nominees. If the director rejects the 37169
nominee or nominees, the ~~remaining members of the advisory council~~ 37170
managing officer shall further recommend to the director one or 37171
more other persons to serve on the ~~advisory~~ council. This 37172
procedure shall continue until a member is appointed to the 37173
~~advisory~~ council. 37174

~~Each advisory council shall elect from its appointed members 37175
a chairperson, vice chairperson, and a secretary to serve for 37176
terms of one year. Advisory council officers shall not serve for 37177
more than two consecutive terms in the same office. A majority of 37178
the advisory council members constitutes a quorum. 37179~~

~~(C)~~ Terms of office shall be for three years, each term 37180
ending on the same day of the same month of the year as did the 37181
term which it succeeds. No member shall serve more than two 37182
consecutive terms, except that any former member may be appointed 37183
if one year or longer has elapsed since the member served two 37184
consecutive terms. Each member shall hold office from the date of 37185
appointment until the end of the term for which the member was 37186
appointed. Any vacancy shall be filled in the same manner in which 37187
the original appointment was made, and the appointee to a vacancy 37188
in an unexpired term shall serve the balance of the term of the 37189
original appointee. Any member shall continue in office subsequent 37190
to the expiration date of the member's term until the member's 37191
successor takes office, or until a period of sixty days has 37192
elapsed, whichever occurs first. 37193

(C) Each citizen's advisory council shall elect from its 37194
appointed members a chairperson, vice-chairperson, and secretary. 37195
A person elected to an office may serve in that position until the 37196
person is no longer a member of the council. 37197

(D) Members of a citizen's advisory council shall be expected 37198
to attend all meetings of the ~~advisory~~ council. ~~Unexcused absence~~ 37199

~~from two successive regularly scheduled meetings shall be~~ 37200
~~considered prima facie evidence of intent not to continue as a~~ 37201
~~member. The chairperson of the board shall, after a member has~~ 37202
~~been absent for two successive regularly scheduled meetings,~~ 37203
~~direct a letter to the member asking if the member wishes to~~ 37204
~~remain in membership. If an affirmative reply is received, the~~ 37205
~~member shall be retained as a member except that, if, after having~~ 37206
~~expressed a desire to remain a member, the member then misses a~~ 37207
~~third successive regularly scheduled meeting without being~~ 37208
~~excused, the chairperson shall terminate the member's membership.~~ 37209
A majority of the members constitutes a quorum. 37210

~~(E)~~ A citizen's advisory council shall meet six times 37211
annually, or more frequently if three ~~council~~ members request the 37212
chairperson to call a meeting. The council shall keep minutes of 37213
each meeting and shall submit them to the managing officer of the 37214
institution with which the council is associated ~~and the~~ 37215
~~department of developmental disabilities.~~ 37216

~~(F)~~(E) Members of citizen's advisory councils shall receive 37217
no compensation for their services, except that they shall be 37218
reimbursed for their actual and necessary expenses incurred in the 37219
performance of their official duties by the institution with which 37220
they are associated from funds allocated to it, provided that 37221
reimbursement for those expenses shall not exceed limits imposed 37222
upon the department of developmental disabilities by 37223
administrative rules regulating travel within this state. 37224

~~(G)~~(F) The councils shall have reasonable access to all 37225
patient treatment and living areas and records of the institution, 37226
except those records of a strictly personal or confidential 37227
nature. The councils shall have access to a patient's personal 37228
records with the consent of the patient or the patient's legal 37229
guardian or, if the patient is a minor, with the consent of the 37230
parent or legal guardian of the patient. 37231

~~(H)~~(G) As used in this section, "branch institution" means a facility that is located apart from an institution and is under the control of the managing officer of the institution.

Sec. 5123.166. (A) If good cause exists as specified in division (B) of this section and determined in accordance with procedures established in rules adopted under section 5123.1611 of the Revised Code, the director of developmental disabilities may issue an adjudication order requiring that one or more of the following actions be taken against a person or government entity seeking or holding a supported living certificate:

(1) Refusal to issue or renew a supported living certificate;

(2) Revocation of a supported living certificate;

(3) Suspension of a supported living certificate holder's authority to do ~~either or both~~ any of the following:

(a) Continue to provide supported living to one or more individuals ~~from one or more counties~~ who receive supported living from the certificate holder at the time the director takes the action;

(b) Begin to provide supported living to one or more individuals ~~from one or more counties~~ who do not receive supported living from the certificate holder at the time the director takes the action;

(c) Expand or add supported living services to one or more individuals who receive supported living from the certificate holder at the time the director takes action.

(B) The following constitute good cause for taking action under division (A) of this section against a person or government entity seeking or holding a supported living certificate:

(1) The person or government entity's failure to meet or continue to meet the applicable certification standards

established in rules adopted under section 5123.1611 of the Revised Code;	37262 37263
(2) The person or government entity violates section 5123.165 of the Revised Code;	37264 37265
(3) The person or government entity's failure to satisfy the requirements of section 5123.081 or 5123.52 of the Revised Code;	37266 37267
(4) Misfeasance;	37268
(5) Malfeasance;	37269
(6) Nonfeasance;	37270
(7) Confirmed abuse or neglect;	37271
(8) Financial irresponsibility;	37272
(9) Other conduct the director determines is or would be injurious to individuals who receive or would receive supported living from the person or government entity.	37273 37274 37275
(C) Except as provided in division (D) of this section, the director shall issue an adjudication order under division (A) of this section in accordance with Chapter 119. of the Revised Code.	37276 37277 37278
(D)(1) The director may issue an order requiring that action specified in division (A)(3) <u>(b) or (c)</u> of this section be taken before a provider is provided notice and an opportunity for a hearing if all <u>both</u> of the following are the case:	37279 37280 37281 37282
(a) The director determines such action is warranted by the provider's failure to continue to meet the applicable certification standards;	37283 37284 37285
(b) The director determines that the failure either represents a pattern of serious noncompliance or creates a substantial risk to the health or safety of an individual who receives or would receive supported living from the provider;	37286 37287 37288 37289
(c) If the order will suspend the provider's authority to	37290

~~continue to provide supported living to an individual who receives supported living from the provider at the time the director issues the order, both.~~ 37291
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(2) The director may issue an order requiring that the action specified in division (A)(3)(a) of this section be taken before a provider is provided notice and an opportunity for a hearing if either of the following are is the case: 37294
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(a) The conditions identified in division (D)(1) of this section are met and all of the following apply: 37298
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(i) The director makes the individual, or the individual's guardian, aware of the director's determination under division (D)(1)(b) of this section ~~and the.~~ 37300
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(ii) The individual or guardian does not select another provider. 37303
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~~(ii)~~(iii) A county board of developmental disabilities has filed a complaint with a probate court under section 5126.33 of the Revised Code that includes facts describing the nature of abuse or neglect that the individual has suffered due to the provider's actions that are the basis for the director making the determination under division (D)(1)(b) of this section and the probate court does not issue an order authorizing the county board to arrange services for the individual pursuant to an individualized service plan developed for the individual under section 5126.31 of the Revised Code. 37305
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~~(2)~~(b) Both of the following apply: 37315

(i) There is clear and convincing evidence that the provider has violated division (B) of this section. 37316
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(ii) Allowing the provider to continue to provide supported living would present a danger of immediate and serious harm. 37318
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(E) If the director issues an order under division (D)(1) or 37320

(2) of this section, sections 119.091 to 119.13 of the Revised Code and all of the following apply:

~~(a)~~(1) The director shall send the provider notice of the order by ~~registered~~ certified mail, return receipt requested, not later than twenty-four hours after issuing the order and shall include in the notice the reasons for the order, the citation to the law or rule directly involved, and a statement that the provider will be afforded a hearing if the provider requests it in writing within ten days of the time of receiving the notice.

~~(b)~~(2) If the provider requests a hearing within the required time and the provider has provided the director the provider's current address, the date for the hearing shall be as follows:

(a) In the case of an order issued under division (D)(1) of this section, the director shall immediately set, and notify the provider of, the date, time, and place for the hearing. If the provider's written request for a hearing includes a request that the hearing be held not later than thirty days after the director receives the provider's timely request for the hearing, the date set for the hearing by the director shall be within thirty days.

(b) In the case of an order issued under division (D)(2) of this section, the date set for the hearing by the director shall be within fifteen days, but not earlier than seven days, after the director receives the provider's timely request for the hearing, unless otherwise agreed to by the director and the provider.

~~(c) The date of the hearing shall be not later than thirty days after the director receives the provider's timely request for the hearing.~~

~~(d)~~(3) The hearing shall be conducted in accordance with section 119.09 of the Revised Code, except for all of the following:

(i) The hearing shall continue uninterrupted until its close,

except for weekends, legal holidays, and other interruptions the 37352
provider and director agree to. 37353

(ii) If the director appoints a referee or examiner to 37354
conduct the hearing, the referee or examiner, not later than ten 37355
days after the date the referee or examiner receives a transcript 37356
of the testimony and evidence presented at the hearing or, if the 37357
referee or examiner does not receive the transcript or no such 37358
transcript is made, the date that the referee or examiner closes 37359
the record of the hearing, shall submit to the director a written 37360
report setting forth the referee or examiner's findings of fact 37361
and conclusions of law and a recommendation of the action the 37362
director should take. 37363

(iii) The provider may, not later than five days after the 37364
date the director, in accordance with section 119.09 of the 37365
Revised Code, sends the provider or the provider's attorney or 37366
other representative of record a copy of the referee or examiner's 37367
report and recommendation, file with the director written 37368
objections to the report and recommendation. 37369

(iv) The director shall approve, modify, or disapprove the 37370
referee or examiner's report and recommendation not earlier than 37371
six days, and not later than ~~fifteen~~ ten days, after the date the 37372
director, in accordance with section 119.09 of the Revised Code, 37373
sends a copy of the report and recommendation to the provider or 37374
the provider's attorney or other representative of record. 37375

~~(3)~~ (F)(1) The director may lift an order issued under 37376
division (D)(1) of this section even though a hearing regarding 37377
the order is occurring or pending if the director determines that 37378
the provider has taken action eliminating the good cause for 37379
issuing the order. The hearing shall proceed unless the provider 37380
withdraws the request for the hearing in a written letter to the 37381
director. 37382

~~(4)~~(2) The director shall lift an order issued under division 37383
(D)(1) of this section if both of the following are the case: 37384

(a) The provider provides the director a plan of compliance 37385
the director determines is acceptable. 37386

(b) The director determines that the provider has implemented 37387
the plan of compliance correctly. 37388

(G) Any order issued under division (D)(2) of this section 37389
shall remain in effect, unless reversed on appeal, until a final 37390
adjudication order issued by the director pursuant to Chapter 119. 37391
of the Revised Code becomes effective. The director shall issue 37392
the final adjudication order within ten days after completion of 37393
the hearing. A failure to issue the order within ten days shall 37394
result in dissolution of the order issued under division (D)(2) of 37395
this section but shall not invalidate any subsequent final 37396
adjudication order. A final adjudication order shall not be 37397
subject to suspension by the court during pendency of any appeal 37398
filed under section 119.12 of the Revised Code. 37399

Sec. 5123.193. The director of developmental disabilities 37400
shall include on the internet web site maintained by the 37401
department of developmental disabilities a searchable database of 37402
vacancies in licensed residential facilities. Each person or 37403
government entity operating a licensed residential facility shall 37404
provide current and accurate vacancy information to the department 37405
in accordance with procedures that the director shall establish. 37406

Sec. 5123.691. (A) As used in this section, "mental illness" 37407
has the same meaning as in section 5122.01 of the Revised Code. 37408

(B) The managing officer of an institution, with the 37409
concurrence of the chief program director, may admit into a 37410
specialized treatment unit for minors a minor ages ten to 37411
seventeen who is in behavior crisis and has serious behavioral 37412

<u>challenges if one of the following applies:</u>	37413
<u>(1) The minor has an intellectual disability.</u>	37414
<u>(2) The minor has autism spectrum disorder.</u>	37415
<u>(3) The minor has a dual diagnosis of an intellectual disability and mental illness.</u>	37416 37417
<u>(4) The minor has a dual diagnosis of autism spectrum disorder and mental illness.</u>	37418 37419
<u>(C)(1) The admission of a minor into a specialized treatment unit shall be based upon the availability of beds at the institution and the clinical treatment needs of the minor.</u>	37420 37421 37422
<u>(2) The department of developmental disabilities may establish other criteria for admitting a minor into a specialized treatment unit.</u>	37423 37424 37425
<u>(D) Before a minor may be admitted into a specialized treatment unit, the minor's parent or legal guardian, the county board of developmental disabilities, and the department shall enter into a memorandum of understanding setting forth the roles and responsibilities of each of the parties regarding the care and treatment of the minor and specifying the duration of admission in the specialized treatment unit.</u>	37426 37427 37428 37429 37430 37431 37432
<u>(E)(1) The initial duration of admission for a minor in a specialized treatment unit shall not exceed one hundred eighty days.</u>	37433 37434 37435
<u>(2) The parent or legal guardian of a minor may petition the department to extend the duration of a minor's admission in a specialized treatment unit at least thirty days before the expiration of the minor's term of admission in the specialized treatment unit. The department, in its discretion, may grant or deny a petition for extended admission, but may not extend a minor's duration of admission in a specialized treatment unit</u>	37436 37437 37438 37439 37440 37441 37442

beyond one year. 37443

(3) Upon the expiration of a minor's term of admission in a specialized treatment unit, the minor shall be returned to the care of the minor's parent or legal guardian. 37444
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(F) The managing officer of an institution may discharge a minor from a specialized treatment unit in accordance with division (C) of section 5123.69 of the Revised Code. The uniform procedures of discharge established by rules adopted under division (G)(7) of section 5123.19 of the Revised Code shall not apply to the discharge of a minor from a specialized treatment unit. 37447
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Sec. 5126.053. (A) Beginning April 1, 2020, and then annually thereafter on or before the first day of April each year, each county board of developmental disabilities shall submit to the department of developmental disabilities, in the format established pursuant to division (B) of this section, a five-year projection of revenues and expenditures. Each five-year projection shall be approved by the superintendent of the county board. 37454
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The department shall review each five-year projection and may require a county board to do any of the following within the time frame specified by the department: 37461
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(1) Submit additional information; 37464

(2) Permit employees or agents of the department to visit the county board to review documents and other records that are relevant to the department's review of the five-year projection; 37465
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(3) Submit a revised five-year projection; 37468

(4) Complete any other action the director of developmental disabilities considers necessary in order to obtain an accurate five-year projection. 37469
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(B) The department, in consultation with the Ohio association 37472

of county boards of developmental disabilities, shall establish 37473
guidelines for completing and formatting the five-year projection 37474
required by division (A) of this section. 37475

(C) In addition to reviewing a five-year projection submitted 37476
pursuant to division (A) of this section, the department, or an 37477
entity designated by or working under contract with the 37478
department, may conduct additional reviews as the department 37479
considers necessary to assess any county board's fiscal condition. 37480
The department shall provide prior notice to a county board of any 37481
planned review. 37482

The department may issue recommendations to discontinue or 37483
correct fiscal practices or budgetary conditions that prompted, or 37484
were discovered by, an additional review under this division. The 37485
superintendent of a county board shall respond in writing to any 37486
such recommendations within the time frame specified by the 37487
department. 37488

(D) If a county board fails to submit a five-year projection 37489
to the department on or before the date specified in division (A) 37490
of this section, the department may do any or all of the 37491
following: 37492

(1) Withhold any funds that it otherwise would distribute to 37493
the county board; 37494

(2) Conduct further reviews as necessary to complete the 37495
five-year projections at full cost to the county board; 37496

(3) Revoke the certification of the superintendent or the 37497
accreditation of the county board. 37498

(E) If the department determines that a county board 37499
willfully provided erroneous, inaccurate, or incomplete data as 37500
part of its five-year projection submitted pursuant to division 37501
(A) of this section, the department may take action as provided 37502
under division (D)(2) or (3) of this section. 37503

Sec. 5126.054. ~~(A) Each~~ Annually, on or before the 37504
thirty-first day of December each year, each county board of 37505
developmental disabilities shall, by resolution, develop a 37506
~~three calendar year~~ and submit to the department of developmental 37507
disabilities an annual plan that includes the following ~~three~~ 37508
components: 37509

~~(1) An assessment component that includes all of the~~ 37510
~~following:~~ 37511

~~(a)(A)~~ (A) The number of individuals with developmental 37512
disabilities residing in the county who ~~need the level of care~~ 37513
~~provided by an ICF/IID, may seek home and community based~~ 37514
~~services, and~~ are placed on the county board's waiting list 37515
established for the services pursuant to section 5126.042 of the 37516
Revised Code; the service needs of those individuals; and the 37517
projected annualized cost for services; 37518

~~(b) The source of funds available to the county board to pay~~ 37519
~~the nonfederal share of medicaid expenditures that the county~~ 37520
~~board is required by sections 5126.059 and 5126.0510 of the~~ 37521
~~Revised Code to pay;~~ 37522

~~(c)(B)~~ (B) The projected number of individuals to whom the board 37523
intends to provide home and community-based services based on 37524
available funding as projected in the board's annual five-year 37525
projection report submitted pursuant to section 5126.053 of the 37526
Revised Code; 37527

(C) How the services are to be phased in over the period the 37528
plan covers, including how the county board will serve the 37529
individuals identified in divisions (A)(1) and (2) of this 37530
section; 37531

(D) Any other applicable information or conditions that the 37532
department ~~of developmental disabilities~~ requires as a condition 37533

of approving the ~~component~~ plan under section 5123.046 of the Revised Code. 37534
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~~(2) A preliminary implementation component that specifies the number of individuals to be provided, during the first year that the plan is in effect, home and community based services pursuant to their placement on the county board's waiting list established for the services pursuant to section 5126.042 of the Revised Code and the types of home and community based services the individuals are to receive;~~ 37536
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~~(3) A component that provides for the implementation of medicaid case management services and home and community based services for individuals who begin to receive the services on or after the date the plan is approved under section 5123.046 of the Revised Code. A county board shall include all of the following in the component:~~ 37543
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~~(a) If the department of developmental disabilities or department of medicaid requires, an agreement to pay the nonfederal share of medicaid expenditures that the county board is required by sections 5126.059 and 5126.0510 of the Revised Code to pay;~~ 37549
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~~(b) How the services are to be phased in over the period the plan covers, including how the county board will serve individuals placed on the county board's waiting list established for the services pursuant to section 5126.042 of the Revised Code;~~ 37554
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37557

~~(c) Any agreement or commitment regarding the county board's funding of home and community based services that the county board has with the department at the time the county board develops the component;~~ 37558
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~~(d) Assurances adequate to the department that the county board will comply with all of the following requirements:~~ 37562
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~~(i) To provide the types of home and community based services~~ 37564

~~specified in the preliminary implementation component required by 37565
division (A)(2) of this section to at least the number of 37566
individuals specified in that component; 37567~~

~~(ii) To use any additional funds the county board receives 37568
for the services to improve the county board's resource 37569
capabilities for supporting such services available in the county 37570
at the time the component is developed and to expand the services 37571
to accommodate the unmet need for those services in the county; 37572~~

~~(iii) To employ or contract with a business manager or enter 37573
into an agreement with another county board of developmental 37574
disabilities that employs or contracts with a business manager to 37575
have the business manager serve both county boards. No 37576
superintendent of a county board may serve as the county board's 37577
business manager. 37578~~

~~(iv) To employ or contract with a medicaid services manager 37579
or enter into an agreement with another county board of 37580
developmental disabilities that employs or contracts with a 37581
medicaid services manager to have the medicaid services manager 37582
serve both county boards. No superintendent of a county board may 37583
serve as the county board's medicaid services manager. 37584~~

~~(e) Programmatic and financial accountability measures and 37585
projected outcomes expected from the implementation of the plan; 37586~~

~~(f) Any other applicable information or conditions that the 37587
department requires as a condition of approving the component 37588
under section 5123.046 of the Revised Code. 37589~~

~~(B) A county board whose plan developed under division (A) of 37590
this section is approved by the department under section 5123.046 37591
of the Revised Code shall update and renew the plan in accordance 37592
with a schedule the department shall develop. 37593~~

Sec. 5126.055. (A) Except as provided in section 5126.056 of 37595

the Revised Code, a county board of developmental disabilities has 37596
medicaid local administrative authority to, and shall, do all of 37597
the following for an individual with a developmental disability 37598
who resides in the county that the county board serves and seeks 37599
or receives home and community-based services: 37600

(1) Perform assessments and evaluations of the individual. As 37601
part of the assessment and evaluation process, all of the 37602
following apply: 37603

(a) The county board shall make a recommendation to the 37604
department of developmental disabilities on whether the department 37605
should approve or deny the individual's application for the 37606
services, including on the basis of whether the individual needs 37607
the level of care an ICF/IID provides. 37608

(b) If the individual's application is denied because of the 37609
county board's recommendation and the individual appeals pursuant 37610
to section 5160.31 of the Revised Code, the county board shall 37611
present, with the department of developmental disabilities or 37612
department of medicaid, whichever denies the application, the 37613
reasons for the recommendation and denial at the hearing. 37614

(c) If the individual's application is approved, the county 37615
board shall recommend to the departments of developmental 37616
disabilities and medicaid the services that should be included in 37617
the individual service plan. If either department under section 37618
5166.21 of the Revised Code approves, reduces, denies, or 37619
terminates a service included in the plan because of the county 37620
board's recommendation, the board shall present, with the 37621
department that made the approval, reduction, denial, or 37622
termination, the reasons for the recommendation and approval, 37623
reduction, denial, or termination at a hearing held pursuant to an 37624
appeal made under section 5160.31 of the Revised Code. 37625

(2) Perform any duties assigned to the county board in rules 37626

adopted under section 5126.046 of the Revised Code regarding the 37627
individual's right to choose a qualified and willing provider of 37628
the services and, at a hearing held pursuant to an appeal made 37629
under section 5160.31 of the Revised Code, present evidence of the 37630
process for appropriate assistance in choosing providers; 37631

(3) If the county board is certified under section 5123.161 37632
of the Revised Code to provide the services and agrees to provide 37633
the services to the individual and the individual chooses the 37634
county board to provide the services, furnish, in accordance with 37635
the county board's medicaid provider agreement and for the 37636
authorized reimbursement rate, the services the individual 37637
requires; 37638

(4) Monitor the services provided to the individual and 37639
ensure the individual's health, safety, and welfare. The 37640
monitoring shall include quality assurance activities. If the 37641
county board provides the services, the department of 37642
developmental disabilities shall also monitor the services. 37643

(5) Develop, with the individual and the provider of the 37644
individual's services, an effective individual service plan that 37645
includes coordination of services, recommend that the departments 37646
of developmental disabilities and medicaid approve the plan, and 37647
implement the plan unless either department disapproves it. The 37648
plan shall include a summary page, agreed to by the county board, 37649
provider, and individual receiving services, that clearly outlines 37650
the amount, duration, and scope of services to be provided under 37651
the plan. 37652

(6) Have an investigative agent conduct investigations under 37653
section 5126.313 of the Revised Code that concern the individual; 37654

(7) Have a service and support administrator perform the 37655
duties under division (B)~~(9)~~(8) of section 5126.15 of the Revised 37656
Code that concern the individual. 37657

(B) A county board shall perform its medicaid local administrative authority under this section in accordance with all of the following:

(1) The county board's plan that the department of developmental disabilities approves under section 5123.046 of the Revised Code;

(2) All applicable federal and state laws;

(3) All applicable policies of the departments of developmental disabilities and medicaid and the United States department of health and human services;

(4) The department of medicaid's supervision under its authority as the single state medicaid agency;

(5) The department of developmental disabilities' oversight.

(C) The departments of developmental disabilities and medicaid shall communicate with and provide training to county boards regarding medicaid local administrative authority granted by this section. The communication and training shall include issues regarding audit protocols and other standards established by the United States department of health and human services that the departments determine appropriate for communication and training. County boards shall participate in the training. The departments shall assess the county board's compliance against uniform standards that the departments shall establish.

(D) A county board may not delegate its medicaid local administrative authority granted under this section but may contract with a person or government entity, including a council of governments, for assistance with its medicaid local administrative authority. A county board that enters into such a contract shall notify the director of developmental disabilities. The notice shall include the tasks and responsibilities that the contract gives to the person or government entity. The person or

government entity shall comply in full with all requirements to 37689
which the county board is subject regarding the person or 37690
government entity's tasks and responsibilities under the contract. 37691
The county board remains ultimately responsible for the tasks and 37692
responsibilities. 37693

(E) A county board that has medicaid local administrative 37694
authority under this section shall, through the departments of 37695
developmental disabilities and medicaid, reply to, and cooperate 37696
in arranging compliance with, a program or fiscal audit or program 37697
violation exception that a state or federal audit or review 37698
discovers. The department of medicaid shall timely notify the 37699
department of developmental disabilities and the county board of 37700
any adverse findings. After receiving the notice, the county 37701
board, in conjunction with the department of developmental 37702
disabilities, shall cooperate fully with the department of 37703
medicaid and timely prepare and send to the department a written 37704
plan of correction or response to the adverse findings. The county 37705
board is liable for any adverse findings that result from an 37706
action it takes or fails to take in its implementation of medicaid 37707
local administrative authority. 37708

(F) If the department of developmental disabilities or 37709
department of medicaid determines that a county board's 37710
implementation of its medicaid local administrative authority 37711
under this section is deficient, the department that makes the 37712
determination shall require that county board do the following: 37713

(1) If the deficiency affects the health, safety, or welfare 37714
of an individual with a developmental disability, correct the 37715
deficiency within twenty-four hours; 37716

(2) If the deficiency does not affect the health, safety, or 37717
welfare of an individual with a developmental disability, receive 37718
technical assistance from the department or submit a plan of 37719
correction to the department that is acceptable to the department 37720

within sixty days and correct the deficiency within the time 37721
required by the plan of correction. 37722

Sec. 5126.056. (A) The department of developmental 37723
disabilities shall take action under division (B) of this section 37724
against a county board of developmental disabilities if any of the 37725
following are the case: 37726

(1) The county board fails to submit to the department all 37727
the components of its ~~three-year~~ annual plan required by section 37728
5126.054 of the Revised Code. 37729

(2) The department disapproves the county board's ~~three-year~~ 37730
annual plan under section 5123.046 of the Revised Code. 37731

~~(3) The county board fails, as required by division (B) of 37732
section 5126.054 of the Revised Code, to update and renew its 37733
three-year plan in accordance with a schedule the department 37734
develops under that section. 37735~~

~~(4) The county board fails to implement its initial or 37736
renewed three-year annual plan approved by the department. 37737~~

~~(5)~~ (4) The county board fails to correct a deficiency within 37738
the time required by division (F) of section 5126.055 of the 37739
Revised Code to the satisfaction of the department. 37740

~~(6)~~ (5) The county board fails to submit an acceptable plan of 37741
correction to the department within the time required by division 37742
(F)(2) of section 5126.055 of the Revised Code. 37743

(B) If required by division (A) of this section to take 37744
action against a county board, the department shall issue an order 37745
terminating the county board's medicaid local administrative 37746
authority over all or part of home and community-based services, 37747
medicaid case management services, or all or part of both of those 37748
services. The department shall provide a copy of the order to the 37749
board of county commissioners, senior probate judge, county 37750

auditor, and president and superintendent of the county board. The 37751
department shall specify in the order the medicaid local 37752
administrative authority that the department is terminating, the 37753
reason for the termination, and the county board's option and 37754
responsibilities under this division. 37755

A county board whose medicaid local administrative authority 37756
is terminated may, not later than thirty days after the department 37757
issues the termination order, recommend to the department that 37758
another county board that has not had any of its medicaid local 37759
administrative authority terminated or another entity the 37760
department approves administer the services for which the county 37761
board's medicaid local administrative authority is terminated. The 37762
department may contract with the other county board or entity to 37763
administer the services. If the department enters into such a 37764
contract, the county board shall adopt a resolution giving the 37765
other county board or entity full medicaid local administrative 37766
authority over the services that the other county board or entity 37767
is to administer. The other county board or entity shall be known 37768
as the contracting authority. 37769

If the department rejects the county board's recommendation 37770
regarding a contracting authority, the county board may appeal the 37771
rejection under section 5123.043 of the Revised Code. 37772

If the county board does not submit a recommendation to the 37773
department regarding a contracting authority within the required 37774
time or the department rejects the county board's recommendation 37775
and the rejection is upheld pursuant to an appeal, if any, under 37776
section 5123.043 of the Revised Code, the department shall appoint 37777
an administrative receiver to administer the services for which 37778
the county board's medicaid local administrative authority is 37779
terminated. To the extent necessary for the department to appoint 37780
an administrative receiver, the department may utilize employees 37781
of the department, management personnel from another county board, 37782

or other individuals who are not employed by or affiliated with in 37783
any manner a person that provides home and community-based 37784
services or medicaid case management services pursuant to a 37785
contract with any county board. The administrative receiver shall 37786
assume full administrative responsibility for the county board's 37787
services for which the county board's medicaid local 37788
administrative authority is terminated. 37789

The contracting authority or administrative receiver shall 37790
develop and submit to the department a plan of correction to 37791
remediate the problems that caused the department to issue the 37792
termination order. If, after reviewing the plan, the department 37793
approves it, the contracting authority or administrative receiver 37794
shall implement the plan. 37795

The county board shall transfer control of state and federal 37796
funds it is otherwise eligible to receive for the services for 37797
which the county board's medicaid local administrative authority 37798
is terminated and funds the county board may use under division 37799
(A) of section 5126.0511 of the Revised Code to pay the nonfederal 37800
share of the services that the county board is required by 37801
sections 5126.059 and 5126.0510 of the Revised Code to pay. The 37802
county board shall transfer control of the funds to the 37803
contracting authority or administrative receiver administering the 37804
services. The amount the county board shall transfer shall be the 37805
amount necessary for the contracting authority or administrative 37806
receiver to fulfill its duties in administering the services, 37807
including its duties to pay its personnel for time worked, travel, 37808
and related matters. If the county board fails to make the 37809
transfer, the department may withhold the state and federal funds 37810
from the county board and bring a mandamus action against the 37811
county board in the court of common pleas of the county served by 37812
the county board or in the Franklin county court of common pleas. 37813
The mandamus action may not require that the county board transfer 37814

any funds other than the funds the county board is required by 37815
division (B) of this section to transfer. 37816

The contracting authority or administrative receiver has the 37817
right to authorize the payment of bills in the same manner that 37818
the county board may authorize payment of bills under this chapter 37819
and section 319.16 of the Revised Code. 37820

Sec. 5126.131. (A)(1) Each regional council established under 37821
section 5126.13 of the Revised Code shall file with the department 37822
of developmental disabilities an annual cost report detailing the 37823
regional council's income and expenditures. 37824

(2) Each county board of developmental disabilities shall 37825
file with the department an annual cost report detailing the 37826
board's income and expenditures. 37827

(B)(1)(a) Unless the department establishes a later date for 37828
all regional council cost reports, each council shall file its 37829
cost report not later than the last day of April. At the written 37830
request of a regional council, the department may grant a 37831
fourteen-day extension for filing the cost report. 37832

(b) Unless the department establishes a later date for all 37833
county board cost reports, each board shall file its cost report 37834
not later than the last day of May. At the written request of a 37835
board, the department may grant a fourteen-day extension for 37836
filing the board's cost report. 37837

(2) The cost report shall contain information on the previous 37838
calendar year's income and expenditures. Once filed by a regional 37839
council or board, no changes may be made to the cost report, 37840
including the submission of additional documentation, except as 37841
otherwise provided in this section. 37842

(C) Each cost report filed under this section by a regional 37843
council or board ~~shall~~ may be audited by the department or an 37844

entity designated by the department. The department or designated 37845
entity shall notify the regional council or board of the date on 37846
which the audit is to begin. The department may permit a regional 37847
council or board to submit changes to the cost report before the 37848
audit begins. 37849

If the department or designated entity determines that a 37850
filed cost report is not auditable, it shall provide written 37851
notification to the regional council or board of the cost report's 37852
deficiencies and may request additional documentation. If the 37853
department or designated entity requests additional documentation, 37854
the regional council or board shall be given sixty days after the 37855
request is made to provide the additional documentation. After 37856
sixty days, the department or designated entity shall determine 37857
whether the cost report is auditable with any additional 37858
documentation provided and shall notify the regional council or 37859
board of its determination. The determination of the department or 37860
designated entity is final. 37861

(D) The department or designated entity shall certify its 37862
audit as complete and file a copy of the certified audit in the 37863
office of the clerk of the governing body, executive officer of 37864
the governing body, and chief fiscal officer of the audited 37865
regional council or board. Changes may not be made to a cost 37866
report once the department or designated entity files the 37867
certified audit. The cost report is not a public record under 37868
section 149.43 of the Revised Code until copies of the cost report 37869
are filed pursuant to this section. 37870

(E) The department may withhold any funds that it distributes 37871
to a regional council or board as subsidy payments if either of 37872
the following is the case: 37873

(1) The cost report is not timely filed by the regional 37874
council or board with the department in accordance with division 37875
(B) of this section. 37876

(2) The cost report is determined not auditable under 37877
division (C) of this section after the department or designated 37878
entity gives the regional council or board sixty days to provide 37879
additional documentation. 37880

(F) Cost reports shall be retained by regional councils and 37881
boards for seven years. The department shall provide annual 37882
training to regional council and board employees regarding cost 37883
reports required by this section. 37884

(G) The department, in accordance with Chapter 119. of the 37885
Revised Code, may adopt any rules necessary to implement this 37886
section. 37887

Sec. 5126.15. (A) A county board of developmental 37888
disabilities shall provide service and support administration to 37889
each individual three years of age or older who is eligible for 37890
service and support administration if the individual requests, or 37891
a person on the individual's behalf requests, service and support 37892
administration. A board shall provide service and support 37893
administration to each individual receiving home and 37894
community-based services. A board may provide, in accordance with 37895
the service coordination requirements of 34 C.F.R. 303.23, service 37896
and support administration to an individual under three years of 37897
age eligible for early intervention services under 34 C.F.R. part 37898
303. A board may provide service and support administration to an 37899
individual who is not eligible for other services of the board. 37900
Service and support administration shall be provided in accordance 37901
with rules adopted under section 5126.08 of the Revised Code. 37902

A board may provide service and support administration by 37903
directly employing service and support administrators or by 37904
contracting with entities for the performance of service and 37905
support administration. Individuals employed or under contract as 37906
service and support administrators shall not be in the same 37907

collective bargaining unit as employees who perform duties that 37908
are not administrative. 37909

A service and support administrator shall perform only the 37910
duties specified in division (B) of this section. While employed 37911
by or under contract with a board, a service and support 37912
administrator shall neither be employed by or serve in a 37913
decision-making or policy-making capacity for any other entity 37914
that provides programs or services to individuals with 37915
developmental disabilities nor provide programs or services to 37916
individuals with ~~mental retardation or~~ developmental disabilities 37917
through self-employment. 37918

(B) A service and support administrator shall do all of the 37919
following: 37920

(1) Establish an individual's eligibility for the services of 37921
the county board of developmental disabilities; 37922

(2) Assess individual needs for services; 37923

(3) Develop individual service plans with the active 37924
participation of the individual to be served, other persons 37925
selected by the individual, and, when applicable, the provider 37926
selected by the individual, and recommend the plans for approval 37927
by the department of developmental disabilities when services 37928
included in the plans are funded through medicaid; 37929

(4) Establish budgets for services based on the individual's 37930
assessed needs and preferred ways of meeting those needs; 37931

(5) Assist individuals in making selections from among the 37932
providers they have chosen; 37933

(6) Ensure that services are effectively coordinated and 37934
provided by appropriate providers; 37935

(7) Establish and implement an ongoing system of monitoring 37936
the implementation of individual service plans to achieve 37937

consistent implementation and the desired outcomes for the 37938
individual; 37939

~~(8) Perform quality assurance reviews as a distinct function 37940
of service and support administration; 37941~~

~~(9) Incorporate the results of quality assurance reviews and 37942
identified trends and patterns of unusual incidents and major 37943
unusual incidents into amendments of an individual's service plan 37944
for the purpose of improving and enhancing the quality and 37945
appropriateness of services rendered to the individual. 37946~~

Sec. 5139.87. (A) The department of youth services shall 37947
serve as the state agent for the administration of ~~all~~ federal 37948
juvenile justice grants awarded to the state. 37949

(B) There ~~are~~ is hereby created in the state treasury the 37950
~~federal~~ juvenile justice ~~programs funds~~ and delinquency prevention 37951
fund. ~~A separate fund shall be established each federal fiscal~~ 37952
~~year.~~ All federal grants and other moneys received for federal 37953
juvenile programs shall be deposited into the ~~funds~~ fund. All 37954
receipts deposited into the ~~funds~~ fund shall be used for federal 37955
juvenile programs. All investment earnings on the cash balance in 37956
~~a federal juvenile program~~ the fund shall be credited to ~~that the~~ 37957
fund for the appropriate federal fiscal year. The department of 37958
youth services shall maintain a financial activity report of each 37959
individual grant within the fund, including any expenses or 37960
revenues credited to those individual grants. 37961

~~(C) All rules, orders, and determinations of the office of 37962
criminal justice services regarding the administration of federal 37963
juvenile justice grants that are in effect on the effective date 37964
of this amendment shall continue in effect as rules, orders, and 37965
determinations of the department of youth services. 37966~~

Sec. 5145.162. (A) There is hereby created the office of 37967

enterprise development advisory board to advise and assist the 37968
department of rehabilitation and correction with the creation of 37969
training programs and jobs for inmates and releasees through 37970
partnerships with private sector businesses. The board shall 37971
consist of at least five appointed members and the staff 37972
representative assigned by the correctional institution inspection 37973
committee, who shall serve as an ex officio member. Each member 37974
shall have experience in labor relations, marketing, business 37975
management, or business. The members and chairperson shall be 37976
appointed by the director of the department of rehabilitation and 37977
correction. 37978

(B) Each member of the advisory board shall receive no 37979
compensation but may be reimbursed for expenses actually and 37980
necessarily incurred in the performance of official duties of the 37981
board. Members of the board who are state employees shall be 37982
reimbursed for expenses pursuant to travel rules promulgated by 37983
the office of budget and management. 37984

(C) The advisory board shall adopt procedures for the conduct 37985
of the board's meetings. The board shall meet at least once every 37986
quarter, and otherwise shall meet at the call of the chairperson 37987
or the director of the department of rehabilitation and 37988
correction. Sixty per cent of the members shall constitute a 37989
quorum. No transaction of the board's business shall be taken 37990
without the concurrence of a quorum of the members. The board may 37991
have committees with persons who are not members of the board but 37992
whose experience and expertise is relevant and useful to the work 37993
of the committee. 37994

(D) The advisory board shall have the following duties: 37995

(1) Solicit business proposals offering job training, 37996
apprenticeship, education programs, and employment opportunities 37997
for inmates ~~and~~, releasees, and Ohio penal industries; 37998

- (2) Provide information and input to the office of enterprise development to support the job training and employment program of inmates and releasees and any additional, related duties as requested by the director of the department of rehabilitation and correction; 37999
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- (3) Recommend to the office of enterprise development any legislation, administrative rule, or department policy change that the board believes is necessary to implement the department's program; 38004
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- (4) Promote public awareness of the office of enterprise development and the office's employment program; 38008
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- (5) Familiarize itself and the public with avenues to access the office of enterprise development on employment program concerns; 38010
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- (6) Advocate for the needs and concerns of the office of enterprise development in local communities, counties, and the state; 38013
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- (7) Play an active role in the office of enterprise development's efforts to reduce recidivism in the state by doing all of the following: 38016
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- (a) Providing input and making recommendations for the office's consideration in monitoring employment program compliance and effectiveness; 38019
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- (b) Making suggestions on the appropriate priorities for the office's grant award criteria; 38022
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- (c) Being a liaison between the office and constituents of the board's members; 38024
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- (d) Working to develop constituent groups interested in employment program issues; 38026
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- (8) Aid in the employment program development process by 38028

playing a leadership role in professional associations by 38029
discussing employment program issues. 38030

(E) The department of rehabilitation and correction shall 38031
initially screen each proposal obtained under division (D)(1) of 38032
this section to ensure that the proposal is a viable venture to 38033
pursue. If the department determines that a proposal is a viable 38034
venture to pursue, the department shall submit the proposal to the 38035
board for objective review against established guidelines. The 38036
board shall determine whether to recommend the implementation of 38037
the program to the department. 38038

Sec. 5149.01. As used in Chapter 5149. of the Revised Code: 38039

(A) "Authority" means the adult parole authority created by 38040
section 5149.02 of the Revised Code. 38041

(B) "State correctional institution," "pardon," 38042
"commutation," "reprieve," "parole," "head of a state correctional 38043
institution," "convict," "prisoner," "parolee," "final release," 38044
and "parole violator" have the same meanings as in section 2967.01 38045
of the Revised Code. 38046

(C) "Full board hearing" means a parole board hearing 38047
conducted by a majority of parole board members as described in 38048
section 5149.101 of the Revised Code. 38049

(D) "Caseload" means the number of persons who are under the 38050
supervision of any individual parole officer or field officer of 38051
the field services section of the adult parole authority, 38052
including persons placed on probation, community control, judicial 38053
release, or another form of supervision imposed by a court and 38054
persons paroled, conditionally pardoned, or released to 38055
post-release control supervision. 38056

Sec. 5149.04. (A) Persons paroled, conditionally pardoned, or 38057
released from a state correctional institution to community 38058

post-release control supervision shall be under jurisdiction of 38059
the adult parole authority and shall be supervised by the field 38060
services section through its staff of parole and field officers in 38061
such manner as to insure as nearly as possible the offender's 38062
rehabilitation while at the same time providing maximum protection 38063
to the general public. All state and local officials shall furnish 38064
such information to officers of the section as they may request in 38065
the performance of their duties. 38066

(B) The superintendent, or superintendents, of the field 38067
services section shall be a person, or persons, especially 38068
qualified by training and experience in the field of corrections. 38069
The superintendent, or superintendents, shall supervise the work 38070
of the section and shall formulate and execute an effective 38071
program of offender supervision. The program shall establish 38072
supervision standards for parole and field officers of persons 38073
under its jurisdiction, based on the results of the single 38074
validated risk assessment tool selected pursuant to section 38075
5120.114 of the Revised Code, under which higher risk probationers 38076
receive the greatest amount of supervision. The program shall 38077
specify caseloads for parole officers, taking into consideration 38078
available personnel and funds, and shall prioritize the 38079
supervision of persons paroled, conditionally pardoned, or 38080
released to post-release control under the jurisdiction of the 38081
adult parole authority. The program shall also allow for the 38082
limitation of probation services provided to any court pursuant to 38083
any agreement entered into under section 2301.32 of the Revised 38084
Code to the extent that doing so will allow the adult parole 38085
authority to meet effective caseload sizes for those paroled, 38086
conditionally pardoned, or released to post-release control under 38087
its jurisdiction. The superintendent, or superintendents, shall 38088
collect and preserve any records and statistics with respect to 38089
offenders that are required by the chief of the authority. The 38090
section also shall include other personnel who are necessary for 38091

the performance of the section's duties. 38092

No person shall be appointed as a superintendent who is not 38093
qualified by education or experience in correctional work 38094
including law enforcement, probation, or parole work, in law, in 38095
social work, or in a combination of the three categories. 38096

(C) The superintendent, or superintendents, of the field 38097
services section, with the approval of the chief of the authority, 38098
may establish district offices for the section and may assign 38099
necessary parole and field officers and clerical staff to the 38100
district offices. 38101

(D) The field services section in the exercise of its 38102
supervision over offenders and persons conditionally pardoned 38103
shall carry out all lawful orders, terms, and conditions 38104
prescribed by the authority, the chief of the division of parole 38105
and community services, or the governor. 38106

Sec. 5149.06. ~~One of the~~ The primary duties ~~duty~~ of the field 38107
services section is to ~~assist the counties in developing their own~~ 38108
~~probation services on either a single county or multiple county~~ 38109
~~basis~~ supervise those persons released from state correctional 38110
institutions who are paroled, conditionally pardoned, or who have 38111
post-release control supervision imposed pursuant to section 38112
2967.28 of the Revised Code. The section, within limits of 38113
available personnel and funds, may supervise selected probationers 38114
from local courts when the adult parole authority has entered into 38115
an agreement with the court pursuant to section 2301.32 of the 38116
Revised Code. However, the adult parole authority shall limit the 38117
provision of those services in order to meet supervision and 38118
caseload standards the adult parole authority develops for its 38119
officers under division (B) of section 5149.04 of the Revised 38120
Code. 38121

Sec. 5149.38. (A) In each ~~target county and in each~~ voluntary 38122
county, subject to division (B) of this section and not later than 38123
~~thirty days after the effective date of this section~~ October 29, 38124
2017, a county commissioner representing the board of county 38125
commissioners of the county, the administrative judge of the 38126
general division of the court of common pleas of the county, the 38127
sheriff of the county, and an official from any municipality 38128
operating a local correctional facility in the county to which 38129
courts of the county sentence offenders shall agree to, sign, and 38130
submit to the department of rehabilitation and correction for its 38131
approval a memorandum of understanding that does both of the 38132
following: 38133

(1) Sets forth the plans by which the county will use grant 38134
money provided to the county in state fiscal year 2018 and 38135
succeeding state fiscal years under the targeting community 38136
alternatives to prison (T-CAP) program. 38137

(2) Specifies the manner in which the county will address a 38138
per diem reimbursement of local correctional facilities for 38139
prisoners who serve a prison term in the facility pursuant to 38140
division (B)(3)(c) of section 2929.34 of the Revised Code. The per 38141
diem reimbursement rate shall be the rate determined in division 38142
(F)(1) of this section and shall be specified in the memorandum. 38143

(B) Two or more ~~target counties or~~ voluntary counties may 38144
join together to jointly establish a memorandum of understanding 38145
of the type described in division (A) of this section. Not later 38146
than ~~thirty days after the effective date of this section~~ October 38147
29, 2017, a county commissioner from each of the affiliating 38148
~~target counties or~~ voluntary counties representing the county's 38149
board of county commissioners, the administrative judge of the 38150
general division of the court of common pleas of each affiliating 38151
~~target county or~~ voluntary county, the sheriff of each affiliating 38152

~~target county or~~ voluntary county, and an official from any 38153
municipality operating a local correctional facility in the 38154
affiliating ~~target counties and~~ voluntary counties to which courts 38155
of the counties sentence offenders shall agree to, sign, and 38156
submit to the department of rehabilitation and correction for its 38157
approval the memorandum of understanding. The memorandum of 38158
understanding shall set forth the plans by which, and specify the 38159
manner in which, the affiliating counties will complete the tasks 38160
identified in divisions (A)(1) and (2) of this section. 38161

(C) The department of rehabilitation and correction shall 38162
adopt rules establishing standards for approval of memorandums of 38163
understanding submitted to it under division (A) or (B) of this 38164
section. The department shall review the memorandums of 38165
understanding submitted to it and may require the county or 38166
counties that submit a memorandum to modify the memorandum. The 38167
director of rehabilitation and correction shall approve 38168
memorandums of understanding submitted to it under division (A) or 38169
(B) of this section that the director determines satisfy the 38170
standards adopted by the department within thirty days after 38171
receiving each memorandum submitted. 38172

(D) Any person responsible for agreeing to, signing, and 38173
submitting a memorandum of understanding under division (A) or (B) 38174
of this section may delegate the person's authority to do so to an 38175
employee of the agency, entity, or office served by the person. 38176

(E) The persons signing a memorandum of understanding under 38177
division (A) or (B) of this section, or their successors in 38178
office, may revise the memorandum as they determine necessary. Any 38179
revision of the memorandum shall be signed by the parties 38180
specified in division (A) or (B) of this section and submitted to 38181
the department of rehabilitation and correction for its approval 38182
under division (C) of this section within thirty days after the 38183
beginning of the state fiscal year. 38184

(F)(1) In each county, ~~the sheriff shall determine the per diem costs for local correctional facilities in the county for the housing of prisoners who serve a term in the facility pursuant to division (B)(3)(c) of section 2929.34 of the Revised Code, as follows:~~ 38185
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~~(a) In calendar year 2017, not later than the date on which the appropriate representatives of the county enter into a contract with the department of rehabilitation and correction under the targeting community alternatives to prison (T-CAP) program, the sheriff shall determine the per diem costs for each of the facilities for the housing in the facility of prisoners serving a prison term for a felony in calendar year 2016. The per diem cost so determined shall apply in calendar year 2017.~~ 38190
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~~(b) Commencing commencing in calendar year 2018, on or before the first day of February of each calendar year the sheriff shall determine the per diem costs for the preceding calendar year for each of the local correctional facilities for the housing in the facility of prisoners who serve a term in it pursuant to division (B)(3)(c) of section 2929.34 of the Revised Code. The per diem cost so determined shall apply in the calendar year in which the determination is made.~~ 38198
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(2) For each county, the per diem cost determined under division (F)(1) of this section that applies with respect to a facility in a specified calendar year shall be the per diem rate of reimbursement in that calendar year, under the targeting community alternatives to prison (T-CAP) program, for prisoners who serve a term in the facility pursuant to division (B)(3)(c) of section 2929.34 of the Revised Code. 38206
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(3) The per diem costs of housing determined under division (F)(1) of this section for a facility shall be the actual costs of housing the specified prisoners in the facility, on a per diem basis. 38213
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(G) As used in this section:	38217
(1) "Local correctional facility" means a facility of a type described in division (C) or (D) of section 2929.34 of the Revised Code.	38218 38219 38220
(2) "Target county" and "voluntary " <u>"Voluntary county"</u> have <u>has</u> the same meanings as in section 2929.34 of the Revised Code.	38221 38222
Sec. 5162.01. (A) As used in the Revised Code:	38223
(1) "Medicaid" and "medicaid program" mean the program of medical assistance established by Title XIX of the "Social Security Act," 42 U.S.C. 1396 et seq., including any medical assistance provided under the medicaid state plan or a federal medicaid waiver granted by the United States secretary of health and human services.	38224 38225 38226 38227 38228 38229
(2) "Medicare" and "medicare program" mean the federal health insurance program established by Title XVIII of the "Social Security Act," 42 U.S.C. 1395 et seq.	38230 38231 38232
(B) As used in this chapter:	38233
(1) "Dual eligible individual" has the same meaning as in section 5160.01 of the Revised Code.	38234 38235
(2) "Exchange" has the same meaning as in 45 C.F.R. 155.20.	38236
(3) <u>(2)</u> "Federal financial participation" has the same meaning as in section 5160.01 of the Revised Code.	38237 38238
(4) <u>(3)</u> "Federal poverty line" means the official poverty line defined by the United States office of management and budget based on the most recent data available from the United States bureau of the census and revised by the United States secretary of health and human services pursuant to the "Omnibus Budget Reconciliation Act of 1981," section 673(2), 42 U.S.C. 9902(2).	38239 38240 38241 38242 38243 38244
(5) <u>(4)</u> "Healthcheck" has the same meaning as in section	38245

5164.01 of the Revised Code.	38246
(6) <u>(5)</u> "Healthy start component" means the component of the	38247
medicaid program that covers pregnant women and children and is	38248
identified in rules adopted under section 5162.02 of the Revised	38249
Code as the healthy start component.	38250
(7) <u>(6)</u> "Home and community-based services" means services	38251
provided under a home and community-based services medicaid waiver	38252
component.	38253
(8) <u>(7)</u> "Home and community-based services medicaid waiver	38254
component" has the same meaning as in section 5166.01 of the	38255
Revised Code.	38256
(9) <u>(8)</u> "ICF/IID" has the same meaning as in section 5124.01	38257
of the Revised Code.	38258
(10) <u>(9)</u> "Individualized education program" has the same	38259
meaning as in section 3323.011 of the Revised Code.	38260
(11) <u>(10)</u> "Medicaid managed care organization" has the same	38261
meaning as in section 5167.01 of the Revised Code.	38262
(12) <u>(11)</u> "Medicaid provider" has the same meaning as in	38263
section 5164.01 of the Revised Code.	38264
(13) <u>(12)</u> "Medicaid services" has the same meaning as in	38265
section 5164.01 of the Revised Code.	38266
(14) <u>(13)</u> "Medicaid waiver component" has the same meaning as	38267
in section 5166.01 of the Revised Code;	38268
(15) <u>(14)</u> "Nursing facility" and "nursing facility services"	38269
have the same meanings as in section 5165.01 of the Revised Code.	38270
(16) <u>(15)</u> "Ordering or referring only provider" means a	38271
medicaid provider who orders, prescribes, refers, or certifies a	38272
service or item reported on a claim for medicaid payment but does	38273
not bill for medicaid services.	38274

(17) <u>(16)</u> "Political subdivision" means a municipal corporation, township, county, school district, or other body corporate and politic responsible for governmental activities only in a geographical area smaller than that of the state.	38275 38276 38277 38278
(18) <u>(17)</u> "Prescribed drug" has the same meaning as in section 5164.01 of the Revised Code.	38279 38280
(19) <u>(18)</u> "Provider agreement" has the same meaning as in section 5164.01 of the Revised Code.	38281 38282
(20) <u>(19)</u> "Qualified medicaid school provider" means the board of education of a city, local, or exempted village school district, the governing authority of a community school established under Chapter 3314. of the Revised Code, the state school for the deaf, and the state school for the blind to which both of the following apply:	38283 38284 38285 38286 38287 38288
(a) It holds a valid provider agreement.	38289
(b) It meets all other conditions for participation in the medicaid school component of the medicaid program established in rules authorized by section 5162.364 of the Revised Code.	38290 38291 38292
(21) <u>(20)</u> "State agency" means every organized body, office, or agency, other than the department of medicaid, established by the laws of the state for the exercise of any function of state government.	38293 38294 38295 38296
(22) <u>(21)</u> "Vendor offset" means a reduction of a medicaid payment to a medicaid provider to correct a previous, incorrect medicaid payment to that provider.	38297 38298 38299
Sec. 5162.12. (A) The medicaid director shall enter into a contract with one or more persons to receive and process, on the director's behalf, requests for medicaid recipient or claims payment data, data from reports of audits conducted under section 5165.109 of the Revised Code, or extracts or analyses of any of	38300 38301 38302 38303 38304

the foregoing data made by persons who intend to use the items 38305
prepared pursuant to the requests for commercial or academic 38306
purposes. 38307

(B) At a minimum, a contract entered into under this section 38308
shall do both of the following: 38309

(1) Authorize the contracting person to engage in the 38310
activities described in division (A) of this section for 38311
compensation, which must be stated as a percentage of the fees 38312
paid by persons who are provided the items; 38313

(2) Require the contracting person to charge for an item 38314
prepared pursuant to a request a fee in an amount equal to one 38315
hundred two per cent of the cost the department of medicaid incurs 38316
in making the data used to prepare the item available to the 38317
contracting person. 38318

(C) Except as required by federal or state law and subject to 38319
division (E) of this section, both of the following conditions 38320
apply with respect to a request for data described in division (A) 38321
of this section: 38322

(1) The request shall be made through a person who has 38323
entered into a contract with the medicaid director under this 38324
section. 38325

(2) An item prepared pursuant to the request may be provided 38326
to the department of medicaid and is confidential and not subject 38327
to disclosure under section 149.43 or 1347.08 of the Revised Code. 38328

(D) The medicaid director shall use fees the director 38329
receives pursuant to a contract entered into under this section to 38330
pay obligations specified in contracts entered under this section. 38331
Any money remaining after the obligations are paid shall be 38332
deposited in the health care/medicaid support and recoveries fund 38333
created under section 5162.52 of the Revised Code. 38334

(E) This section does not apply to requests for medicaid recipient or claims payment data, data from reports of audits conducted under section 5165.109 of the Revised Code, or extracts or analyses of any of the foregoing data that are for any of the following purposes:

(1) Treatment of medicaid recipients;

(2) Payment of medicaid claims;

(3) Establishment or management of medicaid third party liability pursuant to sections 5160.35 to 5160.43 of the Revised Code;

(4) Compliance with the terms of an agreement the medicaid director enters into for purposes of administering the medicaid program;

~~(5) Compliance with an operating protocol the executive director of the office of health transformation or the executive director's designee adopts under division (D) of section 191.06 of the Revised Code.~~

Sec. 5162.52. (A) The health care/medicaid support and recoveries fund is hereby created in the state treasury. All of the following shall be credited to the fund:

(1) Except as otherwise provided by statute or as authorized by the controlling board, the nonfederal share of all medicaid-related revenues, collections, and recoveries;

(2) Federal reimbursement received for payment adjustments made pursuant to section 1923 of the "Social Security Act," ~~section 1923,~~ 42 U.S.C. 1396r-4, under the medicaid program to state mental health hospitals maintained and operated by the department of mental health and addiction services under division (A) of section 5119.14 of the Revised Code;

(3) Revenues the department of medicaid receives from another

state agency for medicaid services pursuant to an interagency agreement;	38365 38366
(4) The money the department of medicaid receives in a fiscal year for performing eligibility verification services necessary for compliance with the independent, certified audit requirement of 42 C.F.R. 455.304;	38367 38368 38369 38370
(5) The nonfederal share of all rebates paid by drug manufacturers to the department of medicaid in accordance with a rebate agreement required by <u>section 1927 of</u> the "Social Security Act," section 1927, 42 U.S.C. 1396r-8;	38371 38372 38373 38374
(6) The nonfederal share of all supplemental rebates paid by drug manufacturers to the department of medicaid in accordance with the supplemental drug rebate program established under section 5164.755 of the Revised Code;	38375 38376 38377 38378
(7) Amounts deposited into the fund pursuant to sections 5162.12, 5162.40, and 5162.41 of the Revised Code;	38379 38380
(8) The application fees charged to providers under section 5164.31 of the Revised Code;	38381 38382
(9) The fines collected under section 5165.1010 of the Revised Code;	38383 38384
(10) Amounts from assessments on hospitals under section 5168.06 of the Revised Code and intergovernmental transfers by governmental hospitals under section 5168.07 of the Revised Code that are deposited into the fund in accordance with the law.	38385 38386 38387 38388
(B) The department of medicaid shall use money credited to the health care/medicaid support and recoveries fund to pay for medicaid <u>all of the following:</u>	38389 38390 38391
(1) <u>Medicaid</u> services and costs;	38392
(2) <u>Costs</u> associated with the administration of the medicaid program;	38393 38394

<u>(3) Programs that serve youth involved with multiple government agencies;</u>	38395
	38396
<u>(4) Innovative programs that the department has statutory authority to implement and that promote access to health care or help achieve long-term cost savings to the state.</u>	38397
	38398
	38399
Sec. 5164.01. As used in this chapter:	38400
(A) "Adjudication" has the same meaning as in section 119.01 of the Revised Code.	38401
	38402
(B) "Behavioral health redesign" means proposals developed in a collaborative effort by the office of health transformation, department of medicaid, and department of mental health and addiction services to make revisions to the medicaid program's coverage of community behavioral health services beginning July 1, 2017, including revisions that update medicaid billing codes and payment rates for community behavioral health services.	38403
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	38409
(C) "Clean claim" has the same meaning as in 42 C.F.R. 447.45(b).	38410
	38411
(D) "Community behavioral health services" means both of the following:	38412
	38413
(1) Alcohol and drug addiction services provided by a community addiction services provider, as defined in section 5119.01 of the Revised Code;	38414
	38415
	38416
(2) Mental health services provided by a community mental health services provider, as defined in section 5119.01 of the Revised Code.	38417
	38418
	38419
(E) "Early and periodic screening, diagnostic, and treatment services" has the same meaning as in the "Social Security Act," section 1905(r), 42 U.S.C. 1396d(r).	38420
	38421
	38422
(F) "Federal financial participation" has the same meaning as	38423

in section 5160.01 of the Revised Code. 38424

(G) "Federal poverty line" has the same meaning as in section 38425
5162.01 of the Revised Code. 38426

(H) "Healthcheck" means the component of the medicaid program 38427
that provides early and periodic screening, diagnostic, and 38428
treatment services. 38429

(I) "Home and community-based services medicaid waiver 38430
component" has the same meaning as in section 5166.01 of the 38431
Revised Code. 38432

(J) "Hospital" has the same meaning as in section 3727.01 of 38433
the Revised Code. 38434

(K) "ICDS participant" means a dual eligible individual who 38435
participates in the integrated care delivery system. 38436

(L) "ICF/IID" has the same meaning as in section 5124.01 of 38437
the Revised Code. 38438

(M) "Integrated care delivery system" and "ICDS" mean the 38439
demonstration project authorized by section 5164.91 of the Revised 38440
Code. 38441

(N) "Mandatory services" means the health care services and 38442
items that must be covered by the medicaid state plan as a 38443
condition of the state receiving federal financial participation 38444
for the medicaid program. 38445

(O) "Medicaid managed care organization" has the same meaning 38446
as in section 5167.01 of the Revised Code. 38447

(P) "Medicaid provider" means a person or government entity 38448
with a valid provider agreement to provide medicaid services to 38449
medicaid recipients. To the extent appropriate in the context, 38450
"medicaid provider" includes a person or government entity 38451
applying for a provider agreement, a former medicaid provider, or 38452
both. 38453

(Q) "Medicaid services" means either or both of the following:	38454 38455
(1) Mandatory services;	38456
(2) Optional services that the medicaid program covers.	38457
(R) "Nursing facility" has the same meaning as in section 5165.01 of the Revised Code.	38458 38459
(S) "Optional services" means the health care services and items that may be covered by the medicaid state plan or a federal medicaid waiver and for which the medicaid program receives federal financial participation.	38460 38461 38462 38463
(T) "Prescribed drug" has the same meaning as in 42 C.F.R. 440.120.	38464 38465
(U) "Provider agreement" means an agreement to which all of the following apply:	38466 38467
(1) It is between a medicaid provider and the department of medicaid;	38468 38469
(2) It provides for the medicaid provider to provide medicaid services to medicaid recipients;	38470 38471
(3) It complies with 42 C.F.R. 431.107(b).	38472
(V) "State plan home and community-based services" means home and community-based services that, as authorized by section 1915(i) of the "Social Security Act," 42 U.S.C. 1396n(i), may be covered by the medicaid program pursuant to an amendment to the medicaid state plan.	38473 38474 38475 38476 38477
(W) "Terminal distributor of dangerous drugs" has the same meaning as in section 4729.01 of the Revised Code.	38478 38479
Sec. 5164.342. (A) As used in this section:	38480
"Applicant" means a person who is under final consideration	38481

for employment with a waiver agency in a full-time, part-time, or 38482
temporary position that involves providing home and 38483
community-based services. 38484

"Community-based long-term care provider" means a provider as 38485
defined in section 173.39 of the Revised Code. 38486

"Community-based long-term care subcontractor" means a 38487
subcontractor as defined in section 173.38 of the Revised Code. 38488

"Criminal records check" has the same meaning as in section 38489
109.572 of the Revised Code. 38490

"Disqualifying offense" means any of the offenses listed or 38491
described in divisions (A)(3)(a) to (e) of section 109.572 of the 38492
Revised Code. 38493

"Employee" means a person employed by a waiver agency in a 38494
full-time, part-time, or temporary position that involves 38495
providing home and community-based services. 38496

"Waiver agency" means a person or government entity that 38497
provides home and community-based services under a home and 38498
community-based services medicaid waiver component administered by 38499
the department of medicaid, other than such a person or government 38500
entity that is certified under the medicare program. "Waiver 38501
agency" does not mean an independent provider as defined in 38502
section 5164.341 of the Revised Code. 38503

(B) This section does not apply to any individual who is 38504
subject to a database review or criminal records check under 38505
section 3701.881 of the Revised Code. If a waiver agency also is a 38506
community-based long-term care provider or community-based 38507
long-term care subcontractor, the waiver agency may provide for 38508
any of its applicants and employees who are not subject to 38509
database reviews and criminal records checks under section 173.38 38510
of the Revised Code to undergo database reviews and criminal 38511
records checks in accordance with that ~~section 173.38 of the~~ 38512

~~Revised Code~~ rather than this section. 38513

(C) No waiver agency shall employ an applicant or continue to 38514
employ an employee in a position that involves providing home and 38515
community-based services if any of the following apply: 38516

(1) A review of the databases listed in division (E) of this 38517
section reveals any of the following: 38518

(a) That the applicant or employee is included in one or more 38519
of the databases listed in divisions (E)(1) to (5) of this 38520
section; 38521

(b) That there is in the state nurse aide registry 38522
established under section 3721.32 of the Revised Code a statement 38523
detailing findings by the director of health that the applicant or 38524
employee abused, neglected, or exploited a long-term care facility 38525
or residential care facility resident or misappropriated property 38526
of such a resident; 38527

(c) That the applicant or employee is included in one or more 38528
of the databases, if any, specified in rules authorized by this 38529
section and the rules prohibit the waiver agency from employing an 38530
applicant or continuing to employ an employee included in such a 38531
database in a position that involves providing home and 38532
community-based services. 38533

(2) After the applicant or employee is given the information 38534
and notification required by divisions (F)(2)(a) and (b) of this 38535
section, the applicant or employee fails to do either of the 38536
following: 38537

(a) Access, complete, or forward to the superintendent of the 38538
bureau of criminal identification and investigation the form 38539
prescribed to division (C)(1) of section 109.572 of the Revised 38540
Code or the standard impression sheet prescribed pursuant to 38541
division (C)(2) of that section; 38542

(b) Instruct the superintendent to submit the completed 38543
report of the criminal records check required by this section 38544
directly to the chief administrator of the waiver agency. 38545

(3) Except as provided in rules authorized by this section, 38546
the applicant or employee is found by a criminal records check 38547
required by this section to have been convicted of or have pleaded 38548
guilty to a disqualifying offense, regardless of the date of the 38549
conviction or date of entry of the guilty plea. 38550

(D) At the time of each applicant's initial application for 38551
employment in a position that involves providing home and 38552
community-based services, the chief administrator of a waiver 38553
agency shall inform the applicant of both of the following: 38554

(1) That a review of the databases listed in division (E) of 38555
this section will be conducted to determine whether the waiver 38556
agency is prohibited by division (C)(1) of this section from 38557
employing the applicant in the position; 38558

(2) That, unless the database review reveals that the 38559
applicant may not be employed in the position, a criminal records 38560
check of the applicant will be conducted and the applicant is 38561
required to provide a set of the applicant's fingerprint 38562
impressions as part of the criminal records check. 38563

(E) As a condition of employing any applicant in a position 38564
that involves providing home and community-based services, the 38565
chief administrator of a waiver agency shall conduct a database 38566
review of the applicant in accordance with rules authorized by 38567
this section. If rules authorized by this section so require, the 38568
chief administrator of a waiver agency shall conduct a database 38569
review of an employee in accordance with the rules as a condition 38570
of continuing to employ the employee in a position that involves 38571
providing home and community-based services. A database review 38572
shall determine whether the applicant or employee is included in 38573

any of the following: 38574

(1) The excluded parties list system that is maintained by 38575
the United States general services administration pursuant to 38576
subpart 9.4 of the federal acquisition regulation and available at 38577
the federal web site known as the system for award management; 38578

(2) The list of excluded individuals and entities maintained 38579
by the office of inspector general in the United States department 38580
of health and human services pursuant to the "Social Security 38581
Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5; 38582

(3) The registry of developmental disabilities employees 38583
established under section 5123.52 of the Revised Code; 38584

(4) The internet-based sex offender and child-victim offender 38585
database established under division (A)(11) of section 2950.13 of 38586
the Revised Code; 38587

(5) The internet-based database of inmates established under 38588
section 5120.66 of the Revised Code; 38589

(6) The state nurse aide registry established under section 38590
3721.32 of the Revised Code; 38591

(7) Any other database, if any, specified in rules authorized 38592
by this section. 38593

(F)(1) As a condition of employing any applicant in a 38594
position that involves providing home and community-based 38595
services, the chief administrator of a waiver agency shall require 38596
the applicant to request that the superintendent of the bureau of 38597
criminal identification and investigation conduct a criminal 38598
records check of the applicant. If rules authorized by this 38599
section so require, the chief administrator of a waiver agency 38600
shall require an employee to request that the superintendent 38601
conduct a criminal records check of the employee at times 38602
specified in the rules as a condition of continuing to employ the 38603

employee in a position that involves providing home and 38604
community-based services. However, a criminal records check is not 38605
required for an applicant or employee if the waiver agency is 38606
prohibited by division (C)(1) of this section from employing the 38607
applicant or continuing to employ the employee in a position that 38608
involves providing home and community-based services. If an 38609
applicant or employee for whom a criminal records check request is 38610
required by this section does not present proof of having been a 38611
resident of this state for the five-year period immediately prior 38612
to the date the criminal records check is requested or provide 38613
evidence that within that five-year period the superintendent has 38614
requested information about the applicant or employee from the 38615
federal bureau of investigation in a criminal records check, the 38616
chief administrator shall require the applicant or employee to 38617
request that the superintendent obtain information from the 38618
federal bureau of investigation as part of the criminal records 38619
check. Even if an applicant or employee for whom a criminal 38620
records check request is required by this section presents proof 38621
of having been a resident of this state for the five-year period, 38622
the chief administrator may require the applicant or employee to 38623
request that the superintendent include information from the 38624
federal bureau of investigation in the criminal records check. 38625

(2) The chief administrator shall provide the following to 38626
each applicant and employee for whom a criminal records check is 38627
required by this section: 38628

(a) Information about accessing, completing, and forwarding 38629
to the superintendent of the bureau of criminal identification and 38630
investigation the form prescribed pursuant to division (C)(1) of 38631
section 109.572 of the Revised Code and the standard impression 38632
sheet prescribed pursuant to division (C)(2) of that section; 38633

(b) Written notification that the applicant or employee is to 38634
instruct the superintendent to submit the completed report of the 38635

criminal records check directly to the chief administrator. 38636

(3) A waiver agency shall pay to the bureau of criminal 38637
identification and investigation the fee prescribed pursuant to 38638
division (C)(3) of section 109.572 of the Revised Code for any 38639
criminal records check required by this section. However, a waiver 38640
agency may require an applicant to pay to the bureau the fee for a 38641
criminal records check of the applicant. If the waiver agency pays 38642
the fee for an applicant, it may charge the applicant a fee not 38643
exceeding the amount the waiver agency pays to the bureau under 38644
this section if the waiver agency notifies the applicant at the 38645
time of initial application for employment of the amount of the 38646
fee and that, unless the fee is paid, the applicant will not be 38647
considered for employment. 38648

(G)(1) A waiver agency may employ conditionally an applicant 38649
for whom a criminal records check is required by this section 38650
prior to obtaining the results of the criminal records check if 38651
both of the following apply: 38652

(a) The waiver agency is not prohibited by division (C)(1) of 38653
this section from employing the applicant in a position that 38654
involves providing home and community-based services. 38655

(b) The chief administrator of the waiver agency requires the 38656
applicant to request a criminal records check regarding the 38657
applicant in accordance with division (F)(1) of this section not 38658
later than five business days after the applicant begins 38659
conditional employment. 38660

(2) A waiver agency that employs an applicant conditionally 38661
under division (G)(1) of this section shall terminate the 38662
applicant's employment if the results of the criminal records 38663
check, other than the results of any request for information from 38664
the federal bureau of investigation, are not obtained within the 38665
period ending sixty days after the date the request for the 38666

criminal records check is made. Regardless of when the results of 38667
the criminal records check are obtained, if the results indicate 38668
that the applicant has been convicted of or has pleaded guilty to 38669
a disqualifying offense, the waiver agency shall terminate the 38670
applicant's employment unless circumstances specified in rules 38671
authorized by this section exist that permit the waiver agency to 38672
employ the applicant and the waiver agency chooses to employ the 38673
applicant. 38674

(H) The report of any criminal records check conducted 38675
pursuant to a request made under this section is not a public 38676
record for the purposes of section 149.43 of the Revised Code and 38677
shall not be made available to any person other than the 38678
following: 38679

(1) The applicant or employee who is the subject of the 38680
criminal records check or the representative of the applicant or 38681
employee; 38682

(2) The chief administrator of the waiver agency that 38683
requires the applicant or employee to request the criminal records 38684
check or the administrator's representative; 38685

(3) The medicaid director and the staff of the department who 38686
are involved in the administration of the medicaid program; 38687

(4) The director of aging or the director's designee if the 38688
waiver agency also is a community-based long-term care provider or 38689
community-based long-term care subcontractor; 38690

(5) An individual receiving or deciding whether to receive 38691
home and community-based services from the subject of the criminal 38692
records check; 38693

(6) A court, hearing officer, or other necessary individual 38694
involved in a case dealing with any of the following: 38695

(a) A denial of employment of the applicant or employee; 38696

(b) Employment or unemployment benefits of the applicant or employee;	38697 38698
(c) A civil or criminal action regarding the medicaid program.	38699 38700
(I) The medicaid director shall adopt rules under section 5164.02 of the Revised Code to implement this section.	38701 38702
(1) The rules may do the following:	38703
(a) Require employees to undergo database reviews and criminal records checks under this section;	38704 38705
(b) If the rules require employees to undergo database reviews and criminal records checks under this section, exempt one or more classes of employees from the requirements;	38706 38707 38708
(c) For the purpose of division (E)(7) of this section, specify other databases that are to be checked as part of a database review conducted under this section.	38709 38710 38711
(2) The rules shall specify all of the following:	38712
(a) The procedures for conducting a database review under this section;	38713 38714
(b) If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted;	38715 38716 38717 38718
(c) If the rules specify other databases to be checked as part of a database review, the circumstances under which a waiver agency is prohibited from employing an applicant or continuing to employ an employee who is found by the database review to be included in one or more of those databases;	38719 38720 38721 38722 38723
(d) The circumstances under which a waiver agency may employ an applicant or employee who is found by a criminal records check required by this section to have been convicted of or have pleaded	38724 38725 38726

guilty to a disqualifying offense. 38727

(J) The amendments made by H.B. 487 of the 129th general 38728
assembly to this section do not preclude the department of 38729
medicaid from taking action against a person for failure to comply 38730
with former division (H) of this section as that division existed 38731
on the day preceding January 1, 2013. 38732

Sec. 5164.36. (A) As used in this section: 38733

(1) "Credible allegation of fraud" has the same meaning as in 38734
42 C.F.R. 455.2, except that for purposes of this section any 38735
reference in that regulation to the "state" or the "state medicaid 38736
agency" means the department of medicaid. 38737

(2) "Disqualifying indictment" means an indictment of a 38738
medicaid provider or its officer, authorized agent, associate, 38739
manager, employee, or, if the provider is a noninstitutional 38740
provider, its owner, if either of the following applies: 38741

(a) The indictment charges the person with committing an act 38742
to which both of the following apply: 38743

(i) The act would be a felony or misdemeanor under the laws 38744
of this state or the jurisdiction within which the act occurred. 38745

(ii) The act relates to or results from furnishing or billing 38746
for medicaid services under the medicaid program or relates to or 38747
results from performing management or administrative services 38748
relating to furnishing medicaid services under the medicaid 38749
program. 38750

(b) If the medicaid provider is an independent provider, the 38751
indictment charges the person with committing an act that would 38752
constitute a disqualifying offense. 38753

(3) "Disqualifying offense" means any of the offenses listed 38754
or described in divisions (A)(3)(a) to (e) of section 109.572 of 38755
the Revised Code. 38756

(4) "Independent provider" has the same meaning as in section 5164.341 of the Revised Code. 38757
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(5) "Noninstitutional medicaid provider" means any person or entity with a provider agreement other than a hospital, nursing facility, or ICF/IID. 38759
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38761

(6) "Owner" has the same meaning as in section 5164.37 of the Revised Code means any person having at least five per cent ownership in a noninstitutional medicaid provider. 38762
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(B)(1) Except as provided in division (C) of this section and in rules authorized by this section, ~~on determining there is a credible allegation of fraud for which an investigation is pending under the medicaid program against a medicaid provider,~~ the department of medicaid shall suspend the provider agreement held by the a medicaid provider on determining either of the following: 38765
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(a) There is a credible allegation of fraud against any of the following for which an investigation is pending under the medicaid program: 38771
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(i) The medicaid provider; 38774

(ii) The medicaid provider's owner, officer, authorized agent, associate, manager, or employee. 38775
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(b) A disqualifying indictment has been issued against any of the following: 38777
38778

(i) The medicaid provider; 38779

(ii) The medicaid provider's officer, authorized agent, associate, manager, or employee; 38780
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(iii) If the medicaid provider is a noninstitutional provider, its owner. Subject 38782
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(2) Subject to division (C) of this section, the department shall also ~~terminate~~ suspend all medicaid payments to the a medicaid provider for services rendered, regardless of the date 38784
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that the services are rendered, when the department suspends the provider's provider agreement under this section. 38787
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~~(2)(a)~~(3) The suspension of a provider agreement shall 38789
continue in effect until either of the following ~~is the case~~ 38790
occurs: 38791

~~(i) The (a)~~ If the suspension is the result of a credible 38792
allegation of fraud, the department or a prosecuting authority 38793
determines that there is insufficient evidence of fraud by the 38794
medicaid provider; 38795

~~(ii) The (b)~~ Regardless of whether the suspension is the 38796
result of a credible allegation of fraud or a disqualifying 38797
indictment, the proceedings in any related criminal case are 38798
completed through dismissal of the indictment or through 38799
conviction, entry of a guilty plea, or finding of not guilty- 38800

~~(b) If or, if~~ the department commences a process to terminate 38801
the suspended provider agreement, ~~the suspension shall also~~ 38802
~~continue in effect until~~ the termination process is concluded. 38803

~~(3)(4)(a)~~ When subject to a suspension provider agreement is 38804
suspended under this section, ~~a medicaid provider, owner, officer,~~ 38805
~~authorized agent, associate, manager, or employee shall not own~~ 38806
none of the following shall take, during the period of the 38807
suspension, any of the actions specified in division (B)(4)(b) of 38808
this section: 38809

(i) The medicaid provider; 38810

(ii) If the suspension is the result of an action taken by an 38811
officer, authorized agent, associate, manager, or employee of the 38812
medicaid provider, that person; 38813

(iii) If the medicaid provider is a noninstitutional provider 38814
and the suspension is the result of an action taken by the owner 38815
of the provider, the owner. 38816

(b) The following are the actions that persons specified in 38817
division (B)(4)(a) of this section cannot take during the 38818
suspension of a provider agreement: 38819

(i) Own services provided, or provide services, to any other 38820
medicaid provider or risk contractor ~~or arrange;~~ 38821

(ii) Arrange for, render to, or order services to any other 38822
medicaid provider or risk contractor ~~or arrange;~~ 38823

(iii) Arrange for, render to, or order services for medicaid 38824
recipients ~~during the period of suspension. During the period of~~ 38825
~~suspension, the provider, owner, officer, authorized agent,~~ 38826
~~associate, manager, or employee shall not receive;~~ 38827

(iv) Receive direct payments under the medicaid program or 38828
indirect payments of medicaid funds in the form of salary, shared 38829
fees, contracts, kickbacks, or rebates from or through any other 38830
medicaid provider or risk contractor. 38831

(C) The department shall not suspend a provider agreement or 38832
~~terminate~~ medicaid payments under division (B) of this section if 38833
the medicaid provider or, if the provider is a noninstitutional 38834
provider, the owner can demonstrate through the submission of 38835
written evidence that the provider or owner did not directly or 38836
indirectly sanction the action of its authorized agent, associate, 38837
manager, or employee that resulted in the credible allegation of 38838
fraud or disqualifying indictment. 38839

~~(D) The termination of medicaid payment under division (B) of~~ 38840
~~this section applies only to payments for medicaid services~~ 38841
~~rendered subsequent to the date on which the notice required by~~ 38842
~~division (E) of this section is sent. Claims for payment of~~ 38843
~~medicaid services rendered by the medicaid provider prior to the~~ 38844
~~issuance of the notice may be subject to prepayment review~~ 38845
~~procedures whereby the department reviews claims to determine~~ 38846
~~whether they are supported by sufficient documentation, are in~~ 38847

~~compliance with state and federal statutes and rules, and are~~ 38848
~~otherwise complete.~~ 38849

~~(E)~~ After suspending a provider agreement under division (B) 38850
of this section, the department shall, ~~as specified in 42 C.F.R.~~ 38851
~~455.23(b)~~, send notice of the suspension to the affected medicaid 38852
provider or, if the provider is a noninstitutional provider, the 38853
owner in accordance with the following ~~timeframes~~ time frames: 38854

(1) Not later than five days after the suspension, unless a 38855
law enforcement agency makes a written request to temporarily 38856
delay the notice; 38857

(2) If a law enforcement agency makes a written request to 38858
temporarily delay the notice, not later than thirty days after the 38859
suspension occurs subject to the conditions specified in division 38860
~~(F)~~(E) of this section. 38861

~~(F)~~(E) A written request for a temporary delay described in 38862
division ~~(E)~~(D)(2) of this section may be renewed in writing by a 38863
law enforcement agency not more than two times except that under 38864
no circumstances shall the notice be issued more than ninety days 38865
after the suspension occurs. 38866

~~(G)~~(F) The notice required by division ~~(E)~~(D) of this section 38867
shall do all of the following: 38868

(1) State that payments are being suspended in accordance 38869
with this section and 42 C.F.R. 455.23; 38870

(2) Set forth the general allegations related to the nature 38871
of the conduct leading to the suspension, except that it is not 38872
necessary to disclose any specific information concerning an 38873
ongoing investigation; 38874

(3) State that the suspension continues to be in effect until 38875
either of the ~~following is the case~~: 38876

~~(a) The department or a prosecuting authority determines that~~ 38877

~~there is insufficient evidence of fraud by the provider;~~ 38878

~~(b) The proceedings in any related criminal case are 38879
completed through dismissal of the indictment or through 38880
conviction, entry of a guilty plea, or finding of not guilty and, 38881
if the department commences a process to terminate the suspended 38882
provider agreement, until the termination process is concluded. 38883
circumstances specified in division (B)(3) of this section occur; 38884~~

(4) Specify, if applicable, the type or types of medicaid 38885
claims or business units of the medicaid provider that are 38886
affected by the suspension; 38887

(5) Inform the medicaid provider or owner of the opportunity 38888
to submit to the department, not later than thirty days after 38889
receiving the notice, a request for reconsideration of the 38890
suspension in accordance with division ~~(H)~~(G) of this section. 38891

~~(H)~~(G)(1) Pursuant to the procedure specified in division 38892
~~(H)~~(G)(2) of this section, a medicaid provider ~~or owner~~ subject to 38893
a suspension under this section or, if the provider is a 38894
noninstitutional provider, the owner may request a reconsideration 38895
of the suspension. The request shall be made not later than thirty 38896
days after receipt of a notice required by division ~~(E)~~(D) of this 38897
section. The reconsideration is not subject to an adjudication 38898
hearing pursuant to Chapter 119. of the Revised Code. 38899

(2) In requesting a reconsideration, the medicaid provider or 38900
owner shall submit written information and documents to the 38901
department. The information and documents may pertain to any of 38902
the following issues: 38903

(a) Whether the determination to suspend the provider 38904
agreement was based on a mistake of fact, other than the validity 38905
of an indictment in a related criminal case. 38906

(b) If there has been an indictment in a related criminal 38907
case, whether ~~any offense charged in the indictment resulted from~~ 38908

~~an offense specified in division (E) of section 5164.37 of the Revised Code is a disqualifying indictment.~~ 38909
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(c) Whether the provider or owner can demonstrate that the provider or owner did not directly or indirectly sanction the action of its authorized agent, associate, manager, or employee that resulted in the suspension under this section or an indictment in a related criminal case. 38911
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~~(I)~~(H) The department shall review the information and documents submitted in a request made under division ~~(H)~~(G) of this section for reconsideration of a suspension. After the review, the suspension may be affirmed, reversed, or modified, in whole or in part. The department shall notify the affected provider or owner of the results of the review. The review and notification of its results shall be completed not later than forty-five days after receiving the information and documents submitted in a request for reconsideration. 38916
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~~(J)~~(I) Rules adopted under section 5164.02 of the Revised Code may specify circumstances under which the department would not suspend a provider agreement pursuant to this section. 38925
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Sec. 5164.37. (A) The department of medicaid may suspend a medicaid provider's provider agreement without prior notice if the department has evidence that the provider presents a danger of immediate and serious harm to the health, safety, or welfare of medicaid recipients. The department also shall suspend all medicaid payments to the medicaid provider for services rendered, regardless of the date that the services were rendered, when the department suspends the provider agreement under this section. 38928
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(B) If the department suspends a medicaid provider's provider agreement under this section, the department shall do both of the following: 38936
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(1) Not later than five days after suspending the provider agreement, notify the medicaid provider of the suspension; 38939
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(2) Not later than ten business days after suspending the provider agreement, notify the medicaid provider that the department intends to terminate the provider agreement. 38941
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(C) The notice that the department provides to a medicaid provider under division (B)(2) of this section shall include the allegation that the provider presents a danger of immediate and serious harm to the health, safety, or welfare of medicaid recipients. It may also include other grounds for terminating the provider agreement. Section 5164.38 of the Revised Code applies to the termination of the provider agreement. 38944
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(D) The suspension of a medicaid provider's provider agreement and medicaid payments shall cease at the earliest of the following: 38951
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(1) The department's failure to provide a notice required by division (B) of this section by the time specified in that division; 38954
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(2) The department rescinds its notice to terminate the provider agreement. 38957
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(3) The department issues an order regarding the termination of the provider agreement pursuant to an adjudication conducted in accordance with Chapter 119. of the Revised Code. 38959
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(E) This section does not limit the department's authority to suspend or terminate a provider agreement or medicaid payments to a medicaid provider under any other provision of the Revised Code. 38962
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Sec. 5164.38. (A) As used in this section: 38965

(1) "Party" has the same meaning as in division (G) of section 119.01 of the Revised Code. 38966
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(2) "Revalidate" means to approve a medicaid provider's continued enrollment as a medicaid provider in accordance with the revalidation process established in rules authorized by section 5164.32 of the Revised Code. 38968
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(B) This section does not apply to either of the following: 38972

(1) Any action taken or decision made by the department of medicaid with respect to entering into or refusing to enter into a contract with a managed care organization pursuant to section 5167.10 of the Revised Code; 38973
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(2) Any action taken by the department under division (D)(2) of section 5124.60, division (D)(1) or (2) of section 5124.61, or sections 5165.60 to 5165.89 of the Revised Code. 38977
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(C) Except as provided in division (E) of this section and section 5164.58 of the Revised Code, the department shall do any of the following by issuing an order pursuant to an adjudication conducted in accordance with Chapter 119. of the Revised Code: 38980
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(1) Refuse to enter into a provider agreement with a medicaid provider; 38984
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(2) Refuse to revalidate a medicaid provider's provider agreement; 38986
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(3) Suspend or terminate a medicaid provider's provider agreement; 38988
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(4) Take any action based upon a final fiscal audit of a medicaid provider. 38990
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(D) Any party who is adversely affected by the issuance of an adjudication order under division (C) of this section may appeal to the court of common pleas of Franklin county in accordance with section 119.12 of the Revised Code. 38992
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(E) The department is not required to comply with division (C)(1), (2), or (3) of this section whenever any of the following 38996
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occur: 38998

(1) The terms of a provider agreement require the medicaid 38999
provider to hold a license, permit, or certificate or maintain a 39000
certification issued by an official, board, commission, 39001
department, division, bureau, or other agency of state or federal 39002
government other than the department of medicaid, and the license, 39003
permit, certificate, or certification has been denied, revoked, 39004
not renewed, suspended, or otherwise limited. 39005

(2) The terms of a provider agreement require the medicaid 39006
provider to hold a license, permit, or certificate or maintain 39007
certification issued by an official, board, commission, 39008
department, division, bureau, or other agency of state or federal 39009
government other than the department of medicaid, and the provider 39010
has not obtained the license, permit, certificate, or 39011
certification. 39012

(3) The medicaid provider's application for a provider 39013
agreement is denied, or the provider's provider agreement is 39014
terminated or not revalidated, because of or pursuant to any of 39015
the following: 39016

(a) The termination, refusal to renew, or denial of a 39017
license, permit, certificate, or certification by an official, 39018
board, commission, department, division, bureau, or other agency 39019
of this state other than the department of medicaid, 39020
notwithstanding the fact that the provider may hold a license, 39021
permit, certificate, or certification from an official, board, 39022
commission, department, division, bureau, or other agency of 39023
another state; 39024

(b) Division (D) or (E) of section 5164.35 of the Revised 39025
Code; 39026

(c) The provider's termination, suspension, or exclusion from 39027
the medicare program or from another state's medicaid program and, 39028

in either case, the termination, suspension, or exclusion is 39029
binding on the provider's participation in the medicaid program in 39030
this state; 39031

(d) The provider's pleading guilty to or being convicted of a 39032
criminal activity materially related to either the medicare or 39033
medicaid program; 39034

(e) The provider or its owner, officer, authorized agent, 39035
associate, manager, or employee having been convicted of one of 39036
the offenses that caused the provider's provider agreement to be 39037
suspended pursuant to section 5164.36 of the Revised Code; 39038

(f) The provider's failure to provide the department the 39039
national provider identifier assigned the provider by the national 39040
provider system pursuant to 45 C.F.R. 162.408. 39041

(4) The medicaid provider's application for a provider 39042
agreement is denied, or the provider's provider agreement is 39043
terminated or suspended, as a result of action by the United 39044
States department of health and human services and that action is 39045
binding on the provider's medicaid participation. 39046

(5) ~~Pursuant to either section 5164.36 or 5164.37 of the~~ 39047
~~Revised Code, the~~ The medicaid provider's provider agreement ~~is~~ 39048
and medicaid payments to the provider are suspended ~~and payments~~ 39049
~~to the provider are suspended pending indictment of the provider~~ 39050
under section 5164.36 or 5164.37 of the Revised Code. 39051

(6) The medicaid provider's application for a provider 39052
agreement is denied because the provider's application was not 39053
complete; 39054

(7) The medicaid provider's provider agreement is converted 39055
under section 5164.32 of the Revised Code from a provider 39056
agreement that is not time-limited to a provider agreement that is 39057
time-limited. 39058

(8) Unless the medicaid provider is a nursing facility or ICF/IID, the provider's provider agreement is not revalidated pursuant to division (B)(1) of section 5164.32 of the Revised Code.

(9) The medicaid provider's provider agreement is suspended, terminated, or not revalidated because of either of the following:

(a) Any reason authorized or required by one or more of the following: 42 C.F.R. 455.106, 455.23, 455.416, 455.434, or 455.450;

(b) The provider has not billed or otherwise submitted a medicaid claim for two years or longer.

(F) In the case of a medicaid provider described in division (E)(3)(f), (6), (7), or (9)(b) of this section, the department may take its action by sending a notice explaining the action to the provider. The notice shall be sent to the medicaid provider's address on record with the department. The notice may be sent by regular mail.

(G) The department may withhold payments for medicaid services rendered by a medicaid provider during the pendency of proceedings initiated under division (C)(1), (2), or (3) of this section. If the proceedings are initiated under division (C)(4) of this section, the department may withhold payments only to the extent that they equal amounts determined in a final fiscal audit as being due the state. This division does not apply if the department fails to comply with section 119.07 of the Revised Code, requests a continuance of the hearing, or does not issue a decision within thirty days after the hearing is completed. This division does not apply to nursing facilities and ICFs/IID.

Sec. 5165.01. As used in this chapter:

(A) "Affiliated operator" means an operator affiliated with

either of the following: 39089

(1) The exiting operator for whom the affiliated operator is 39090
to assume liability for the entire amount of the exiting 39091
operator's debt under the medicaid program or the portion of the 39092
debt that represents the franchise permit fee the exiting operator 39093
owes; 39094

(2) The entering operator involved in the change of operator 39095
with the exiting operator specified in division (A)(1) of this 39096
section. 39097

(B) "Allowable costs" are a nursing facility's costs that the 39098
department of medicaid determines are reasonable. Fines paid under 39099
sections 5165.60 to 5165.89 and section 5165.99 of the Revised 39100
Code are not allowable costs. 39101

(C) "Ancillary and support costs" means all reasonable costs 39102
incurred by a nursing facility other than direct care costs, tax 39103
costs, or capital costs. "Ancillary and support costs" includes, 39104
but is not limited to, costs of activities, social services, 39105
pharmacy consultants, habilitation supervisors, qualified 39106
intellectual disability professionals, program directors, medical 39107
and habilitation records, program supplies, incontinence supplies, 39108
food, enterals, dietary supplies and personnel, laundry, 39109
housekeeping, security, administration, medical equipment, 39110
utilities, liability insurance, bookkeeping, purchasing 39111
department, human resources, communications, travel, dues, license 39112
fees, subscriptions, home office costs not otherwise allocated, 39113
legal services, accounting services, minor equipment, maintenance 39114
and repairs, help-wanted advertising, informational advertising, 39115
start-up costs, organizational expenses, other interest, property 39116
insurance, employee training and staff development, employee 39117
benefits, payroll taxes, and workers' compensation premiums or 39118
costs for self-insurance claims and related costs as specified in 39119
rules adopted under section 5165.02 of the Revised Code, for 39120

personnel listed in this division. "Ancillary and support costs" 39121
also means the cost of equipment, including vehicles, acquired by 39122
operating lease executed before December 1, 1992, if the costs are 39123
reported as administrative and general costs on the nursing 39124
facility's cost report for the cost reporting period ending 39125
December 31, 1992. 39126

(D) "Applicable calendar year" means the calendar year 39127
immediately preceding the calendar year that precedes the first of 39128
the state fiscal years for which a rebasing is conducted. 39129

~~(E) "Budget reduction adjustment factor" means the factor 39130
specified pursuant to or in section 5165.361 of the Revised Code 39131
for a state fiscal year. 39132~~

~~(F)~~(1) "Capital costs" means the actual expense incurred by a 39133
nursing facility for all of the following: 39134

(a) Depreciation and interest on any capital assets that cost 39135
five hundred dollars or more per item, including the following: 39136

(i) Buildings; 39137

(ii) Building improvements; 39138

(iii) Except as provided in division (C) of this section, 39139
equipment; 39140

(iv) Transportation equipment. 39141

(b) Amortization and interest on land improvements and 39142
leasehold improvements; 39143

(c) Amortization of financing costs; 39144

(d) Lease and rent of land, buildings, and equipment. 39145

(2) The costs of capital assets of less than five hundred 39146
dollars per item may be considered capital costs in accordance 39147
with a provider's practice. 39148

~~(G)~~(F) "Capital lease" and "operating lease" shall be 39149

construed in accordance with generally accepted accounting principles. 39150
39151

~~(H)~~(G) "Case-mix score" means a measure determined under 39152
section 5165.192 of the Revised Code of the relative direct-care 39153
resources needed to provide care and habilitation to a nursing 39154
facility resident. 39155

~~(I)~~(H) "Change of operator" means an entering operator 39156
becoming the operator of a nursing facility in the place of the 39157
exiting operator. 39158

(1) Actions that constitute a change of operator include the 39159
following: 39160

(a) A change in an exiting operator's form of legal 39161
organization, including the formation of a partnership or 39162
corporation from a sole proprietorship; 39163

(b) A transfer of all the exiting operator's ownership 39164
interest in the operation of the nursing facility to the entering 39165
operator, regardless of whether ownership of any or all of the 39166
real property or personal property associated with the nursing 39167
facility is also transferred; 39168

(c) A lease of the nursing facility to the entering operator 39169
or the exiting operator's termination of the exiting operator's 39170
lease; 39171

(d) If the exiting operator is a partnership, dissolution of 39172
the partnership; 39173

(e) If the exiting operator is a partnership, a change in 39174
composition of the partnership unless both of the following apply: 39175

(i) The change in composition does not cause the 39176
partnership's dissolution under state law. 39177

(ii) The partners agree that the change in composition does 39178
not constitute a change in operator. 39179

(f) If the operator is a corporation, dissolution of the corporation, a merger of the corporation into another corporation that is the survivor of the merger, or a consolidation of one or more other corporations to form a new corporation.

(2) The following, alone, do not constitute a change of operator:

(a) A contract for an entity to manage a nursing facility as the operator's agent, subject to the operator's approval of daily operating and management decisions;

(b) A change of ownership, lease, or termination of a lease of real property or personal property associated with a nursing facility if an entering operator does not become the operator in place of an exiting operator;

(c) If the operator is a corporation, a change of one or more members of the corporation's governing body or transfer of ownership of one or more shares of the corporation's stock, if the same corporation continues to be the operator.

~~(J)~~(I) "Cost center" means the following:

(1) Ancillary and support costs;

(2) Capital costs;

(3) Direct care costs;

(4) Tax costs.

~~(K)~~(J) "Custom wheelchair" means a wheelchair to which both of the following apply:

(1) It has been measured, fitted, or adapted in consideration of either of the following:

(a) The body size or disability of the individual who is to use the wheelchair;

(b) The individual's period of need for, or intended use of,

the wheelchair. 39209

(2) It has customized features, modifications, or components, 39210
such as adaptive seating and positioning systems, that the 39211
supplier who assembled the wheelchair, or the manufacturer from 39212
which the wheelchair was ordered, added or made in accordance with 39213
the instructions of the physician of the individual who is to use 39214
the wheelchair. 39215

~~(L)~~(K)(1) "Date of licensure" means the following: 39216

(a) In the case of a nursing facility that was required by 39217
law to be licensed as a nursing home under Chapter 3721. of the 39218
Revised Code when it originally began to be operated as a nursing 39219
home, the date the nursing facility was originally so licensed; 39220

(b) In the case of a nursing facility that was not required 39221
by law to be licensed as a nursing home when it originally began 39222
to be operated as a nursing home, the date it first began to be 39223
operated as a nursing home, regardless of the date the nursing 39224
facility was first licensed as a nursing home. 39225

(2) If, after a nursing facility's original date of 39226
licensure, more nursing home beds are added to the nursing 39227
facility, the nursing facility has a different date of licensure 39228
for the additional beds. This does not apply, however, to 39229
additional beds when both of the following apply: 39230

(a) The additional beds are located in a part of the nursing 39231
facility that was constructed at the same time as the continuing 39232
beds already located in that part of the nursing facility; 39233

(b) The part of the nursing facility in which the additional 39234
beds are located was constructed as part of the nursing facility 39235
at a time when the nursing facility was not required by law to be 39236
licensed as a nursing home. 39237

(3) The definition of "date of licensure" in this section 39238

applies in determinations of nursing facilities' medicaid payment 39239
rates but does not apply in determinations of nursing facilities' 39240
franchise permit fees. 39241

~~(M)~~(L) "Desk-reviewed" means that a nursing facility's costs 39242
as reported on a cost report submitted under section 5165.10 of 39243
the Revised Code have been subjected to a desk review under 39244
section 5165.108 of the Revised Code and preliminarily determined 39245
to be allowable costs. 39246

~~(N)~~(M) "Direct care costs" means all of the following costs 39247
incurred by a nursing facility: 39248

(1) Costs for registered nurses, licensed practical nurses, 39249
and nurse aides employed by the nursing facility; 39250

(2) Costs for direct care staff, administrative nursing 39251
staff, medical directors, respiratory therapists, and except as 39252
provided in division ~~(N)~~(M)(8) of this section, other persons 39253
holding degrees qualifying them to provide therapy; 39254

(3) Costs of purchased nursing services; 39255

(4) Costs of quality assurance; 39256

(5) Costs of training and staff development, employee 39257
benefits, payroll taxes, and workers' compensation premiums or 39258
costs for self-insurance claims and related costs as specified in 39259
rules adopted under section 5165.02 of the Revised Code, for 39260
personnel listed in divisions ~~(N)~~(M)(1), (2), (4), and (8) of this 39261
section; 39262

(6) Costs of consulting and management fees related to direct 39263
care; 39264

(7) Allocated direct care home office costs; 39265

(8) Costs of habilitation staff (other than habilitation 39266
supervisors), medical supplies, emergency oxygen, over-the-counter 39267
pharmacy products, physical therapists, physical therapy 39268

assistants, occupational therapists, occupational therapy	39269
assistants, speech therapists, audiologists, habilitation	39270
supplies, and universal precautions supplies;	39271
(9) Costs of wheelchairs other than the following:	39272
(a) Custom wheelchairs;	39273
(b) Repairs to and replacements of custom wheelchairs and	39274
parts that are made in accordance with the instructions of the	39275
physician of the individual who uses the custom wheelchair.	39276
(10) Costs of other direct-care resources that are specified	39277
as direct care costs in rules adopted under section 5165.02 of the	39278
Revised Code.	39279
(O) <u>(N)</u> "Dual eligible individual" has the same meaning as in	39280
section 5160.01 of the Revised Code.	39281
(P) <u>(O)</u> "Effective date of a change of operator" means the day	39282
the entering operator becomes the operator of the nursing	39283
facility.	39284
(Q) <u>(P)</u> "Effective date of a facility closure" means the last	39285
day that the last of the residents of the nursing facility resides	39286
in the nursing facility.	39287
(R) <u>(O)</u> "Effective date of an involuntary termination" means	39288
the date the department of medicaid terminates the operator's	39289
provider agreement for the nursing facility.	39290
(S) <u>(R)</u> "Effective date of a voluntary withdrawal of	39291
participation" means the day the nursing facility ceases to accept	39292
new medicaid residents other than the individuals who reside in	39293
the nursing facility on the day before the effective date of the	39294
voluntary withdrawal of participation.	39295
(T) <u>(S)</u> "Entering operator" means the person or government	39296
entity that will become the operator of a nursing facility when a	39297
change of operator occurs or following an involuntary termination.	39298

~~(U)~~(T) "Exiting operator" means any of the following: 39299

(1) An operator that will cease to be the operator of a 39300
nursing facility on the effective date of a change of operator; 39301

(2) An operator that will cease to be the operator of a 39302
nursing facility on the effective date of a facility closure; 39303

(3) An operator of a nursing facility that is undergoing or 39304
has undergone a voluntary withdrawal of participation; 39305

(4) An operator of a nursing facility that is undergoing or 39306
has undergone an involuntary termination. 39307

~~(V)~~(U)(1) Subject to divisions ~~(V)~~(U)(2) and (3) of this 39308
section, "facility closure" means either of the following: 39309

(a) Discontinuance of the use of the building, or part of the 39310
building, that houses the facility as a nursing facility that 39311
results in the relocation of all of the nursing facility's 39312
residents; 39313

(b) Conversion of the building, or part of the building, that 39314
houses a nursing facility to a different use with any necessary 39315
license or other approval needed for that use being obtained and 39316
one or more of the nursing facility's residents remaining in the 39317
building, or part of the building, to receive services under the 39318
new use. 39319

(2) A facility closure occurs regardless of any of the 39320
following: 39321

(a) The operator completely or partially replacing the 39322
nursing facility by constructing a new nursing facility or 39323
transferring the nursing facility's license to another nursing 39324
facility; 39325

(b) The nursing facility's residents relocating to another of 39326
the operator's nursing facilities; 39327

(c) Any action the department of health takes regarding the 39328

nursing facility's medicaid certification that may result in the 39329
transfer of part of the nursing facility's survey findings to 39330
another of the operator's nursing facilities; 39331

(d) Any action the department of health takes regarding the 39332
nursing facility's license under Chapter 3721. of the Revised 39333
Code. 39334

(3) A facility closure does not occur if all of the nursing 39335
facility's residents are relocated due to an emergency evacuation 39336
and one or more of the residents return to a medicaid-certified 39337
bed in the nursing facility not later than thirty days after the 39338
evacuation occurs. 39339

~~(W)~~(V) "Franchise permit fee" means the fee imposed by 39340
sections 5168.40 to 5168.56 of the Revised Code. 39341

~~(X)~~(W) "Inpatient days" means both of the following: 39342

(1) All days during which a resident, regardless of payment 39343
source, occupies a bed in a nursing facility that is included in 39344
the nursing facility's medicaid-certified capacity; 39345

(2) Fifty per cent of the days for which payment is made 39346
under section 5165.34 of the Revised Code. 39347

~~(Y)~~(X) "Involuntary termination" means the department of 39348
medicaid's termination of the operator's provider agreement for 39349
the nursing facility when the termination is not taken at the 39350
operator's request. 39351

~~(Z)~~(Y) "Low resource utilization resident" means a medicaid 39352
recipient residing in a nursing facility who, for purposes of 39353
calculating the nursing facility's medicaid payment rate for 39354
direct care costs, is placed in either of the two lowest resource 39355
utilization groups, excluding any resource utilization group that 39356
is a default group used for residents with incomplete assessment 39357
data. 39358

~~(AA)~~(Z) "Maintenance and repair expenses" means a nursing 39359
facility's expenditures that are necessary and proper to maintain 39360
an asset in a normally efficient working condition and that do not 39361
extend the useful life of the asset two years or more. 39362
"Maintenance and repair expenses" includes but is not limited to 39363
the costs of ordinary repairs such as painting and wallpapering. 39364

~~(BB)~~(AA) "Medicaid-certified capacity" means the number of a 39365
nursing facility's beds that are certified for participation in 39366
medicaid as nursing facility beds. 39367

~~(CC)~~(BB) "Medicaid days" means both of the following: 39368

(1) All days during which a resident who is a medicaid 39369
recipient eligible for nursing facility services occupies a bed in 39370
a nursing facility that is included in the nursing facility's 39371
medicaid-certified capacity; 39372

(2) Fifty per cent of the days for which payment is made 39373
under section 5165.34 of the Revised Code. 39374

~~(DD)~~ "~~Medicare skilled nursing facility market basket index~~" 39375
~~means the index established by the United States secretary of~~ 39376
~~health and human services under section 1888(e)(5) of the "Social~~ 39377
~~Security Act," 42 U.S.C. 1395yy(e)(5).~~ 39378

~~(EE)~~(CC)(1) "New nursing facility" means a nursing facility 39379
for which the provider obtains an initial provider agreement 39380
following medicaid certification of the nursing facility by the 39381
director of health, including such a nursing facility that 39382
replaces one or more nursing facilities for which a provider 39383
previously held a provider agreement. 39384

(2) "New nursing facility" does not mean a nursing facility 39385
for which the entering operator seeks a provider agreement 39386
pursuant to section 5165.511 or 5165.512 or (pursuant to section 39387
5165.515) section 5165.07 of the Revised Code. 39388

~~(FF)~~(DD) "Nursing facility" has the same meaning as in the 39389
"Social Security Act," section 1919(a), 42 U.S.C. 1396r(a). 39390

~~(GG)~~(EE) "Nursing facility services" has the same meaning as 39391
in the "Social Security Act," section 1905(f), 42 U.S.C. 1396d(f). 39392

~~(HH)~~(FF) "Nursing home" has the same meaning as in section 39393
3721.01 of the Revised Code. 39394

~~(II)~~(GG) "Operator" means the person or government entity 39395
responsible for the daily operating and management decisions for a 39396
nursing facility. 39397

~~(JJ)~~(HH)(1) "Owner" means any person or government entity 39398
that has at least five per cent ownership or interest, either 39399
directly, indirectly, or in any combination, in any of the 39400
following regarding a nursing facility: 39401

(a) The land on which the nursing facility is located; 39402

(b) The structure in which the nursing facility is located; 39403

(c) Any mortgage, contract for deed, or other obligation 39404
secured in whole or in part by the land or structure on or in 39405
which the nursing facility is located; 39406

(d) Any lease or sublease of the land or structure on or in 39407
which the nursing facility is located. 39408

(2) "Owner" does not mean a holder of a debenture or bond 39409
related to the nursing facility and purchased at public issue or a 39410
regulated lender that has made a loan related to the nursing 39411
facility unless the holder or lender operates the nursing facility 39412
directly or through a subsidiary. 39413

~~(KK)~~(II) "Per diem" means a nursing facility's actual, 39414
allowable costs in a given cost center in a cost reporting period, 39415
divided by the nursing facility's inpatient days for that cost 39416
reporting period. 39417

~~(LL)~~(JJ) "Provider" means an operator with a provider 39418

agreement. 39419

~~(MM)~~(KK) "Provider agreement" means a provider agreement, as 39420
defined in section 5164.01 of the Revised Code, that is between 39421
the department of medicaid and the operator of a nursing facility 39422
for the provision of nursing facility services under the medicaid 39423
program. 39424

~~(NN)~~(LL) "Purchased nursing services" means services that are 39425
provided in a nursing facility by registered nurses, licensed 39426
practical nurses, or nurse aides who are not employees of the 39427
nursing facility. 39428

~~(OO)~~(MM) "Reasonable" means that a cost is an actual cost 39429
that is appropriate and helpful to develop and maintain the 39430
operation of patient care facilities and activities, including 39431
normal standby costs, and that does not exceed what a prudent 39432
buyer pays for a given item or services. Reasonable costs may vary 39433
from provider to provider and from time to time for the same 39434
provider. 39435

~~(PP)~~(NN) "Rebasing" means a redetermination of each of the 39436
following using information from cost reports for an applicable 39437
calendar year that is later than the applicable calendar year used 39438
for the previous rebasing: 39439

(1) Each peer group's rate for ancillary and support costs as 39440
determined pursuant to division (C) of section 5165.16 of the 39441
Revised Code; 39442

(2) Each peer group's rate for capital costs as determined 39443
pursuant to division (C) of section 5165.17 of the Revised Code; 39444

(3) Each peer group's cost per case-mix unit as determined 39445
pursuant to division (C) of section 5165.19 of the Revised Code; 39446

(4) Each nursing facility's rate for tax costs as determined 39447
pursuant to section 5165.21 of the Revised Code. 39448

~~(00)~~(00) "Related party" means an individual or organization 39449
that, to a significant extent, has common ownership with, is 39450
associated or affiliated with, has control of, or is controlled 39451
by, the provider. 39452

(1) An individual who is a relative of an owner is a related 39453
party. 39454

(2) Common ownership exists when an individual or individuals 39455
possess significant ownership or equity in both the provider and 39456
the other organization. Significant ownership or equity exists 39457
when an individual or individuals possess five per cent ownership 39458
or equity in both the provider and a supplier. Significant 39459
ownership or equity is presumed to exist when an individual or 39460
individuals possess ten per cent ownership or equity in both the 39461
provider and another organization from which the provider 39462
purchases or leases real property. 39463

(3) Control exists when an individual or organization has the 39464
power, directly or indirectly, to significantly influence or 39465
direct the actions or policies of an organization. 39466

(4) An individual or organization that supplies goods or 39467
services to a provider shall not be considered a related party if 39468
all of the following conditions are met: 39469

(a) The supplier is a separate bona fide organization. 39470

(b) A substantial part of the supplier's business activity of 39471
the type carried on with the provider is transacted with others 39472
than the provider and there is an open, competitive market for the 39473
types of goods or services the supplier furnishes. 39474

(c) The types of goods or services are commonly obtained by 39475
other nursing facilities from outside organizations and are not a 39476
basic element of patient care ordinarily furnished directly to 39477
patients by nursing facilities. 39478

(d) The charge to the provider is in line with the charge for 39479
the goods or services in the open market and no more than the 39480
charge made under comparable circumstances to others by the 39481
supplier. 39482

~~(RR)~~(PP) "Relative of owner" means an individual who is 39483
related to an owner of a nursing facility by one of the following 39484
relationships: 39485

(1) Spouse; 39486

(2) Natural parent, child, or sibling; 39487

(3) Adopted parent, child, or sibling; 39488

(4) Stepparent, stepchild, stepbrother, or stepsister; 39489

(5) Father-in-law, mother-in-law, son-in-law, 39490
daughter-in-law, brother-in-law, or sister-in-law; 39491

(6) Grandparent or grandchild; 39492

(7) Foster caregiver, foster child, foster brother, or foster 39493
sister. 39494

~~(SS)~~(OO) "Residents' rights advocate" has the same meaning as 39495
in section 3721.10 of the Revised Code. 39496

~~(TT)~~(RR) "Skilled nursing facility" has the same meaning as 39497
in the "Social Security Act," section 1819(a), 42 U.S.C. 39498
1395i-3(a). 39499

~~(UU)~~(SS) "State fiscal year" means the fiscal year of this 39500
state, as specified in section 9.34 of the Revised Code. 39501

~~(VV)~~(TT) "Sponsor" has the same meaning as in section 3721.10 39502
of the Revised Code. 39503

~~(WW)~~(UU) "Tax costs" means the costs of taxes imposed under 39504
Chapter 5751. of the Revised Code, real estate taxes, personal 39505
property taxes, and corporate franchise taxes. 39506

~~(XX)~~(VV) "Title XIX" means Title XIX of the "Social Security 39507

Act," 42 U.S.C. 1396 et seq. 39508

~~(YY)~~(WW) "Title XVIII" means Title XVIII of the "Social 39509
Security Act," 42 U.S.C. 1395 et seq. 39510

~~(ZZ)~~(XX) "Voluntary withdrawal of participation" means an 39511
operator's voluntary election to terminate the participation of a 39512
nursing facility in the medicaid program but to continue to 39513
provide service of the type provided by a nursing facility. 39514

Sec. 5165.15. Except as otherwise provided by sections 39515
5165.151 to 5165.157 and 5165.34 of the Revised Code, the total 39516
per medicaid day payment rate that the department of medicaid 39517
shall pay a nursing facility provider for nursing facility 39518
services the provider's nursing facility provides during a state 39519
fiscal year shall be determined as follows: 39520

(A) Determine the sum of all of the following: 39521

(1) The per medicaid day payment rate for ancillary and 39522
support costs determined for the nursing facility under section 39523
5165.16 of the Revised Code; 39524

(2) The per medicaid day payment rate for capital costs 39525
determined for the nursing facility under section 5165.17 of the 39526
Revised Code; 39527

(3) The per medicaid day payment rate for direct care costs 39528
determined for the nursing facility under section 5165.19 of the 39529
Revised Code; 39530

(4) The per medicaid day payment rate for tax costs 39531
determined for the nursing facility under section 5165.21 of the 39532
Revised Code; 39533

(5) If the nursing facility qualifies as a critical access 39534
nursing facility, the nursing facility's critical access incentive 39535
payment paid under section 5165.23 of the Revised Code. 39536

(B) To the sum determined under division (A) of this section, 39537
add the following: 39538

~~(1) For state fiscal years 2018 and 2019, sixteen dollars and 39539
forty-four cents: 39540~~

~~(2) For state fiscal year 2020 and, except as provided in 39541
division (B)(3) of this section, each state fiscal year 39542
thereafter, the sum of the following: 39543~~

~~(a) The amount specified or determined for the purpose of 39544
division (B) of this section for the immediately preceding state 39545
fiscal year: 39546~~

~~(b) The difference between the following: 39547~~

~~(i) The medicare skilled nursing facility market basket index 39548
determined for the federal fiscal year that begins during the 39549
state fiscal year immediately preceding the state fiscal year for 39550
which the determination is being made under division (B) of this 39551
section: 39552~~

~~(ii) The budget reduction adjustment factor for the state 39553
fiscal year for which the determination is being made under 39554
division (B) of this section. 39555~~

~~(3) For the first state fiscal year in a group of consecutive 39556
state fiscal years for which a rebasing is conducted after state 39557
fiscal year 2020, the amount specified or determined for the 39558
purpose of division (B) of this section for the immediately 39559
preceding state fiscal year. 39560~~

(C) From the sum determined under division (B) of this 39561
section, subtract one dollar and seventy-nine cents. 39562

(D) To the difference determined under division (C) of this 39563
section, add the per medicaid day quality payment rate determined 39564
for the nursing facility under section 5165.25 of the Revised 39565
Code. 39566

Sec. 5165.152. The total per medicaid day payment rate 39567
determined under section 5165.15 of the Revised Code shall not be 39568
paid for nursing facility services provided to low resource 39569
utilization residents. Instead, the total rate for such nursing 39570
facility services shall be ~~the following:~~ 39571

~~(A) One one hundred fifteen dollars per medicaid day if the 39572
department of medicaid is satisfied that the nursing facility's 39573
provider is cooperating with the long term care ombudsman program 39574
in efforts to help the nursing facility's low resource utilization 39575
residents receive the services that are most appropriate for such 39576
residents' level of care needs;~~ 39577

~~(B) Ninety one dollars and seventy cents per medicaid day if 39578
division (A) of this section does not apply to the nursing 39579
facility.~~ 39580

Sec. 5165.16. (A) The department of medicaid shall determine 39581
each nursing facility's per medicaid day payment rate for 39582
ancillary and support costs. A nursing facility's rate shall be 39583
the rate determined under division (C) of this section for the 39584
nursing facility's peer group. 39585

(B) For the purpose of determining nursing facilities' rates 39586
for ancillary and support costs, the department shall establish 39587
six peer groups composed as follows: 39588

(1) Each nursing facility located in any of the following 39589
counties shall be placed in peer group one or two: Brown, Butler, 39590
Clermont, Clinton, Hamilton, and Warren. Each nursing facility 39591
located in any of those counties that has fewer than one hundred 39592
beds shall be placed in peer group one. Each nursing facility 39593
located in any of those counties that has one hundred or more beds 39594
shall be placed in peer group two. 39595

(2) Each nursing facility located in any of the following 39596

counties shall be placed in peer group three or four: Allen, 39597
Ashtabula, Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, 39598
Fayette, Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, 39599
Licking, Lorain, Lucas, Madison, Mahoning, Marion, Medina, Miami, 39600
Montgomery, Morrow, Ottawa, Pickaway, Portage, Preble, Ross, 39601
Sandusky, Seneca, Stark, Summit, Trumbull, Union, and Wood. Each 39602
nursing facility located in any of those counties that has fewer 39603
than one hundred beds shall be placed in peer group three. Each 39604
nursing facility located in any of those counties that has one 39605
hundred or more beds shall be placed in peer group four. 39606

(3) Each nursing facility located in any of the following 39607
counties shall be placed in peer group five or six: Adams, 39608
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 39609
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 39610
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 39611
Jefferson, Lawrence, Logan, Meigs, Mercer, Monroe, Morgan, 39612
Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, Scioto, 39613
Shelby, Tuscarawas, Van Wert, Vinton, Washington, Wayne, Williams, 39614
and Wyandot. Each nursing facility located in any of those 39615
counties that has fewer than one hundred beds shall be placed in 39616
peer group five. Each nursing facility located in any of those 39617
counties that has one hundred or more beds shall be placed in peer 39618
group six. 39619

(C)(1) The department shall determine the rate for ancillary 39620
and support costs for each peer group established under division 39621
(B) of this section. The rate for ancillary and support costs 39622
determined under this division for a peer group shall be used for 39623
subsequent years until the department conducts a rebasing. To 39624
determine a peer group's rate for ancillary and support costs, the 39625
department shall do all of the following: 39626

(a) Subject to division (C)(2) of this section, determine the 39627
rate for ancillary and support costs for each nursing facility in 39628

the peer group for the applicable calendar year by using the 39629
greater of the nursing facility's actual inpatient days for the 39630
applicable calendar year or the inpatient days the nursing 39631
facility would have had for the applicable calendar year if its 39632
occupancy rate had been ninety per cent; 39633

(b) Subject to division (C)(3) of this section, identify 39634
which nursing facility in the peer group is at the twenty-fifth 39635
percentile of the rate for ancillary and support costs for the 39636
applicable calendar year determined under division (C)(1)(a) of 39637
this section; 39638

(c) Multiply the rate for ancillary and support costs 39639
determined under division (C)(1)(a) of this section for the 39640
nursing facility identified under division (C)(1)(b) of this 39641
section by the rate of inflation for the eighteen-month period 39642
beginning on the first day of July of the applicable calendar year 39643
and ending the last day of December of the calendar year 39644
immediately following the applicable calendar year using the 39645
following: 39646

(i) Except as provided in division (C)(1)(c)(ii) of this 39647
section, the consumer price index for all items for all urban 39648
consumers for the midwest region, published by the United States 39649
bureau of labor statistics; 39650

(ii) If the United States bureau of labor statistics ceases 39651
to publish the index specified in division (C)(1)(c)(i) of this 39652
section, the index the bureau subsequently publishes that covers 39653
urban consumers' prices for items for the region that includes 39654
this state. 39655

~~(d) For state fiscal year 2020 and each state fiscal year 39656
thereafter (other than the first state fiscal year in a group of 39657
consecutive state fiscal years for which a rebasing is conducted), 39658
adjust the amount calculated under division (C)(1)(c) of this 39659~~

~~section using the difference between the following:~~ 39660

~~(i) The medicare skilled nursing facility market basket index~~ 39661
~~determined for the federal fiscal year that begins during the~~ 39662
~~state fiscal year immediately preceding the state fiscal year for~~ 39663
~~which the adjustment is being made under division (C)(1)(d) of~~ 39664
~~this section;~~ 39665

~~(ii) The budget reduction adjustment factor for the state~~ 39666
~~fiscal year for which the adjustment is being made under division~~ 39667
~~(C)(1)(d) of this section.~~ 39668

(2) For the purpose of determining a nursing facility's 39669
occupancy rate under division (C)(1)(a) of this section, the 39670
department shall include any beds that the nursing facility 39671
removes from its medicaid-certified capacity unless the nursing 39672
facility also removes the beds from its licensed bed capacity. 39673

(3) In making the identification under division (C)(1)(b) of 39674
this section, the department shall exclude both of the following: 39675

(a) Nursing facilities that participated in the medicaid 39676
program under the same provider for less than twelve months in the 39677
applicable calendar year; 39678

(b) Nursing facilities whose ancillary and support costs are 39679
more than one standard deviation from the mean desk-reviewed, 39680
actual, allowable, per diem ancillary and support cost for all 39681
nursing facilities in the nursing facility's peer group for the 39682
applicable calendar year. 39683

(4) The department shall not redetermine a peer group's rate 39684
for ancillary and support costs under this division based on 39685
additional information that it receives after the rate is 39686
determined. The department shall redetermine a peer group's rate 39687
for ancillary and support costs only if the department made an 39688
error in determining the rate based on information available to 39689
the department at the time of the original determination. 39690

Sec. 5165.17. (A) The department of medicaid shall determine 39691
each nursing facility's per medicaid day payment rate for capital 39692
costs. A nursing facility's rate shall be the rate determined 39693
under division (C) of this section. 39694

(B) For the purpose of determining nursing facilities' rates 39695
for capital costs, the department shall establish six peer groups. 39696

(1) Each nursing facility located in any of the following 39697
counties shall be placed in peer group one or two: Brown, Butler, 39698
Clermont, Clinton, Hamilton, and Warren. Each nursing facility 39699
located in any of those counties that has fewer than one hundred 39700
beds shall be placed in peer group one. Each nursing facility 39701
located in any of those counties that has one hundred or more beds 39702
shall be placed in peer group two. 39703

(2) Each nursing facility located in any of the following 39704
counties shall be placed in peer group three or four: Allen, 39705
Ashtabula, Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, 39706
Fayette, Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, 39707
Licking, Lorain, Lucas, Madison, Mahoning, Marion, Medina, Miami, 39708
Montgomery, Morrow, Ottawa, Pickaway, Portage, Preble, Ross, 39709
Sandusky, Seneca, Stark, Summit, Trumbull, Union, and Wood. Each 39710
nursing facility located in any of those counties that has fewer 39711
than one hundred beds shall be placed in peer group three. Each 39712
nursing facility located in any of those counties that has one 39713
hundred or more beds shall be placed in peer group four. 39714

(3) Each nursing facility located in any of the following 39715
counties shall be placed in peer group five or six: Adams, 39716
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 39717
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 39718
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 39719
Jefferson, Lawrence, Logan, Meigs, Mercer, Monroe, Morgan, 39720
Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, Scioto, 39721

Shelby, Tuscarawas, Van Wert, Vinton, Washington, Wayne, Williams, 39722
and Wyandot. Each nursing facility located in any of those 39723
counties that has fewer than one hundred beds shall be placed in 39724
peer group five. Each nursing facility located in any of those 39725
counties that has one hundred or more beds shall be placed in peer 39726
group six. 39727

(C)(1) The department shall determine the rate for capital 39728
costs for each peer group established under division (B) of this 39729
section. The rate for capital costs determined under this division 39730
for a peer group shall be used for subsequent years until the 39731
department conducts a rebasing. To determine a peer group's rate 39732
for capital costs, the department shall ~~do both of the following:~~ 39733

~~(a) Determine~~ determine the rate for capital costs for the 39734
nursing facility in the peer group that is at the twenty-fifth 39735
percentile of the rate for capital costs for the applicable 39736
calendar year. 39737

~~(b) For state fiscal year 2020 and each state fiscal year 39738
thereafter (other than the first state fiscal year in a group of 39739
consecutive state fiscal years for which a rebasing is conducted), 39740
adjust the amount calculated under division (C)(1)(a) of this 39741
section using the difference between the following:~~ 39742

~~(i) The medicare skilled nursing facility market basket index 39743
determined for the federal fiscal year that begins during the 39744
state fiscal year immediately preceding the state fiscal year for 39745
which the adjustment is being made under division (C)(1)(a) of 39746
this section;~~ 39747

~~(ii) The budget reduction adjustment factor for the state 39748
fiscal year for which the adjustment is being made under division 39749
(C)(1)(a) of this section. 39750~~

(2) To identify the nursing facility in a peer group that is 39751
at the twenty-fifth percentile of the rate for capital costs for 39752

the applicable calendar year, the department shall do both of the following: 39753
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(a) Subject to division (C)(3) of this section, use the greater of each nursing facility's actual inpatient days for the applicable calendar year or the inpatient days the nursing facility would have had for the applicable calendar year if its occupancy rate had been one hundred per cent; 39755
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(b) Exclude both of the following: 39760

(i) Nursing facilities that participated in the medicaid program under the same provider for less than twelve months in the applicable calendar year; 39761
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(ii) Nursing facilities whose capital costs are more than one standard deviation from the mean desk-reviewed, actual, allowable, per diem capital cost for all nursing facilities in the nursing facility's peer group for the applicable calendar year. 39764
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(3) For the purpose of determining a nursing facility's occupancy rate under division (C)(2)(a) of this section, the department shall include any beds that the nursing facility removes from its medicaid-certified capacity after June 30, 2005, unless the nursing facility also removes the beds from its licensed bed capacity. 39768
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(4) The department shall not redetermine a peer group's rate for capital costs under this division based on additional information that it receives after the rate is determined. The department shall redetermine a peer group's rate for capital costs only if the department made an error in determining the rate based on information available to the department at the time of the original determination. 39774
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(D) Buildings shall be depreciated using the straight line method over forty years or over a different period approved by the department. Components and equipment shall be depreciated using 39781
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the straight-line method over a period designated in rules adopted 39784
under section 5165.02 of the Revised Code, consistent with the 39785
guidelines of the American hospital association, or over a 39786
different period approved by the department. Any rules authorized 39787
by this division that specify useful lives of buildings, 39788
components, or equipment apply only to assets acquired on or after 39789
July 1, 1993. Depreciation for costs paid or reimbursed by any 39790
government agency shall not be included in capital costs unless 39791
that part of the payment under this chapter is used to reimburse 39792
the government agency. 39793

(E) The capital cost basis of nursing facility assets shall 39794
be determined in the following manner: 39795

(1) Except as provided in division (E)(3) of this section, 39796
for purposes of calculating the rates to be paid for facilities 39797
with dates of licensure on or before June 30, 1993, the capital 39798
cost basis of each asset shall be equal to the desk-reviewed, 39799
actual, allowable, capital cost basis that is listed on the 39800
facility's cost report for the calendar year preceding the state 39801
fiscal year during which the rate will be paid. 39802

(2) For facilities with dates of licensure after June 30, 39803
1993, the capital cost basis shall be determined in accordance 39804
with the principles of the medicare program, except as otherwise 39805
provided in this chapter. 39806

(3) Except as provided in division (E)(4) of this section, if 39807
a provider transfers an interest in a facility to another provider 39808
after June 30, 1993, there shall be no increase in the capital 39809
cost basis of the asset if the providers are related parties or 39810
the provider to which the interest is transferred authorizes the 39811
provider that transferred the interest to continue to operate the 39812
facility under a lease, management agreement, or other 39813
arrangement. If the previous sentence does not prohibit the 39814
adjustment of the capital cost basis under this division, the 39815

basis of the asset shall be adjusted by one-half of the change in 39816
the consumer price index for all items for all urban consumers, as 39817
published by the United States bureau of labor statistics, during 39818
the time that the transferor held the asset. 39819

(4) If a provider transfers an interest in a facility to 39820
another provider who is a related party, the capital cost basis of 39821
the asset shall be adjusted as specified in division (E)(3) of 39822
this section if all of the following conditions are met: 39823

(a) The related party is a relative of owner; 39824

(b) Except as provided in division (E)(4)(c)(ii) of this 39825
section, the provider making the transfer retains no ownership 39826
interest in the facility; 39827

(c) The department determines that the transfer is an arm's 39828
length transaction pursuant to rules adopted under section 5165.02 39829
of the Revised Code. The rules shall provide that a transfer is an 39830
arm's length transaction if all of the following apply: 39831

(i) Once the transfer goes into effect, the provider that 39832
made the transfer has no direct or indirect interest in the 39833
provider that acquires the facility or the facility itself, 39834
including interest as an owner, officer, director, employee, 39835
independent contractor, or consultant, but excluding interest as a 39836
creditor. 39837

(ii) The provider that made the transfer does not reacquire 39838
an interest in the facility except through the exercise of a 39839
creditor's rights in the event of a default. If the provider 39840
reacquires an interest in the facility in this manner, the 39841
department shall treat the facility as if the transfer never 39842
occurred when the department calculates its reimbursement rates 39843
for capital costs. 39844

(iii) The transfer satisfies any other criteria specified in 39845
the rules. 39846

(d) Except in the case of hardship caused by a catastrophic event, as determined by the department, or in the case of a provider making the transfer who is at least sixty-five years of age, not less than twenty years have elapsed since, for the same facility, the capital cost basis was adjusted most recently under division (E)(4) of this section or actual, allowable capital costs was determined most recently under division (F)(9) of this section.

(F) As used in this division:

"Imputed interest" means the lesser of the prime rate plus two per cent or ten per cent.

"Lease expense" means lease payments in the case of an operating lease and depreciation expense and interest expense in the case of a capital lease.

"New lease" means a lease, to a different lessee, of a nursing facility that previously was operated under a lease.

(1) Subject to division (A) of this section, for a lease of a facility that was effective on May 27, 1992, the entire lease expense is an actual, allowable capital cost during the term of the existing lease. The entire lease expense also is an actual, allowable capital cost if a lease in existence on May 27, 1992, is renewed under either of the following circumstances:

(a) The renewal is pursuant to a renewal option that was in existence on May 27, 1992;

(b) The renewal is for the same lease payment amount and between the same parties as the lease in existence on May 27, 1992.

(2) Subject to division (A) of this section, for a lease of a facility that was in existence but not operated under a lease on May 27, 1992, actual, allowable capital costs shall include the

lesser of the annual lease expense or the annual depreciation 39877
expense and imputed interest expense that would be calculated at 39878
the inception of the lease using the lessor's entire historical 39879
capital asset cost basis, adjusted by one-half of the change in 39880
the consumer price index for all items for all urban consumers, as 39881
published by the United States bureau of labor statistics, during 39882
the time the lessor held each asset until the beginning of the 39883
lease. 39884

(3) Subject to division (A) of this section, for a lease of a 39885
facility with a date of licensure on or after May 27, 1992, that 39886
is initially operated under a lease, actual, allowable capital 39887
costs shall include the annual lease expense if there was a 39888
substantial commitment of money for construction of the facility 39889
after December 22, 1992, and before July 1, 1993. If there was not 39890
a substantial commitment of money after December 22, 1992, and 39891
before July 1, 1993, actual, allowable capital costs shall include 39892
the lesser of the annual lease expense or the sum of the 39893
following: 39894

(a) The annual depreciation expense that would be calculated 39895
at the inception of the lease using the lessor's entire historical 39896
capital asset cost basis; 39897

(b) The greater of the lessor's actual annual amortization of 39898
financing costs and interest expense at the inception of the lease 39899
or the imputed interest expense calculated at the inception of the 39900
lease using seventy per cent of the lessor's historical capital 39901
asset cost basis. 39902

(4) Subject to division (A) of this section, for a lease of a 39903
facility with a date of licensure on or after May 27, 1992, that 39904
was not initially operated under a lease and has been in existence 39905
for ten years, actual, allowable capital costs shall include the 39906
lesser of the annual lease expense or the annual depreciation 39907
expense and imputed interest expense that would be calculated at 39908

the inception of the lease using the entire historical capital 39909
asset cost basis of one-half of the change in the consumer price 39910
index for all items for all urban consumers, as published by the 39911
United States bureau of labor statistics, during the time the 39912
lessor held each asset until the beginning of the lease. 39913

(5) Subject to division (A) of this section, for a new lease 39914
of a facility that was operated under a lease on May 27, 1992, 39915
actual, allowable capital costs shall include the lesser of the 39916
annual new lease expense or the annual old lease payment. If the 39917
old lease was in effect for ten years or longer, the old lease 39918
payment from the beginning of the old lease shall be adjusted by 39919
one-half of the change in the consumer price index for all items 39920
for all urban consumers, as published by the United States bureau 39921
of labor statistics, from the beginning of the old lease to the 39922
beginning of the new lease. 39923

(6) Subject to division (A) of this section, for a new lease 39924
of a facility that was not in existence or that was in existence 39925
but not operated under a lease on May 27, 1992, actual, allowable 39926
capital costs shall include the lesser of annual new lease expense 39927
or the annual amount calculated for the old lease under division 39928
(F)(2), (3), (4), or (6) of this section, as applicable. If the 39929
old lease was in effect for ten years or longer, the lessor's 39930
historical capital asset cost basis shall be, for purposes of 39931
calculating the annual amount under division (F)(2), (3), (4), or 39932
(6) of this section, adjusted by one-half of the change in the 39933
consumer price index for all items for all urban consumers, as 39934
published by the United States bureau of labor statistics, from 39935
the beginning of the old lease to the beginning of the new lease. 39936

In the case of a lease under division (F)(3) of this section 39937
of a facility for which a substantial commitment of money was made 39938
after December 22, 1992, and before July 1, 1993, the old lease 39939
payment shall be adjusted for the purpose of determining the 39940

annual amount. 39941

(7) For any revision of a lease described in division (F)(1), 39942
(2), (3), (4), (5), or (6) of this section, or for any subsequent 39943
lease of a facility operated under such a lease, other than 39944
execution of a new lease, the portion of actual, allowable capital 39945
costs attributable to the lease shall be the same as before the 39946
revision or subsequent lease. 39947

(8) Except as provided in division (F)(9) of this section, if 39948
a provider leases an interest in a facility to another provider 39949
who is a related party or previously operated the facility, the 39950
related party's or previous operator's actual, allowable capital 39951
costs shall include the lesser of the annual lease expense or the 39952
reasonable cost to the lessor. 39953

(9) If a provider leases an interest in a facility to another 39954
provider who is a related party, regardless of the date of the 39955
lease, the related party's actual, allowable capital costs shall 39956
include the annual lease expense, subject to the limitations 39957
specified in divisions (F)(1) to (7) of this section, if all of 39958
the following conditions are met: 39959

(a) The related party is a relative of owner; 39960

(b) If the lessor retains an ownership interest, it is, 39961
except as provided in division (F)(9)(c)(ii) of this section, in 39962
only the real property and any improvements on the real property; 39963

(c) The department determines that the lease is an arm's 39964
length transaction pursuant to rules adopted under section 5165.02 39965
of the Revised Code. The rules shall provide that a lease is an 39966
arm's length transaction if all of the following apply: 39967

(i) Once the lease goes into effect, the lessor has no direct 39968
or indirect interest in the lessee or, except as provided in 39969
division (F)(9)(b) of this section, the facility itself, including 39970
interest as an owner, officer, director, employee, independent 39971

contractor, or consultant, but excluding interest as a lessor. 39972

(ii) The lessor does not reacquire an interest in the 39973
facility except through the exercise of a lessor's rights in the 39974
event of a default. If the lessor reacquires an interest in the 39975
facility in this manner, the department shall treat the facility 39976
as if the lease never occurred when the department calculates its 39977
reimbursement rates for capital costs. 39978

(iii) The lease satisfies any other criteria specified in the 39979
rules. 39980

(d) Except in the case of hardship caused by a catastrophic 39981
event, as determined by the department, or in the case of a lessor 39982
who is at least sixty-five years of age, not less than twenty 39983
years have elapsed since, for the same facility, the capital cost 39984
basis was adjusted most recently under division (E)(4) of this 39985
section or actual, allowable capital costs were determined most 39986
recently under division (F)(9) of this section. 39987

(10) This division does not apply to leases of specific items 39988
of equipment. 39989

Sec. 5165.19. (A) Semiannually, the department of medicaid 39990
shall determine each nursing facility's per medicaid day payment 39991
rate for direct care costs by multiplying the facility's 39992
semiannual case-mix score determined under section 5165.192 of the 39993
Revised Code by the cost per case-mix unit determined under 39994
division (C) of this section for the facility's peer group. 39995

(B) For the purpose of determining nursing facilities' rates 39996
for direct care costs, the department shall establish three peer 39997
groups. 39998

(1) Each nursing facility located in any of the following 39999
counties shall be placed in peer group one: Brown, Butler, 40000
Clermont, Clinton, Hamilton, and Warren. 40001

(2) Each nursing facility located in any of the following 40002
counties shall be placed in peer group two: Allen, Ashtabula, 40003
Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, 40004
Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, 40005
Lorain, Lucas, Madison, Mahoning, Marion, Medina, Miami, 40006
Montgomery, Morrow, Ottawa, Pickaway, Portage, Preble, Ross, 40007
Sandusky, Seneca, Stark, Summit, Trumbull, Union, and Wood. 40008

(3) Each nursing facility located in any of the following 40009
counties shall be placed in peer group three: Adams, Ashland, 40010
Athens, Auglaize, Belmont, Carroll, Columbiana, Coshocton, 40011
Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, Harrison, 40012
Henry, Highland, Hocking, Holmes, Huron, Jackson, Jefferson, 40013
Lawrence, Logan, Meigs, Mercer, Monroe, Morgan, Muskingum, Noble, 40014
Paulding, Perry, Pike, Putnam, Richland, Scioto, Shelby, 40015
Tuscarawas, Van Wert, Vinton, Washington, Wayne, Williams, and 40016
Wyandot. 40017

(C)(1) The department shall determine a cost per case-mix 40018
unit for each peer group established under division (B) of this 40019
section. The cost per case-mix unit determined under this division 40020
for a peer group shall be used for subsequent years until the 40021
department conducts a rebasing. To determine a peer group's cost 40022
per case-mix unit, the department shall do all of the following: 40023

(a) Determine the cost per case-mix unit for each nursing 40024
facility in the peer group for the applicable calendar year by 40025
dividing each facility's desk-reviewed, actual, allowable, per 40026
diem direct care costs for the applicable calendar year by the 40027
facility's annual average case-mix score determined under section 40028
5165.192 of the Revised Code for the applicable calendar year; 40029

(b) Subject to division (C)(2) of this section, identify 40030
which nursing facility in the peer group is at the twenty-fifth 40031
percentile of the cost per case-mix units determined under 40032
division (C)(1)(a) of this section; 40033

(c) Calculate the amount that is two per cent above the cost per case-mix unit determined under division (C)(1)(a) of this section for the nursing facility identified under division (C)(1)(b) of this section; 40034
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40037

(d) Using the index specified in division (C)(3) of this section, multiply the rate of inflation for the eighteen-month period beginning on the first day of July of the applicable calendar year and ending the last day of December of the calendar year immediately following the applicable calendar year by the amount calculated under division (C)(1)(c) of this section; 40038
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~~(e) For state fiscal year 2020 and each state fiscal year thereafter (other than the first state fiscal year in a group of consecutive state fiscal years for which a rebasing is conducted), adjust the amount calculated under division (C)(1)(d) of this section using the difference between the following:~~ 40044
40045
40046
40047
40048

~~(i) The medicare skilled nursing facility market basket index determined for the federal fiscal year that begins during the state fiscal year immediately preceding the state fiscal year for which the adjustment is being made under division (C)(1)(e) of this section;~~ 40049
40050
40051
40052
40053

~~(ii) The budget reduction adjustment factor for the state fiscal year for which the adjustment is being made under division (C)(1)(e) of this section.~~ 40054
40055
40056

(2) In making the identification under division (C)(1)(b) of this section, the department shall exclude both of the following: 40057
40058

(a) Nursing facilities that participated in the medicaid program under the same provider for less than twelve months in the applicable calendar year; 40059
40060
40061

(b) Nursing facilities whose cost per case-mix unit is more than one standard deviation from the mean cost per case-mix unit for all nursing facilities in the nursing facility's peer group 40062
40063
40064

for the applicable calendar year. 40065

(3) The following index shall be used for the purpose of the 40066
calculation made under division (C)(1)(d) of this section: 40067

(a) Except as provided in division (C)(3)(b) of this section, 40068
the employment cost index for total compensation, nursing and 40069
residential care facilities occupational group, published by the 40070
United States bureau of labor statistics; 40071

(b) If the United States bureau of labor statistics ceases to 40072
publish the index specified in division (C)(3)(a) of this section, 40073
the index the bureau subsequently publishes that covers nursing 40074
facilities' staff costs. 40075

(4) The department shall not redetermine a peer group's cost 40076
per case-mix unit under this division based on additional 40077
information that it receives after the peer group's per case-mix 40078
unit is determined. The department shall redetermine a peer 40079
group's cost per case-mix unit only if it made an error in 40080
determining the peer group's cost per case-mix unit based on 40081
information available to the department at the time of the 40082
original determination. 40083

Sec. 5165.21. The department of medicaid shall determine each 40084
nursing facility's per medicaid day payment rate for tax costs. 40085
The rate for tax costs determined under this division for a 40086
nursing facility shall be used for subsequent years until the 40087
department conducts a rebasing. To determine a nursing facility's 40088
rate for tax costs, the department shall ~~do both of the following:~~ 40089

~~(A) Divide~~ divide the nursing facility's desk-reviewed, 40090
actual, allowable tax costs paid for the applicable calendar year 40091
by the number of inpatient days the nursing facility would have 40092
had if its occupancy rate had been one hundred per cent during the 40093
applicable calendar year. 40094

~~(B) For state fiscal year 2020 and each state fiscal year thereafter (other than the first state fiscal year in a group of consecutive state fiscal years for which a rebasing is conducted), adjust the amount calculated under division (A) of this section using the difference between the following:~~

~~(1) The medicare skilled nursing facility market basket index determined for the federal fiscal year that begins during the state fiscal year immediately preceding the state fiscal year for which the adjustment is being made under division (B) of this section;~~

~~(2) The budget reduction adjustment factor for the state fiscal year for which the adjustment is being made under division (B) of this section.~~

Sec. 5165.25. (A) As used in this section: 40108

(1) "Long-stay resident" means an individual who has resided in a nursing facility for at least one hundred one days. 40109
40110

(2) "Measurement period" means the following: 40111

~~(a) For state fiscal year 2017, the period beginning July 1, 2015, and ending December 31, 2015;~~

~~(b) For each subsequent state fiscal year, the calendar year immediately preceding the calendar year in which the a state fiscal year begins.~~

(3) "Nurse aide" has the same meaning as in section 3721.21 of the Revised Code. 40117
40118

(4) "Short-stay resident" means a nursing facility resident who is not a long-stay resident. 40119
40120

(B)(1) Using all of the funds made available for a state fiscal year by the rate reductions under division (C) of section 5165.15 of the Revised Code, the department of medicaid shall

determine a per medicaid day quality payment rate to be paid for 40124
that state fiscal year to each nursing facility that meets at 40125
least one of the quality indicators specified in division (B)(2) 40126
of this section ~~for the measurement period~~. The largest quality 40127
payment rate for a state fiscal year shall be paid to nursing 40128
facilities that meet all of the quality indicators ~~for the~~ 40129
~~measurement period~~. 40130

(2) The following are the quality indicators to be used for 40131
the purpose of division (B)(1) of this section: 40132

(a) Not more than the target percentage of the nursing 40133
facility's short-stay residents had new or worsened pressure 40134
ulcers for the measurement period. 40135

(b) Not more than the target percentage of long-stay 40136
residents at high risk for pressure ulcers had pressure ulcers for 40137
the measurement period. 40138

(c) Not more than the target percentage of the nursing 40139
facility's short-stay residents newly received an antipsychotic 40140
medication for the measurement period. 40141

(d) Not more than the target percentage of the nursing 40142
facility's long-stay residents received an antipsychotic 40143
medication for the measurement period. 40144

(e) Not more than the target percentage of the nursing 40145
facility's long-stay residents had an unplanned weight loss for 40146
the measurement period. 40147

(f) The nursing facility's employee retention rate is at 40148
least the target rate for the measurement period. 40149

(g) The nursing facility ~~utilized the nursing home version of~~ 40150
~~the preferences for everyday living inventory for all of its~~ 40151
~~residents~~ obtained at least the target score on the following: 40152

(i) For an even-numbered state fiscal year, the department of 40153

aging's most recently published resident satisfaction survey 40154
conducted pursuant to section 173.47 of the Revised Code; 40155

(ii) For an odd-numbered state fiscal year, the department of 40156
aging's most recently published family satisfaction survey 40157
conducted pursuant to section 173.47 of the Revised Code. 40158

(3) The department shall specify the target percentage for 40159
the purpose of divisions (B)(2)(a) to (e) of this section at the 40160
fortieth percentile of nursing facilities that have data for the 40161
quality indicators. The department also shall specify the target 40162
rate for the purpose of division (B)(2)(f) of this section and the 40163
target score for the purpose of division (B)(2)(g) of this 40164
section. In determining whether a nursing facility meets the 40165
quality indicators specified in divisions (B)(2)(c) and (d) of 40166
this section, the department shall exclude from consideration the 40167
following: 40168

~~(a) In the case of the quality indicator specified in~~ 40169
~~division (B)(2)(c) of this section, all of the nursing facility's~~ 40170
~~short stay residents who newly received an antipsychotic~~ 40171
~~medication in conjunction with hospice care;~~ 40172

~~(b) In the case of the quality indicator specified in~~ 40173
~~division (B)(2)(d) of this section, all of the nursing facility's~~ 40174
~~long stay residents who received antipsychotic medication in~~ 40175
~~conjunction with hospice care.~~ 40176

(C) If a nursing facility undergoes a change of operator 40177
during a state fiscal year, the per medicaid day quality payment 40178
rate to be paid to the entering operator for nursing facility 40179
services that the nursing facility provides during the period 40180
beginning on the effective date of the change of operator and 40181
ending on the last day of the state fiscal year shall be the same 40182
amount as the per medicaid day quality payment rate that was in 40183
effect on the day immediately preceding the effective date of the 40184

change of operator and paid to the nursing facility's exiting 40185
operator. For the immediately following state fiscal year, the per 40186
medicaid day quality payment rate shall be ~~the following:~~ 40187

~~(1) If the effective date of the change of operator is on or 40188
before the first day of October of the calendar year immediately 40189
preceding the state fiscal year, the amount determined for the 40190
nursing facility in accordance with division (B) of this section 40191
for the state fiscal year;~~ 40192

~~(2) If the effective date of the change of operator is after 40193
the first day of October of the calendar year immediately 40194
preceding the state fiscal year, the mean per medicaid day quality 40195
payment rate for all nursing facilities for the state fiscal year. 40196~~

Sec. 5166.01. As used in this chapter: 40197

"209(b) option" means the option described in section 1902(f) 40198
of the "Social Security Act," 42 U.S.C. 1396a(f), under which the 40199
medicaid program's eligibility requirements for aged, blind, and 40200
disabled individuals are more restrictive than the eligibility 40201
requirements for the supplemental security income program. 40202

"Administrative agency" means, with respect to a home and 40203
community-based services medicaid waiver component, the department 40204
of medicaid or, if a state agency or political subdivision 40205
contracts with the department under section 5162.35 of the Revised 40206
Code to administer the component, that state agency or political 40207
subdivision. 40208

"Care management system" ~~means the system established under~~ 40209
has the same meaning as in section 5167.03 5167.01 of the Revised 40210
Code. 40211

"Dual eligible individual" has the same meaning as in section 40212
5160.01 of the Revised Code. 40213

"Expansion eligibility group" has the same meaning as in 40214

section 5163.01 of the Revised Code.	40215
"Federal poverty line" has the same meaning as in section 5162.01 of the Revised Code.	40216 40217
"Home and community-based services medicaid waiver component" means a medicaid waiver component under which home and community-based services are provided as an alternative to hospital services, nursing facility services, or ICF/IID services.	40218 40219 40220 40221
"Hospital" has the same meaning as in section 3727.01 of the Revised Code.	40222 40223
"Hospital long-term care unit" has the same meaning as in section 5168.40 of the Revised Code.	40224 40225
"ICDS participant" has the same meaning as in section 5164.01 of the Revised Code.	40226 40227
"ICF/IID" and "ICF/IID services" have the same meanings as in section 5124.01 of the Revised Code.	40228 40229
"Integrated care delivery system" and "ICDS" have the same meanings as in section 5164.01 of the Revised Code.	40230 40231
"Level of care determination" means a determination of whether an individual needs the level of care provided by a hospital, nursing facility, or ICF/IID and whether the individual, if determined to need that level of care, would receive hospital services, nursing facility services, or ICF/IID services if not for a home and community-based services medicaid waiver component.	40232 40233 40234 40235 40236 40237
"Medicaid buy-in for workers with disabilities program" has the same meaning as in section 5163.01 of the Revised Code.	40238 40239
"Medicaid provider" has the same meaning as in section 5164.01 of the Revised Code.	40240 40241
"Medicaid services" has the same meaning as in section 5164.01 of the Revised Code.	40242 40243

"Medicaid waiver component" means a component of the medicaid program authorized by a waiver granted by the United States department of health and human services under the "Social Security Act," section 1115 or 1915, 42 U.S.C. 1315 or 1396n. "Medicaid waiver component" does not include a the care management system ~~established under section 5167.03 of the Revised Code.~~

"Medically fragile child" means an individual who is under eighteen years of age, has intensive health care needs, and is considered blind or disabled under section 1614(a)(2) or (3) of the "Social Security Act," 42 U.S.C. 1382c(a)(2) or (3).

"Nursing facility" and "nursing facility services" have the same meanings as in section 5165.01 of the Revised Code.

"Ohio home care waiver program" means the home and community-based services medicaid waiver component that is known as Ohio home care and was created pursuant to section 5166.11 of the Revised Code.

"Provider agreement" has the same meaning as in section 5164.01 of the Revised Code.

"Residential treatment facility" means a residential facility licensed by the department of mental health and addiction services under section 5119.34 of the Revised Code, or an institution certified by the department of job and family services under section 5103.03 of the Revised Code, that serves children and either has more than sixteen beds or is part of a campus of multiple facilities or institutions that, combined, have a total of more than sixteen beds.

"Skilled nursing facility" has the same meaning as in section 5165.01 of the Revised Code.

"Unified long-term services and support medicaid waiver component" means the medicaid waiver component authorized by section 5166.14 of the Revised Code.

Sec. 5166.22. (A) Subject to division (B) of this section, 40275
when the department of developmental disabilities allocates 40276
enrollment numbers to a county board of developmental disabilities 40277
for home and community-based services specified in division (A)(1) 40278
of section 5166.20 of the Revised Code and provided under any of 40279
the medicaid waiver components that the department administers 40280
under section 5166.21 of the Revised Code, the department shall 40281
consider ~~all~~ both of the following: 40282

(1) The number of individuals with developmental disabilities 40283
placed on the county board's waiting list established for the 40284
services pursuant to section 5126.042 of the Revised Code; 40285

~~(2) The implementation component required by division (A)(3) 40286
of section 5126.054 of the Revised Code of the county board's plan 40287
approved under section 5123.046 of the Revised Code;~~ 40288

~~(3) Anything else the department considers necessary to 40289
enable the county board to provide the services to individuals 40290
placed on the county board's waiting list established for the 40291
services pursuant to section 5126.042 of the Revised Code. 40292~~

(B) Division (A) of this section applies to home and 40293
community-based services provided under the medicaid waiver 40294
component known as the transitions developmental disabilities 40295
waiver only to the extent, if any, provided by the contract 40296
required by section 5166.21 of the Revised Code regarding the 40297
component. 40298

Sec. 5167.01. As used in this chapter: 40299

(A) "Care management system" means the system established 40300
under section 5167.03 of the Revised Code. 40301

(B) "Controlled substance" has the same meaning as in section 40302
3719.01 of the Revised Code. 40303

~~(B)~~(C) "Dual eligible individual" has the same meaning as in section 5160.01 of the Revised Code. 40304
40305

~~(C)~~(D) "Emergency services" has the same meaning as in the "Social Security Act," section 1932(b)(2), 42 U.S.C. 40306
1396u-2(b)(2). 40307
40308

~~(D)~~(E) "ICDS participant" has the same meaning as in section 5164.01 of the Revised Code. 40309
40310

~~(E)~~(F) "Medicaid managed care organization" means a managed care organization under contract with the department of medicaid pursuant to section 5167.10 of the Revised Code. 40311
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~~(F)~~(G) "Medicaid MCO plan" means a plan that a medicaid managed care organization, pursuant to its contract with the department of medicaid under section 5167.10 of the Revised Code, makes available to medicaid recipients participating in the care management system. 40314
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(H) "Medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code. 40319
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~~(G)~~(I) "Nursing facility services" has the same meaning as in section 5165.01 of the Revised Code. 40321
40322

~~(H)~~(J) "Prescribed drug" has the same meaning as in section 5164.01 of the Revised Code. 40323
40324

~~(I)~~(K) "Provider" means any person or government entity that furnishes services to a medicaid recipient enrolled in a medicaid ~~managed care organization~~ MCO plan, regardless of whether the person or entity has a provider agreement. 40325
40326
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~~(J)~~(L) "Provider agreement" has the same meaning as in section 5164.01 of the Revised Code. 40329
40330

Sec. 5167.03. As part of the medicaid program, the department of medicaid shall establish a care management system. The 40331
40332

department shall implement the system in some or all counties. 40333

The department shall designate the medicaid recipients who 40334
are required or permitted to participate in the care management 40335
system. ~~Those who shall be required to participate in the system~~ 40336
~~include medicaid recipients who receive cognitive behavioral~~ 40337
~~therapy as described in division (A)(2) of section 5167.16 of the~~ 40338
~~Revised Code.~~ Except as provided in section 5166.406 of the 40339
Revised Code, no medicaid recipient participating in the healthy 40340
Ohio program established under section 5166.40 of the Revised Code 40341
shall participate in the system. 40342

The general assembly's authorization through the enactment of 40343
legislation is needed before home and community-based services 40344
available under a medicaid waiver component or nursing facility 40345
services are included in the care management system, except that 40346
ICDS participants may be required or permitted to obtain such 40347
services under the system. Medicaid recipients who receive such 40348
services may be designated for voluntary or mandatory 40349
participation in the system in order to receive other health care 40350
services included in the system. 40351

The department may require or permit participants in the care 40352
management system to ~~obtain~~ do either or both of the following: 40353

(A) Obtain health care services from providers designated by 40354
the department. ~~The department may require or permit participants~~ 40355
~~to obtain health care services through medicaid managed care~~ 40356
~~organizations;~~ 40357

(B) Enroll in a medicaid MCO plan. 40358

Sec. 5167.04. The department of medicaid ~~shall~~ may include 40359
alcohol, drug addiction, and mental health services covered by 40360
medicaid in the care management system ~~established under section~~ 40361
~~5167.03 of the Revised Code. The services shall not be included in~~ 40362

~~the system before July 1, 2018.~~ 40363

Sec. ~~5167.12~~ 5167.05. (A) ~~When contracting under section~~ 40364
~~5167.10 of the Revised Code with a managed care organization that~~ 40365
~~is a health insuring corporation, the~~ The department of medicaid 40366
~~shall require the health insuring corporation to provide coverage~~ 40367
~~of may include prescribed drugs for medicaid recipients enrolled~~ 40368
~~covered by medicaid in the health insuring corporation care~~ 40369
~~management system. In providing the required coverage, the health~~ 40370
~~insuring corporation may use strategies for the management of drug~~ 40371
~~utilization, but any such strategies are subject to the~~ 40372
~~limitations and requirements of this section and the department's~~ 40373
~~approval.~~ 40374

~~(B) The department shall not permit a health insuring~~ 40375
~~corporation to impose a prior authorization requirement in the~~ 40376
~~case of a drug to which all of the following apply:~~ 40377

~~(1) The drug is an antidepressant or antipsychotic.~~ 40378

~~(2) The drug is administered or dispensed in a standard~~ 40379
~~tablet or capsule form, except that in the case of an~~ 40380
~~antipsychotic, the drug also may be administered or dispensed in a~~ 40381
~~long-acting injectable form.~~ 40382

~~(3) The drug is prescribed by any of the following:~~ 40383

~~(a) A physician who is allowed by the health insuring~~ 40384
~~corporation to provide care as a psychiatrist through its~~ 40385
~~credentialing process, as described in division (C) of section~~ 40386
~~5167.10 of the Revised Code;~~ 40387

~~(b) A psychiatrist who is practicing at a location on behalf~~ 40388
~~of a community mental health services provider whose mental health~~ 40389
~~services are certified by the department of mental health and~~ 40390
~~addiction services under section 5119.36 of the Revised Code;~~ 40391

~~(c) A certified nurse practitioner, as defined in section 40392
4723.01 of the Revised Code, who is certified in psychiatric 40393
mental health by a national certifying organization approved by 40394
the board of nursing under section 4723.46 of the Revised Code; 40395~~

~~(d) A clinical nurse specialist, as defined in section 40396
4723.01 of the Revised Code, who is certified in psychiatric 40397
mental health by a national certifying organization approved by 40398
the board of nursing under section 4723.46 of the Revised Code. 40399~~

~~(4) The drug is prescribed for a use that is indicated on the 40400
drug's labeling, as approved by the federal food and drug 40401
administration. 40402~~

~~(C) Subject to division (E) of this section, the department 40403
shall authorize a health insuring corporation to develop and 40404
implement a pharmacy utilization management program under which 40405
prior authorization through the program is established as a 40406
condition of obtaining a controlled substance pursuant to a 40407
prescription. 40408~~

~~(D) The department shall require a health insuring 40409
corporation to comply with sections 5164.091, 5164.7511, 40410
5164.7512, and 5164.7514 of the Revised Code, as if the health 40411
insuring corporation were the department. 40412~~

Sec. 5167.121 5167.051. If the medicaid program covers the 40413
pharmacist services described in section 5164.14 of the Revised 40414
Code, the department of medicaid may ~~require a medicaid managed 40415
care organization to provide coverage of the pharmacist services 40416
to the same extent when the services are provided to a medicaid 40417
recipient who is enrolled in the organization as a part of include 40418
the services in the care management system established under 40419
section 5167.03 of the Revised Code. 40420~~

Sec. 5167.10. (A) The department of medicaid may enter into 40421

contracts with managed care organizations, including health 40422
insuring corporations, under which the organizations are 40423
authorized to provide, or arrange for the provision of, health 40424
care services to medicaid recipients who are required or permitted 40425
to obtain health care services through managed care organizations 40426
as part of participate in the care management system established 40427
under section 5167.03 of the Revised Code. 40428

~~(B)(1) Subject to division (B)(2)(a) of this section, the 40429
department or its actuary shall base the hospital inpatient 40430
capital payment portion of the payment made to managed care 40431
organizations on data for services provided to all recipients 40432
enrolled in managed care organizations with which the department 40433
contracts, as reported by hospitals on relevant cost reports 40434
submitted pursuant to rules adopted under section 5167.02 of the 40435
Revised Code. 40436~~

~~(2)(a) The hospital inpatient capital payment portion of the 40437
payment made to medicaid managed care organizations shall not 40438
exceed any maximum rate established by the department pursuant to 40439
rules adopted under this section. 40440~~

~~(b) If a maximum rate is established, a medicaid managed care 40441
organization shall not compensate hospitals for inpatient capital 40442
costs in an amount that exceeds that rate. 40443~~

~~(C) The department of medicaid shall allow a medicaid managed 40444
care organization to use providers to render care upon completion 40445
of the medicaid managed care organization's credentialing process. 40446~~

Sec. 5167.101. (A) Subject to division (B) of this section, 40447
the department of medicaid or its actuary shall base the hospital 40448
inpatient capital payment portion of the payment made to a 40449
medicaid managed care organization on data for services provided 40450
to all medicaid recipients enrolled in a medicaid MCO plan offered 40451
by the organization, as reported by hospitals on relevant cost 40452

reports submitted pursuant to rules adopted under section 5167.02 40453
of the Revised Code. 40454

(B) The hospital inpatient capital payment portion of the 40455
payment made to medicaid managed care organizations shall not 40456
exceed any maximum rate established in rules adopted under section 40457
5167.02 of the Revised Code. 40458

If a maximum rate is established, a medicaid managed care 40459
organization shall not compensate hospitals for inpatient capital 40460
costs in an amount that exceeds that rate. 40461

Sec. 5167.102. The department of medicaid shall allow a 40462
medicaid managed care organization to use providers to render care 40463
to medicaid recipients enrolled in a medicaid MCO plan offered by 40464
the organization upon completion of the organization's 40465
credentialing process. 40466

Sec. 5167.11. When contracting under section 5167.10 of the 40467
Revised Code with a health insuring corporation Each medicaid 40468
managed care organization that holds a certificate of authority 40469
under Chapter 1751. of the Revised Code, the department of 40470
medicaid shall require the health insuring corporation to provide 40471
a grievance process for medicaid recipients in accordance with 42 40472
C.F.R. 438, subpart F. 40473

Sec. 5167.13. Each contract the department of medicaid enters 40474
into with a managed care organization under section 5167.10 of the 40475
Revised Code shall require the medicaid managed care organization 40476
to shall implement a coordinated services program for medicaid 40477
recipients who are enrolled in a medicaid MCO plan offered by the 40478
organization who are and found to have obtained prescribed drugs 40479
under the medicaid program at a frequency or in an amount that is 40480
not medically necessary. The program shall be implemented in a 40481

manner that is consistent with section 1915(a)(2) of the "Social Security Act," ~~section 1915(a)(2)~~, 42 U.S.C. 1396n(a)(2), and 42 C.F.R. 431.54(e).

Sec. 5167.14. ~~Each contract the department of medicaid enters into with a medicaid managed care organization under section 5167.10 of the Revised Code shall require the managed care organization to enter into a data security agreement with the state board of pharmacy governing the managed care organization's use of the board's drug database established and maintained under section 4729.75 of the Revised Code.~~

This section does not apply if the board no longer maintains the drug database.

Sec. 5167.17. ~~When contracting under section 5167.10 of the Revised Code with a Each medicaid managed care organization that is a health insuring corporation, the department of medicaid shall require the health insuring corporation to provide enhanced care management services for pregnant women and women capable of becoming pregnant in the communities specified in rules adopted under section 3701.142 of the Revised Code. The contract shall specify that the services are to shall be provided in a manner intended to decrease the incidence of prematurity, low birth weight, and infant mortality, as well as improve the overall health status of women capable of becoming pregnant for the purpose of ensuring optimal future birth outcomes.~~

Sec. 5167.171. ~~When contracting with a Each medicaid managed care organization that is a health insuring corporation, the department of medicaid shall require the organization, if the organization requires practitioners to obtain prior approval before administering progesterone to pregnant medicaid recipients enrolled in a medicaid MCO plan offered by the organization, to~~

use a uniform prior approval form for progesterone that is not 40512
more than one page. 40513

Sec. 5167.172. ~~When contracting with a~~ Each medicaid managed 40514
care organization ~~that is a health insuring corporation, the~~ 40515
~~department of medicaid~~ shall ~~require the organization to~~ promote 40516
the use of technology-based resources, such as mobile telephone or 40517
text messaging applications, that offer tips on having a healthy 40518
pregnancy and healthy baby to medicaid recipients who are enrolled 40519
in a medicaid MCO plan offered by the organization and are 40520
pregnant or have an infant who is less than one year of age. 40521

Sec. 5167.18. ~~Each contract the department of medicaid enters~~ 40522
~~into with a~~ medicaid managed care organization ~~under section~~ 40523
~~5167.10 of the Revised Code~~ shall ~~require the managed care~~ 40524
~~organization to~~ comply with federal and state efforts to identify 40525
fraud, waste, and abuse in the medicaid program. 40526

Sec. 5167.20. (A) Except as provided in division (B) of this 40527
section, when a participant in the care management system 40528
~~established under this chapter~~ is enrolled in a medicaid MCO plan 40529
offered by a medicaid managed care organization and the 40530
organization refers the participant to receive services, other 40531
than emergency services provided on or after January 1, 2007, at a 40532
hospital that participates in the medicaid program but is not 40533
under contract with the organization, the hospital shall provide 40534
the service for which the referral was made and shall accept from 40535
the organization, as payment in full, the amount derived from the 40536
payment rate used by the department to pay other hospitals of the 40537
same type for providing the same service to a medicaid recipient 40538
who is not enrolled in a medicaid ~~managed care organization~~ MCO 40539
plan. 40540

(B) A hospital is not subject to division (A) of this section 40541
if all of the following are the case: 40542

(1) The hospital is located in a county in which participants 40543
in the care management system are required before January 1, 2006, 40544
to be enrolled in a medicaid ~~managed care organization that is a~~ 40545
~~health insuring corporation~~ MCO plan; 40546

(2) The hospital has entered into a contract before January 40547
1, 2006, with at least one health insuring corporation serving the 40548
participants specified in division (B)(1) of this section; 40549

(3) The hospital remains under contract with at least one 40550
health insuring corporation serving participants in the care 40551
management system who are required to be enrolled in a ~~health~~ 40552
~~insuring corporation~~ medicaid MCO plan. 40553

(C) The medicaid director shall adopt rules under section 40554
5167.02 of the Revised Code specifying the circumstances under 40555
which a medicaid managed care organization is permitted to refer a 40556
participant in the care management system to a hospital that is 40557
not under contract with the organization. 40558

Sec. 5167.201. When a participant in the care management 40559
system ~~established under this chapter~~ is enrolled in a medicaid 40560
~~managed care organization~~ MCO plan and receives emergency services 40561
on or after January 1, 2007, from a provider that is not under 40562
contract with the organization, the provider shall accept from the 40563
organization, as payment in full, not more than the amounts (less 40564
any payments for indirect costs of medical education and direct 40565
costs of graduate medical education) that the provider could 40566
collect if the participant received medicaid other than through 40567
enrollment in a ~~managed care organization~~ medicaid MCO plan. 40568

An agreement entered into by a participant, a participant's 40569
parent, or a participant's legal guardian that requires payment 40570

for emergency services in violation of this section is void and 40571
unenforceable. 40572

Sec. 5167.26. For the purpose of determining the amount the 40573
department of medicaid pays hospitals under section 5168.09 of the 40574
Revised Code and the amount of disproportionate share hospital 40575
payments paid by the medicare program pursuant to section 1915 of 40576
the "Social Security Act," ~~section 1915,~~ 42 U.S.C. 1396n, a 40577
medicaid managed care organization shall keep detailed records for 40578
each hospital with which it contracts, including records regarding 40579
the cost to the hospital of providing hospital services for the 40580
organization, payments made by the organization to the hospital 40581
for the services, utilization of hospital services by medicaid 40582
recipients enrolled in a medicaid MCO plan offered by the 40583
organization, and other utilization data required by the 40584
department. 40585

Sec. 5167.41. The department of medicaid may disenroll some 40586
or all medicaid recipients ~~enrolled in~~ from a medicaid MCO plan 40587
offered by a medicaid managed care organization if the department 40588
proposes to terminate or not to renew the contract entered into 40589
under section 5167.10 of the Revised Code and determines that the 40590
recipients' access to medically necessary services is jeopardized 40591
by the proposal to terminate or not to renew the contract. The 40592
disenrollment is not subject to Chapter 119. of the Revised Code, 40593
but the medicaid managed care organization may request a 40594
reconsideration of the disenrollment. Reconsiderations shall be 40595
requested and conducted in accordance with rules the medicaid 40596
director shall adopt under section 5167.02 of the Revised Code. 40597
The request for, or conduct of, a reconsideration regarding a 40598
proposed disenrollment shall not delay the disenrollment. 40599

Sec. 5168.03. The requirements of sections 5168.06 to 5168.09 40600

of the Revised Code apply only as long as the United States health care financing administration centers for medicare and medicaid services determines that the assessment imposed under section 5168.06 of the Revised Code is a permissible health care-related tax pursuant to the "Social Security Act," section 1903(w), 42 U.S.C. 1396b(w). Whenever the department of medicaid is informed that the assessment is an impermissible health care-related tax, the department shall promptly refund to each hospital the amount of money currently in the hospital care assurance program fund created by section 5168.11 of the Revised Code that has been paid by the hospital under section 5168.06 or 5168.07 of the Revised Code, plus any investment earnings on that amount.

Sec. 5168.05. (A) Except as provided in division (C) of this section, each hospital, on or before the first day of July of each year or at a later date approved by the medicaid director, shall submit to the department of medicaid a financial statement for the preceding calendar year that accurately reflects the income, expenses, assets, liabilities, and net worth of the hospital, and accompanying notes. A hospital that has a fiscal year different from the calendar year shall file its financial statement within one hundred eighty days of the end of its fiscal year or at a later date approved by the director. The financial statement shall be prepared by an independent certified public accountant and reflect an official audit report prepared in a manner consistent with generally accepted accounting principles. The financial statement shall, to the extent that the hospital has sufficient financial records, show bad debt and charity care separately from courtesy care and contractual allowances.

(B) Except as provided in division (C) of this section, each hospital, within one hundred eighty days after the end of the hospital's cost reporting period, shall submit to the department a

cost report in a format prescribed in rules adopted under section 40633
5168.02 of the Revised Code. The department shall grant a hospital 40634
an extension of the one hundred eighty day period if the ~~health~~ 40635
~~care financing administration of the United States department of~~ 40636
~~health and human centers for medicare and medicaid~~ services 40637
extends the date by which the hospital must submit its cost report 40638
for the hospital's cost reporting period. 40639

(C) The director may adopt rules under section 5168.02 of the 40640
Revised Code specifying financial information that must be 40641
submitted by hospitals for which no financial statement or cost 40642
report is available. The rules shall specify deadlines for 40643
submitting the information. Each such hospital shall submit the 40644
information specified in the rules not later than the deadline 40645
specified in the rules. 40646

Sec. 5168.06. (A) For the purpose of distributing funds to 40647
hospitals under the medicaid program pursuant to sections 5168.01 40648
to 5168.14 of the Revised Code and depositing funds into the 40649
health care/medicaid support and recoveries fund created under 40650
section 5162.52 of the Revised Code, there is hereby imposed an 40651
assessment on all hospitals. Each hospital's assessment shall be 40652
based on total facility costs. All hospitals shall be assessed 40653
according to the rate or rates established each program year in 40654
rules adopted under section 5168.02 of the Revised Code. The 40655
department shall assess all hospitals uniformly and in a manner 40656
consistent with federal statutes and regulations. During any 40657
program year, the department shall not assess any hospital more 40658
than two per cent of the hospital's total facility costs. 40659

The department shall establish an assessment rate or rates 40660
each program year that will do both of the following: 40661

(1) Yield funds that, when combined with intergovernmental 40662
transfers and federal matching funds, will produce a program of 40663

sufficient size to pay a substantial portion of the indigent care provided by hospitals; 40664
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(2) Yield funds that, when combined with intergovernmental transfers and federal matching funds, will produce amounts for distribution to disproportionate share hospitals that do not exceed, in the aggregate, the limits prescribed by the United States ~~health care financing administration~~ centers for medicare and medicaid services under the "Social Security Act," section 1923(f), 42 U.S.C. 1396r-4(f). 40666
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(B)(1) Except as provided in division (B)(3) of this section, each hospital shall pay its assessment in periodic installments in accordance with a schedule established in rules adopted under section 5168.02 of the Revised Code. 40673
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(2) The installments shall be equal in amount, unless either of the following applies: 40677
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(a) The department makes adjustments during a program year under division (D) of section 5168.08 of the Revised Code in the total amount of hospitals' assessments; 40679
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(b) The medicaid director determines that adjustments in the amounts of installments are necessary for the administration of sections 5168.01 to 5168.14 of the Revised Code and that unequal installments will not create cash flow difficulties for hospitals. 40682
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(3) The director may adopt rules under section 5168.02 of the Revised Code establishing alternate schedules for hospitals to pay assessments under this section in order to reduce hospitals' cash flow difficulties. 40686
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Sec. 5168.07. (A) The department of medicaid may require governmental hospitals to make intergovernmental transfers each program year for the purpose of distributing funds to hospitals under the medicaid program pursuant to sections 5168.01 to 5168.14 40690
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of the Revised Code and depositing funds into the health 40694
care/medicaid support and recoveries fund created under section 40695
5162.52 of the Revised Code. The department shall not require 40696
transfers in an amount that, when combined with hospital 40697
assessments paid under section 5168.06 of the Revised Code and 40698
federal matching funds, produce amounts for distribution to 40699
disproportionate share hospitals that, in the aggregate, exceed 40700
limits prescribed by the United States ~~health care financing~~ 40701
~~administration~~ centers for medicare and medicaid services under 40702
the "Social Security Act," section 1923(f), 42 U.S.C. 1396r-4(f). 40703

(B) Before or during each program year, the department shall 40704
notify each governmental hospital of the amount of the 40705
intergovernmental transfer it is required to make during the 40706
program year. Each governmental hospital shall make 40707
intergovernmental transfers as required by the department under 40708
this section in periodic installments, executed by electronic fund 40709
transfer, in accordance with a schedule established in rules 40710
adopted under section 5168.02 of the Revised Code. 40711

Sec. 5168.08. (A) Before or during each program year, the 40712
department of medicaid shall mail to each hospital by certified 40713
mail, return receipt requested, the preliminary determination of 40714
the amount that the hospital is assessed under section 5168.06 of 40715
the Revised Code during the program year. The preliminary 40716
determination of a hospital's assessment shall be calculated for a 40717
cost-reporting period that is specified in rules adopted under 40718
section 5168.02 of the Revised Code. 40719

The department shall consult with hospitals each year when 40720
determining the date on which it will mail the preliminary 40721
determinations in order to minimize hospitals' cash flow 40722
difficulties. 40723

If no hospital submits a request for reconsideration under 40724

division (B) of this section, the preliminary determination 40725
constitutes the final reconciliation of each hospital's assessment 40726
under section 5168.06 of the Revised Code. The final 40727
reconciliation is subject to adjustments under division (D) of 40728
this section. 40729

(B) Not later than fourteen days after the preliminary 40730
determinations are mailed, any hospital may submit to the 40731
department a written request to reconsider the preliminary 40732
determinations. The request shall be accompanied by written 40733
materials setting forth the basis for the reconsideration. If one 40734
or more hospitals submit a request, the department shall hold a 40735
public hearing not later than thirty days after the preliminary 40736
determinations are mailed to reconsider the preliminary 40737
determinations. The department shall mail to each hospital a 40738
written notice of the date, time, and place of the hearing at 40739
least ten days prior to the hearing. On the basis of the evidence 40740
submitted to the department or presented at the public hearing, 40741
the department shall reconsider and may adjust the preliminary 40742
determinations. The result of the reconsideration is the final 40743
reconciliation of the hospital's assessment under section 5168.06 40744
of the Revised Code. The final reconciliation is subject to 40745
adjustments under division (D) of this section. 40746

(C) The department shall mail to each hospital a written 40747
notice of its assessment for the program year under the final 40748
reconciliation. A hospital may appeal the final reconciliation of 40749
its assessment to the court of common pleas of Franklin county. 40750
While a judicial appeal is pending, the hospital shall pay, in 40751
accordance with the schedules required by division (B) of section 40752
5168.06 of the Revised Code, any amount of its assessment that is 40753
not in dispute into the hospital care assurance program fund 40754
created in section 5168.11 of the Revised Code. 40755

(D) In the course of any program year, the department may 40756

adjust the assessment rate or rates established in rules pursuant 40757
to section 5168.06 of the Revised Code or adjust the amounts of 40758
intergovernmental transfers required under section 5168.07 of the 40759
Revised Code and, as a result of the adjustment, adjust each 40760
hospital's assessment and intergovernmental transfer, to reflect 40761
refinements made by the United States ~~health care financing~~ 40762
~~administration~~ centers for medicare and medicaid services during 40763
that program year to the limits it prescribed under the "Social 40764
Security Act," section 1923(f), 42 U.S.C. 1396r-4(f). When 40765
adjusted, the assessment rate or rates must comply with division 40766
(A) of section 5168.06 of the Revised Code. An adjusted 40767
intergovernmental transfer must comply with division (A) of 40768
section 5168.07 of the Revised Code. The department shall notify 40769
hospitals of adjustments made under this division and adjust for 40770
the remainder of the program year the installments paid by 40771
hospitals under sections 5168.06 and 5168.07 of the Revised Code 40772
in accordance with rules adopted under section 5168.02 of the 40773
Revised Code. 40774

Sec. 5168.75. As used in sections 5168.75 to 5168.86 of the 40775
Revised Code: 40776

(A) "Basic health care services" means all of the services 40777
listed in division (A)(1) of section 1751.01 of the Revised Code. 40778

(B) "Care management system" ~~means the system established~~ 40779
~~under~~ has the same meaning as in section ~~5167.03~~ 5167.01 of the 40780
Revised Code. 40781

(C) "Dual eligible individual" has the same meaning as in 40782
section 5160.01 of the Revised Code. 40783

(D) "Franchise fee" means the fee imposed on health insuring 40784
corporation plans under section 5168.76 of the Revised Code. 40785

(E) "Health insuring corporation" has the same meaning as in 40786

section 1751.01 of the Revised Code, except it does not mean a corporation that, pursuant to a policy, contract, certificate, or agreement, pays for, reimburses, or provides, delivers, arranges for, or otherwise makes available, only supplemental health care services or only specialty health care services.

(F) "Health insuring corporation plan" means a policy, contract, certificate, or agreement of a health insuring corporation under which the corporation pays for, reimburses, provides, delivers, arranges for, or otherwise makes available basic health care services. "Health insuring corporation plan" does not mean any of the following:

(1) A policy, contract, certificate, or agreement under which a health insuring corporation pays for, reimburses, provides, delivers, arranges for, or otherwise makes available only supplemental health care services or only specialty health care services;

(2) An approved health benefits plan described in 5 U.S.C. 8903 or 8903a, if imposing the franchise fee on the plan would violate 5 U.S.C. 8909(f);

(3) A medicare advantage plan authorized by Part C of Title XVIII of the "Social Security Act," 42 U.S.C. 1395w-21 et seq.

(G) "Indirect guarantee percentage" means the percentage specified in section 1903(w)(4)(C)(ii) of the "Social Security Act," 42 U.S.C. 1396b(w)(4)(C)(ii), that is to be used in determining whether a health care class is indirectly held harmless for any portion of the costs of a broad-based health-care-related tax. If the indirect guarantee percentage changes during a fiscal year, the indirect guarantee percentage is the following:

(1) For the part of the fiscal year before the change takes effect, the percentage in effect before the change;

(2) For the part of the fiscal year beginning with the date	40818
the indirect guarantee percentage changes, the new percentage.	40819
(H) "Medicaid managed care organization" has the same meaning	40820
as in section 5167.01 of the Revised Code.	40821
(I) "Medicaid provider" has the same meaning as in section	40822
5164.01 of the Revised Code.	40823
(J) "Ohio medicaid member month" means a month in which a	40824
medicaid recipient residing in this state is enrolled in a health	40825
insuring corporation plan.	40826
(K) "Other Ohio member month" means a month in which a	40827
resident of this state who is not a medicaid recipient is enrolled	40828
in a health insuring corporation plan.	40829
(L) "Rate year" means the fiscal year for which a franchise	40830
fee is imposed.	40831
Sec. 5501.20. (A) As used in this section:	40832
(1) "Career professional service" means that part of the	40833
competitive classified service that consists of employees of the	40834
department of transportation who, regardless of job	40835
classification, meet both of the following qualifications:	40836
(a) They are supervisors, professional employees who are not	40837
in a collective bargaining unit, confidential employees, or	40838
management level employees, all as defined in section 4117.01 of	40839
the Revised Code.	40840
(b) They exercise authority that is not merely routine or	40841
clerical in nature and report only to a higher level unclassified	40842
employee or employee in the career professional service.	40843
(2) "Demoted" means that an employee is placed in a position	40844
where the employee's wage rate equals, or is not more than twenty	40845
per cent less than, the employee's wage rate immediately prior to	40846

demotion or where the employee's job responsibilities are reduced, 40847
or both. 40848

(3) "Employee in the career professional service with 40849
restoration rights" means an employee in the career professional 40850
service who has been in the classified civil service for at least 40851
two years and who has a cumulative total of at least ten years of 40852
continuous service with the department of transportation. 40853

~~(B) Not later than the first day of July of each odd numbered 40854
year, the director of transportation shall adopt a rule in 40855
accordance with section 111.15 of the Revised Code that 40856
establishes a business plan for the department of transportation 40857
that states the department's mission, business objectives, and 40858
strategies and that establishes a procedure by which employees in 40859
the career professional service will be held accountable for their 40860
performance. The director shall adopt a rule that establishes a 40861
business plan for the department only once in each two years. 40862
Within sixty days after the effective date of a rule that 40863
establishes a business plan for the department, the The director 40864
shall adopt a rule in accordance with section 111.15 of the 40865
Revised Code that identifies specific positions within the 40866
department of transportation that are included in the career 40867
professional service. The director may amend the rule that 40868
identifies the specific positions included in the career 40869
professional service whenever the director determines necessary. 40870
Any rule adopted under this division is subject to review and 40871
invalidation by the joint committee on agency rule review as 40872
provided in division (D) of section 111.15 of the Revised Code. 40873
The director shall provide a copy of any rule adopted under this 40874
division to the director of budget and management. 40875~~

~~Except as otherwise provided in this section, an An employee 40876
in the career professional service is subject to the provisions of 40877
Chapter 124. of the Revised Code that govern employees in the 40878~~

classified civil service. 40879

~~(C) After an employee is appointed to a position in the 40880
career professional service, the employee's direct supervisor 40881
shall provide the employee appointed to that position with a 40882
written performance action plan that describes the department's 40883
expectations for that employee in fulfilling the mission, business 40884
objectives, and strategies stated in the department's business 40885
plan. No sooner than four months after being appointed to a 40886
position in the career professional service, an employee appointed 40887
to that position shall receive a written performance review based 40888
on the employee's fulfillment of the mission, business objectives, 40889
and strategies stated in the department's business plan. After the 40890
initial performance review, the An employee in the career 40891
professional service shall receive a written performance review at 40892
least once each year or as often as the director considers 40893
necessary. The department shall give an employee whose performance 40894
is unsatisfactory an opportunity to improve performance for a 40895
period of at least six months, by means of a written ~~corrective~~ 40896
action performance improvement plan, before the department takes 40897
any disciplinary action under this section ~~or section 124.34 of~~ 40898
~~the Revised Code. The department shall base its performance review~~ 40899
~~forms on its business plan.~~ 40900~~

(D) An employee in the career professional service may be 40901
suspended, demoted, or removed ~~because of performance that hinders 40902
or restricts the fulfillment of the department's business plan 40903
pursuant to division (C) of this section~~ or for disciplinary 40904
reasons under section 124.34 or 124.57 of the Revised Code. An 40905
employee in the career professional service may appeal only the 40906
employee's removal to the state personnel board of review. An 40907
employee in the career professional service may appeal a demotion 40908
or a suspension of more than three days pursuant to rules the 40909
director adopts in accordance with section 111.15 of the Revised 40910

Code. 40911

(E) An employee in the career professional service with 40912
restoration rights has restoration rights if demoted because of 40913
performance ~~that hinders or restricts fulfillment of the mission,~~ 40914
~~business objectives, or strategies stated in the department's~~ 40915
~~business plan,~~ but not if involuntarily demoted or removed for any 40916
of the reasons described in section 124.34 or for a violation of 40917
section 124.57 of the Revised Code. The director shall demote an 40918
employee who has restoration rights of that nature to a position 40919
in the classified service that in the director's judgment is 40920
similar in nature to the position the employee held immediately 40921
prior to being appointed to the position in the career 40922
professional service. The director shall assign to an employee who 40923
is demoted to a position in the classified service as provided in 40924
this division a wage rate that equals, or that is not more than 40925
twenty per cent less than, the wage rate assigned to the employee 40926
in the career professional service immediately prior to the 40927
employee's demotion. 40928

Sec. 5513.06. (A) The director of transportation may debar a 40929
vendor from consideration for contract awards upon a finding based 40930
upon a reasonable belief that the vendor has done any of the 40931
following: 40932

(1) Abused the solicitation process by repeatedly withdrawing 40933
bids before purchase orders or contracts are issued or failing to 40934
accept orders based upon firm bids; 40935

(2) Failed to substantially perform a contract according to 40936
its terms, conditions, and specifications within specified time 40937
limits; 40938

(3) Failed to cooperate in monitoring contract performance by 40939
refusing to provide information or documents required in a 40940
contract, failed to respond and correct matters related to 40941

complaints to the vendor, or accumulated repeated justified 40942
complaints regarding performance of a contract; 40943

(4) Attempted to influence a public employee to breach 40944
ethical conduct standards; 40945

(5) Colluded with other bidders to restrain competition by 40946
any means; 40947

(6) Been convicted of a criminal offense related to the 40948
application for or performance of any public or private contract, 40949
including, but not limited to, embezzlement, theft, forgery, 40950
bribery, falsification or destruction of records, receiving stolen 40951
property, and any other offense that directly reflects on the 40952
vendor's business integrity; 40953

(7) Been convicted under state or federal antitrust laws; 40954

(8) Deliberately or willfully submitted false or misleading 40955
information in connection with the application for or performance 40956
of a public contract; 40957

(9) Has been debarred by a state agency, another state, or by 40958
any agency or department of the federal government; 40959

(10) Violated any other responsible business practice or 40960
performed in an unsatisfactory manner as determined by the 40961
director. 40962

(B) When the director reasonably believes that grounds for 40963
debarment exist, the director shall send the vendor a notice of 40964
proposed debarment. If the vendor is a partnership, association, 40965
or corporation, the director also may debar from consideration for 40966
contract awards any partner of the partnership, or the officers 40967
and directors of the association or corporation, being debarred. 40968
When the director reasonably believes that grounds for debarment 40969
exist, the director shall send the individual involved a notice of 40970
proposed debarment. A notice of proposed debarment shall indicate 40971

the grounds for the debarment of the vendor or individual and the 40972
procedure for requesting a hearing. The notice and hearing shall 40973
be in accordance with Chapter 119. of the Revised Code. If the 40974
vendor or individual does not respond with a request for a hearing 40975
in the manner specified in Chapter 119. of the Revised Code, the 40976
director shall issue the debarment decision without a hearing and 40977
shall notify the vendor or individual of the decision by certified 40978
mail, return receipt requested. The debarment period may be of any 40979
length determined by the director and the director may modify or 40980
rescind the debarment at any time. During the period of debarment, 40981
the director shall not include on a bidder list or consider for a 40982
contract award any partnership, association, or corporation 40983
affiliated with a debarred individual. After the debarment period 40984
expires, the vendor or individual, and any partnership, 40985
association, or corporation affiliated with the individual, may 40986
reapply for inclusion on bidder lists through the regular 40987
application process if such entity or individual is not otherwise 40988
debarred. 40989

Sec. 5525.03. (A) All prospective bidders other than 40990
environmental remediators and specialty contractors for which 40991
there are no classes of work provided for in the rules adopted by 40992
the director of transportation shall apply for qualification on 40993
forms prescribed and furnished by the director. The application 40994
shall be accompanied by a certificate of compliance with 40995
affirmative action programs issued pursuant to section 9.47 of the 40996
Revised Code and dated no earlier than one hundred eighty days 40997
~~prior to~~ before the date fixed for the opening of bids for a 40998
particular project. ~~The~~ 40999

(B) The director shall act upon an application for 41000
qualification within thirty days after it is presented to the 41001
director. Upon the receipt of any application for qualification, 41002
the director shall examine the application to determine whether 41003

the applicant is competent and responsible and possesses the 41004
financial resources required by section 5525.04 of the Revised 41005
Code. If the applicant is found to possess the qualifications 41006
prescribed by sections 5525.02 to 5525.09 of the Revised Code and 41007
by rules adopted by the director, including a certificate of 41008
compliance with affirmative action programs, a certificate of 41009
qualification shall be issued to the applicant, which shall be 41010
valid for the period of one year or such shorter period of time as 41011
the director prescribes, unless revoked by the director for cause 41012
as defined by rules adopted by the director under section 5525.05 41013
of the Revised Code. ~~The~~ 41014

(C) ~~The~~ certificate of qualification shall contain a 41015
statement fixing the aggregate amount of work, for any or all 41016
owners, that the applicant may have under construction and 41017
uncompleted at any one time and may contain a statement limiting 41018
such bidder to the submission of bids upon a certain class of 41019
work. Subject to any restriction as to amount or class of work 41020
therein contained, the certificate of qualification shall 41021
authorize its holder to bid on all work on which bids are taken by 41022
the department of transportation during the period of time therein 41023
specified. ~~An~~ 41024

(D) ~~An~~ applicant who has received a certificate of 41025
qualification and desires to amend the certificate by the dollar 41026
amount or by the classes of work may submit to the director such 41027
documentation as the director considers appropriate. The director 41028
shall review the documentation submitted by the applicant and, 41029
within fifteen days, shall either amend the certificate of 41030
qualification or deny the request. If the director denies the 41031
request to amend the certificate, the applicant may appeal that 41032
decision to the ~~director's~~ director's prequalification 41033
review board in accordance with section 5525.07 of the Revised 41034
Code. Two or more persons, partnerships, or corporations may bid 41035

jointly on any one project, but only on condition that prior to 41036
the time bids are taken on the project the bidders make a joint 41037
application for qualification and obtain a joint certificate 41038
qualification. 41039

(E) The director may debar from participating in future 41040
contracts with the department any bidding company as well as any 41041
partner of a partnership, or the officers and directors of an 41042
association or corporation if the certificate of qualification of 41043
the company, partnership, association, or corporation is revoked 41044
or not renewed by the director. When the director reasonably 41045
believes that grounds for revocation and debarment exist, the 41046
director shall send the bidding company and any individual 41047
involved a notice of proposed revocation and debarment indicating 41048
the grounds for such action as established in rules adopted by the 41049
director under section 5525.05 of the Revised Code and the 41050
procedure for requesting a hearing. The notice and hearing shall 41051
be in accordance with Chapter 119. of the Revised Code. If the 41052
bidding company or individual does not respond with a request for 41053
a hearing in the manner specified in Chapter 119. of the Revised 41054
Code, the director shall revoke the certificate and issue the 41055
debarment decision without a hearing and shall notify the bidding 41056
company or individual of the decision by certified mail, return 41057
receipt requested. The 41058

(F) The debarment period may be of any length determined by 41059
the director and the director may modify or rescind the debarment 41060
at any time. During the period of debarment, the director shall 41061
not issue a certificate of qualification for any company, 41062
partnership, association, or corporation affiliated with a 41063
debarred individual. After the debarment period expires, the 41064
bidding company or individual, and any partnership, association, 41065
or corporation affiliated with the individual may make an 41066
application for qualification if such entity or individual is not 41067

otherwise debarred. 41068

Sec. 5537.17. (A) Each turnpike project open to traffic shall 41069
be maintained and kept in good condition and repair by the Ohio 41070
turnpike and infrastructure commission. The Ohio turnpike system 41071
shall be policed and operated by a force of police, toll 41072
collectors, and other employees and agents that the commission 41073
employs or contracts for. 41074

(B) All public or private property damaged or destroyed in 41075
carrying out the powers granted by this chapter shall be restored 41076
or repaired and placed in its original condition, as nearly as 41077
practicable, or adequate compensation or consideration made 41078
therefor out of moneys provided under this chapter. 41079

(C) All governmental agencies may lease, lend, grant, or 41080
convey to the commission at its request, upon terms that the 41081
proper authorities of the governmental agencies consider 41082
reasonable and fair and without the necessity for an 41083
advertisement, order of court, or other action or formality, other 41084
than the regular and formal action of the authorities concerned, 41085
any property that is necessary or convenient to the effectuation 41086
of the purposes of the commission, including public roads and 41087
other property already devoted to public use. 41088

(D) Each bridge constituting part of a turnpike project shall 41089
be inspected at least once each year by a professional engineer 41090
employed or retained by the commission. 41091

(E) ~~On or before the first day of July in each year, the 41092
commission shall make an annual report of its activities for the 41093
preceding calendar year to the governor and the general assembly. 41094
Each such report shall set forth a complete operating and 41095
financial statement covering the commission's operations and 41096
funding of any turnpike projects and infrastructure projects 41097
during the year. The commission shall cause an audit of its books 41098~~

and accounts to be made at least once each year by certified 411099
public accountants approved by the auditor of state, and the cost 411100
thereof may be treated as a part of the cost of operations of the 411101
commission. ~~The auditor of state, at least once a year and without~~ 411102
~~previous notice to the commission, shall audit the accounts and~~ 411103
~~transactions of the commission~~ On or before the first day of July 411104
in each year, the commission shall submit a comprehensive annual 411105
financial report containing its audited financial statements for 411106
the preceding calendar year to the governor, the general assembly, 411107
and the director of budget and management. Each such report shall 411108
set forth a complete operating and financial statement covering 411109
the commission's operations and funding of any turnpike projects 411110
and infrastructure projects during the year. 411111

(F) The commission shall submit a copy of its ~~annual audit by~~ 411112
~~the auditor of state and~~ its proposed annual budget for each 411113
calendar or fiscal year to the governor, the presiding officers of 411114
each house of the general assembly, the director of budget and 411115
management, and the legislative service commission no later than 411116
the first day of that calendar or fiscal year. 411117

(G) Upon request of the chairperson of the appropriate 411118
standing committee or subcommittee of the senate and house of 411119
representatives that is primarily responsible for considering 411120
transportation budget matters, the commission shall appear at 411121
least one time before each committee or subcommittee during the 411122
period when that committee or subcommittee is considering the 411123
biennial appropriations for the department of transportation and 411124
shall provide testimony outlining its budgetary results for the 411125
last two calendar years, including a comparison of budget and 411126
actual revenue and expenditure amounts. The commission also shall 411127
address its current budget and long-term capital plan. 411128

(H) Not more than sixty nor less than thirty days before 411129
adopting its annual budget, the commission shall submit a copy of 411130

its proposed annual budget to the governor, the presiding officers 41131
of each house of the general assembly, the director of budget and 41132
management, and the legislative service commission. The office of 41133
budget and management shall review the proposed budget and may 41134
provide recommendations to the commission for its consideration. 41135

Sec. 5709.40. (A) As used in this section: 41136

(1) "Blighted area" and "impacted city" have the same 41137
meanings as in section 1728.01 of the Revised Code. 41138

(2) "Business day" means a day of the week excluding 41139
Saturday, Sunday, and a legal holiday as defined under section 41140
1.14 of the Revised Code. 41141

(3) "Housing renovation" means a project carried out for 41142
residential purposes. 41143

(4) "Improvement" means the increase in the assessed value of 41144
any real property that would first appear on the tax list and 41145
duplicate of real and public utility property after the effective 41146
date of an ordinance adopted under this section were it not for 41147
the exemption granted by that ordinance. 41148

(5) "Incentive district" means an area not more than three 41149
hundred acres in size enclosed by a continuous boundary in which a 41150
project is being, or will be, undertaken and having one or more of 41151
the following distress characteristics: 41152

(a) At least fifty-one per cent of the residents of the 41153
district have incomes of less than eighty per cent of the median 41154
income of residents of the political subdivision in which the 41155
district is located, as determined in the same manner specified 41156
under section 119(b) of the "Housing and Community Development Act 41157
of 1974," 88 Stat. 633, 42 U.S.C. 5318, as amended; 41158

(b) The average rate of unemployment in the district during 41159
the most recent twelve-month period for which data are available 41160

is equal to at least one hundred fifty per cent of the average 41161
rate of unemployment for this state for the same period. 41162

(c) At least twenty per cent of the people residing in the 41163
district live at or below the poverty level as defined in the 41164
federal Housing and Community Development Act of 1974, 42 U.S.C. 41165
5301, as amended, and regulations adopted pursuant to that act. 41166

(d) The district is a blighted area. 41167

(e) The district is in a situational distress area as 41168
designated by the director of development services under division 41169
(F) of section 122.23 of the Revised Code. 41170

(f) As certified by the engineer for the political 41171
subdivision, the public infrastructure serving the district is 41172
inadequate to meet the development needs of the district as 41173
evidenced by a written economic development plan or urban renewal 41174
plan for the district that has been adopted by the legislative 41175
authority of the subdivision. 41176

(g) The district is comprised entirely of unimproved land 41177
that is located in a distressed area as defined in section 122.23 41178
of the Revised Code. 41179

(6) "Overlay" means an area of not more than three hundred 41180
acres that is a square, or that is a rectangle having two longer 41181
sides that are not more than twice the length of the two shorter 41182
sides, that the legislative authority of a municipal corporation 41183
delineates on a map of a proposed incentive district. 41184

(7) "Project" means development activities undertaken on one 41185
or more parcels, including, but not limited to, construction, 41186
expansion, and alteration of buildings or structures, demolition, 41187
remediation, and site development, and any building or structure 41188
that results from those activities. 41189

(8) "Public infrastructure improvement" includes, but is not 41190

limited to, public roads and highways; water and sewer lines; the 41191
continued maintenance of those public roads and highways and water 41192
and sewer lines; environmental remediation; land acquisition, 41193
including acquisition in aid of industry, commerce, distribution, 41194
or research; demolition, including demolition on private property 41195
when determined to be necessary for economic development purposes; 41196
stormwater and flood remediation projects, including such projects 41197
on private property when determined to be necessary for public 41198
health, safety, and welfare; the provision of gas, electric, and 41199
communications service facilities, including the provision of gas 41200
or electric service facilities owned by nongovernmental entities 41201
when such improvements are determined to be necessary for economic 41202
development purposes; and the enhancement of public waterways 41203
through improvements that allow for greater public access. 41204

(B) The legislative authority of a municipal corporation, by 41205
ordinance, may declare improvements to certain parcels of real 41206
property located in the municipal corporation to be a public 41207
purpose. Improvements with respect to a parcel that is used or to 41208
be used for residential purposes may be declared a public purpose 41209
under this division only if the parcel is located in a blighted 41210
area of an impacted city. For this purpose, "parcel that is used 41211
or to be used for residential purposes" means a parcel that, as 41212
improved, is used or to be used for purposes that would cause the 41213
tax commissioner to classify the parcel as residential property in 41214
accordance with rules adopted by the commissioner under section 41215
5713.041 of the Revised Code. Except ~~with the approval as~~ 41216
otherwise provided under division (D) of this section ~~of the board~~ 41217
~~of education of each city, local, or exempted village school~~ 41218
~~district within which the improvements are located~~ or section 41219
5709.51 of the Revised Code, not more than seventy-five per cent 41220
of an improvement thus declared to be a public purpose may be 41221
exempted from real property taxation for a period of not more than 41222
ten years. The ordinance shall specify the percentage of the 41223

improvement to be exempted from taxation and the life of the 41224
exemption. 41225

An ordinance adopted or amended under this division shall 41226
designate the specific public infrastructure improvements made, to 41227
be made, or in the process of being made by the municipal 41228
corporation that directly benefit, or that once made will directly 41229
benefit, the parcels for which improvements are declared to be a 41230
public purpose. The service payments provided for in section 41231
5709.42 of the Revised Code shall be used to finance the public 41232
infrastructure improvements designated in the ordinance, for the 41233
purpose described in division (D)(1) of this section or as 41234
provided in section 5709.43 of the Revised Code. 41235

(C)(1) The legislative authority of a municipal corporation 41236
may adopt an ordinance creating an incentive district and 41237
declaring improvements to parcels within the district to be a 41238
public purpose and, except as provided in division (C)(2) of this 41239
section, exempt from taxation as provided in this section, but no 41240
legislative authority of a municipal corporation that has a 41241
population that exceeds twenty-five thousand, as shown by the most 41242
recent federal decennial census, shall adopt an ordinance that 41243
creates an incentive district if the sum of the taxable value of 41244
real property in the proposed district for the preceding tax year 41245
and the taxable value of all real property in the municipal 41246
corporation that would have been taxable in the preceding year 41247
were it not for the fact that the property was in an existing 41248
incentive district and therefore exempt from taxation exceeds 41249
twenty-five per cent of the taxable value of real property in the 41250
municipal corporation for the preceding tax year. The ordinance 41251
shall delineate the boundary of the proposed district and 41252
specifically identify each parcel within the district. A proposed 41253
district may not include any parcel that is or has been exempted 41254
from taxation under division (B) of this section or that is or has 41255

been within another district created under this division. An 41256
ordinance may create more than one such district, and more than 41257
one ordinance may be adopted under division (C)(1) of this 41258
section. 41259

(2)(a) Not later than thirty days prior to adopting an 41260
ordinance under division (C)(1) of this section, if the municipal 41261
corporation intends to apply for exemptions from taxation under 41262
section 5709.911 of the Revised Code on behalf of owners of real 41263
property located within the proposed incentive district, the 41264
legislative authority of the municipal corporation shall conduct a 41265
public hearing on the proposed ordinance. Not later than thirty 41266
days prior to the public hearing, the legislative authority shall 41267
give notice of the public hearing and the proposed ordinance by 41268
first class mail to every real property owner whose property is 41269
located within the boundaries of the proposed incentive district 41270
that is the subject of the proposed ordinance. The notice shall 41271
include a map of the proposed incentive district on which the 41272
legislative authority of the municipal corporation shall have 41273
delineated an overlay. The notice shall inform the property owner 41274
of the owner's right to exclude the owner's property from the 41275
incentive district if the owner's entire parcel of property will 41276
not be located within the overlay, by submitting a written 41277
response in accordance with division (C)(2)(b) of this section. 41278
The notice also shall include information detailing the required 41279
contents of the response, the address to which the response may be 41280
mailed, and the deadline for submitting the response. 41281

(b) Any owner of real property located within the boundaries 41282
of an incentive district proposed under division (C)(1) of this 41283
section whose entire parcel of property is not located within the 41284
overlay may exclude the property from the proposed incentive 41285
district by submitting a written response to the legislative 41286
authority of the municipal corporation not later than forty-five 41287

days after the postmark date on the notice required under division 41288
(C)(2)(a) of this section. The response shall be sent by first 41289
class mail or delivered in person at a public hearing held by the 41290
legislative authority under division (C)(2)(a) of this section. 41291
The response shall conform to any content requirements that may be 41292
established by the municipal corporation and included in the 41293
notice provided under division (C)(2)(a) of this section. In the 41294
response, property owners may identify a parcel by street address, 41295
by the manner in which it is identified in the ordinance, or by 41296
other means allowing the identity of the parcel to be ascertained. 41297

(c) Before adopting an ordinance under division (C)(1) of 41298
this section, the legislative authority of a municipal corporation 41299
shall amend the ordinance to exclude any parcel located wholly or 41300
partly outside the overlay for which a written response has been 41301
submitted under division (C)(2)(b) of this section. A municipal 41302
corporation shall not apply for exemptions from taxation under 41303
section 5709.911 of the Revised Code for any such parcel, and 41304
service payments may not be required from the owner of the parcel. 41305
Improvements to a parcel excluded from an incentive district under 41306
this division may be exempted from taxation under division (B) of 41307
this section pursuant to an ordinance adopted under that division 41308
or under any other section of the Revised Code under which the 41309
parcel qualifies. 41310

(3)(a) An ordinance adopted under division (C)(1) of this 41311
section shall specify the life of the incentive district and the 41312
percentage of the improvements to be exempted, shall designate the 41313
public infrastructure improvements made, to be made, or in the 41314
process of being made, that benefit or serve, or, once made, will 41315
benefit or serve parcels in the district. The ordinance also shall 41316
identify one or more specific projects being, or to be, undertaken 41317
in the district that place additional demand on the public 41318
infrastructure improvements designated in the ordinance. The 41319

project identified may, but need not be, the project under 41320
division (C)(3)(b) of this section that places real property in 41321
use for commercial or industrial purposes. Except as otherwise 41322
permitted under that division, the service payments provided for 41323
in section 5709.42 of the Revised Code shall be used to finance 41324
the designated public infrastructure improvements, for the purpose 41325
described in division (D)(1), (E), or (F) of this section, or as 41326
provided in section 5709.43 of the Revised Code. 41327

An ordinance adopted under division (C)(1) of this section on 41328
or after March 30, 2006, shall not designate police or fire 41329
equipment as public infrastructure improvements, and no service 41330
payment provided for in section 5709.42 of the Revised Code and 41331
received by the municipal corporation under the ordinance shall be 41332
used for police or fire equipment. 41333

(b) An ordinance adopted under division (C)(1) of this 41334
section may authorize the use of service payments provided for in 41335
section 5709.42 of the Revised Code for the purpose of housing 41336
renovations within the incentive district, provided that the 41337
ordinance also designates public infrastructure improvements that 41338
benefit or serve the district, and that a project within the 41339
district places real property in use for commercial or industrial 41340
purposes. Service payments may be used to finance or support 41341
loans, deferred loans, and grants to persons for the purpose of 41342
housing renovations within the district. The ordinance shall 41343
designate the parcels within the district that are eligible for 41344
housing renovation. The ordinance shall state separately the 41345
amounts or the percentages of the expected aggregate service 41346
payments that are designated for each public infrastructure 41347
improvement and for the general purpose of housing renovations. 41348

(4) Except with the approval of the board of education of 41349
each city, local, or exempted village school district within the 41350
territory of which the incentive district is or will be located, 41351

and subject to division (E) of this section, the life of an 41352
incentive district shall not exceed ten years, and the percentage 41353
of improvements to be exempted shall not exceed seventy-five per 41354
cent. With approval of the board of education, the life of a 41355
district may be not more than thirty years, and the percentage of 41356
improvements to be exempted may be not more than one hundred per 41357
cent. The approval of a board of education shall be obtained in 41358
the manner provided in division (D) of this section. 41359

(D)(1) If the ordinance declaring improvements to a parcel to 41360
be a public purpose or creating an incentive district specifies 41361
that payments in lieu of taxes provided for in section 5709.42 of 41362
the Revised Code shall be paid to the city, local, or exempted 41363
village, and joint vocational school district in which the parcel 41364
or incentive district is located in the amount of the taxes that 41365
would have been payable to the school district if the improvements 41366
had not been exempted from taxation, the percentage of the 41367
improvement that may be exempted from taxation may exceed 41368
seventy-five per cent, and the exemption may be granted for up to 41369
thirty years, without the approval of the board of education as 41370
otherwise required under division (D)(2) of this section. 41371

(2) Improvements with respect to a parcel may be exempted 41372
from taxation under division (B) of this section, and improvements 41373
to parcels within an incentive district may be exempted from 41374
taxation under division (C) of this section, for up to ten years 41375
or, with the approval under this paragraph of the board of 41376
education of the city, local, or exempted village school district 41377
within which the parcel or district is located, for up to thirty 41378
years. The percentage of the improvement exempted from taxation 41379
may, with such approval, exceed seventy-five per cent, but shall 41380
not exceed one hundred per cent. Not later than forty-five 41381
business days prior to adopting an ordinance under this section 41382
declaring improvements to be a public purpose that is subject to 41383

approval by a board of education under this division, the 41384
legislative authority shall deliver to the board of education a 41385
notice stating its intent to adopt an ordinance making that 41386
declaration. The notice regarding improvements with respect to a 41387
parcel under division (B) of this section shall identify the 41388
parcels for which improvements are to be exempted from taxation, 41389
provide an estimate of the true value in money of the 41390
improvements, specify the period for which the improvements would 41391
be exempted from taxation and the percentage of the improvement 41392
that would be exempted, and indicate the date on which the 41393
legislative authority intends to adopt the ordinance. The notice 41394
regarding improvements to parcels within an incentive district 41395
under division (C) of this section shall delineate the boundaries 41396
of the district, specifically identify each parcel within the 41397
district, identify each anticipated improvement in the district, 41398
provide an estimate of the true value in money of each such 41399
improvement, specify the life of the district and the percentage 41400
of improvements that would be exempted, and indicate the date on 41401
which the legislative authority intends to adopt the ordinance. 41402
The board of education, by resolution adopted by a majority of the 41403
board, may approve the exemption for the period or for the 41404
exemption percentage specified in the notice; may disapprove the 41405
exemption for the number of years in excess of ten, may disapprove 41406
the exemption for the percentage of the improvement to be exempted 41407
in excess of seventy-five per cent, or both; or may approve the 41408
exemption on the condition that the legislative authority and the 41409
board negotiate an agreement providing for compensation to the 41410
school district equal in value to a percentage of the amount of 41411
taxes exempted in the eleventh and subsequent years of the 41412
exemption period or, in the case of exemption percentages in 41413
excess of seventy-five per cent, compensation equal in value to a 41414
percentage of the taxes that would be payable on the portion of 41415
the improvement in excess of seventy-five per cent were that 41416

portion to be subject to taxation, or other mutually agreeable 41417
compensation. If an agreement is negotiated between the 41418
legislative authority and the board to compensate the school 41419
district for all or part of the taxes exempted, including 41420
agreements for payments in lieu of taxes under section 5709.42 of 41421
the Revised Code, the legislative authority shall compensate the 41422
joint vocational school district within which the parcel or 41423
district is located at the same rate and under the same terms 41424
received by the city, local, or exempted village school district. 41425

(3) The board of education shall certify its resolution to 41426
the legislative authority not later than fourteen days prior to 41427
the date the legislative authority intends to adopt the ordinance 41428
as indicated in the notice. If the board of education and the 41429
legislative authority negotiate a mutually acceptable compensation 41430
agreement, the ordinance may declare the improvements a public 41431
purpose for the number of years specified in the ordinance or, in 41432
the case of exemption percentages in excess of seventy-five per 41433
cent, for the exemption percentage specified in the ordinance. In 41434
either case, if the board and the legislative authority fail to 41435
negotiate a mutually acceptable compensation agreement, the 41436
ordinance may declare the improvements a public purpose for not 41437
more than ten years, and shall not exempt more than seventy-five 41438
per cent of the improvements from taxation. If the board fails to 41439
certify a resolution to the legislative authority within the time 41440
prescribed by this division, the legislative authority thereupon 41441
may adopt the ordinance and may declare the improvements a public 41442
purpose for up to thirty years, or, in the case of exemption 41443
percentages proposed in excess of seventy-five per cent, for the 41444
exemption percentage specified in the ordinance. The legislative 41445
authority may adopt the ordinance at any time after the board of 41446
education certifies its resolution approving the exemption to the 41447
legislative authority, or, if the board approves the exemption on 41448
the condition that a mutually acceptable compensation agreement be 41449

negotiated, at any time after the compensation agreement is agreed 41450
to by the board and the legislative authority. 41451

(4) If a board of education has adopted a resolution waiving 41452
its right to approve exemptions from taxation under this section 41453
and the resolution remains in effect, approval of exemptions by 41454
the board is not required under division (D) of this section. If a 41455
board of education has adopted a resolution allowing a legislative 41456
authority to deliver the notice required under division (D) of 41457
this section fewer than forty-five business days prior to the 41458
legislative authority's adoption of the ordinance, the legislative 41459
authority shall deliver the notice to the board not later than the 41460
number of days prior to such adoption as prescribed by the board 41461
in its resolution. If a board of education adopts a resolution 41462
waiving its right to approve agreements or shortening the 41463
notification period, the board shall certify a copy of the 41464
resolution to the legislative authority. If the board of education 41465
rescinds such a resolution, it shall certify notice of the 41466
rescission to the legislative authority. 41467

(5) If the legislative authority is not required by division 41468
(D) of this section to notify the board of education of the 41469
legislative authority's intent to declare improvements to be a 41470
public purpose, the legislative authority shall comply with the 41471
notice requirements imposed under section 5709.83 of the Revised 41472
Code, unless the board has adopted a resolution under that section 41473
waiving its right to receive such a notice. 41474

(6) Nothing in division (D) of this section prohibits the 41475
legislative authority of a municipal corporation from amending the 41476
ordinance or resolution under section 5709.51 of the Revised Code 41477
to extend the term of the exemption. 41478

(E)(1) If a proposed ordinance under division (C)(1) of this 41479
section exempts improvements with respect to a parcel within an 41480
incentive district for more than ten years, or the percentage of 41481

the improvement exempted from taxation exceeds seventy-five per cent, not later than forty-five business days prior to adopting the ordinance the legislative authority of the municipal corporation shall deliver to the board of county commissioners of the county within which the incentive district will be located a notice that states its intent to adopt an ordinance creating an incentive district. The notice shall include a copy of the proposed ordinance, identify the parcels for which improvements are to be exempted from taxation, provide an estimate of the true value in money of the improvements, specify the period of time for which the improvements would be exempted from taxation, specify the percentage of the improvements that would be exempted from taxation, and indicate the date on which the legislative authority intends to adopt the ordinance.

(2) The board of county commissioners, by resolution adopted by a majority of the board, may object to the exemption for the number of years in excess of ten, may object to the exemption for the percentage of the improvement to be exempted in excess of seventy-five per cent, or both. If the board of county commissioners objects, the board may negotiate a mutually acceptable compensation agreement with the legislative authority. In no case shall the compensation provided to the board exceed the property taxes forgone due to the exemption. If the board of county commissioners objects, and the board and legislative authority fail to negotiate a mutually acceptable compensation agreement, the ordinance adopted under division (C)(1) of this section shall provide to the board compensation in the eleventh and subsequent years of the exemption period equal in value to not more than fifty per cent of the taxes that would be payable to the county or, if the board's objection includes an objection to an exemption percentage in excess of seventy-five per cent, compensation equal in value to not more than fifty per cent of the taxes that would be payable to the county, on the portion of the

improvement in excess of seventy-five per cent, were that portion 41515
to be subject to taxation. The board of county commissioners shall 41516
certify its resolution to the legislative authority not later than 41517
thirty days after receipt of the notice. 41518

(3) If the board of county commissioners does not object or 41519
fails to certify its resolution objecting to an exemption within 41520
thirty days after receipt of the notice, the legislative authority 41521
may adopt the ordinance, and no compensation shall be provided to 41522
the board of county commissioners. If the board timely certifies 41523
its resolution objecting to the ordinance, the legislative 41524
authority may adopt the ordinance at any time after a mutually 41525
acceptable compensation agreement is agreed to by the board and 41526
the legislative authority, or, if no compensation agreement is 41527
negotiated, at any time after the legislative authority agrees in 41528
the proposed ordinance to provide compensation to the board of 41529
fifty per cent of the taxes that would be payable to the county in 41530
the eleventh and subsequent years of the exemption period or on 41531
the portion of the improvement in excess of seventy-five per cent, 41532
were that portion to be subject to taxation. 41533

(F) Service payments in lieu of taxes that are attributable 41534
to any amount by which the effective tax rate of either a renewal 41535
levy with an increase or a replacement levy exceeds the effective 41536
tax rate of the levy renewed or replaced, or that are attributable 41537
to an additional levy, for a levy authorized by the voters for any 41538
of the following purposes on or after January 1, 2006, and which 41539
are provided pursuant to an ordinance creating an incentive 41540
district under division (C)(1) of this section that is adopted on 41541
or after January 1, 2006, or a later date as specified in this 41542
division, shall be distributed to the appropriate taxing authority 41543
as required under division (C) of section 5709.42 of the Revised 41544
Code in an amount equal to the amount of taxes from that 41545
additional levy or from the increase in the effective tax rate of 41546

such renewal or replacement levy that would have been payable to 41547
that taxing authority from the following levies were it not for 41548
the exemption authorized under division (C) of this section: 41549

(1) A tax levied under division (L) of section 5705.19 or 41550
section 5705.191 or 5705.222 of the Revised Code for community 41551
developmental disabilities programs and services pursuant to 41552
Chapter 5126. of the Revised Code; 41553

(2) A tax levied under division (Y) of section 5705.19 of the 41554
Revised Code for providing or maintaining senior citizens services 41555
or facilities; 41556

(3) A tax levied under section 5705.22 of the Revised Code 41557
for county hospitals; 41558

(4) A tax levied by a joint-county district or by a county 41559
under section 5705.19, 5705.191, or 5705.221 of the Revised Code 41560
for alcohol, drug addiction, and mental health services or 41561
facilities; 41562

(5) A tax levied under section 5705.23 of the Revised Code 41563
for library purposes; 41564

(6) A tax levied under section 5705.24 of the Revised Code 41565
for the support of children services and the placement and care of 41566
children; 41567

(7) A tax levied under division (Z) of section 5705.19 of the 41568
Revised Code for the provision and maintenance of zoological park 41569
services and facilities under section 307.76 of the Revised Code; 41570

(8) A tax levied under section 511.27 or division (H) of 41571
section 5705.19 of the Revised Code for the support of township 41572
park districts; 41573

(9) A tax levied under division (A), (F), or (H) of section 41574
5705.19 of the Revised Code for parks and recreational purposes of 41575
a joint recreation district organized pursuant to division (B) of 41576

section 755.14 of the Revised Code; 41577

(10) A tax levied under section 1545.20 or 1545.21 of the 41578
Revised Code for park district purposes; 41579

(11) A tax levied under section 5705.191 of the Revised Code 41580
for the purpose of making appropriations for public assistance; 41581
human or social services; public relief; public welfare; public 41582
health and hospitalization; and support of general hospitals; 41583

(12) A tax levied under section 3709.29 of the Revised Code 41584
for a general health district program. 41585

(13) A tax levied by a township under section 505.39, 41586
division (I) of section 5705.19, or division (JJ) of section 41587
5705.19 of the Revised Code to the extent the proceeds are used 41588
for the purposes described in division (I) of that section, for 41589
the purpose of funding fire, emergency medical, and ambulance 41590
services as described in that section and those divisions. 41591
Division (F)(13) of this section applies only if the township 41592
levying the tax provides fire, emergency medical, or ambulance 41593
services in the incentive district, and only to incentive 41594
districts created by an ordinance adopted on or after the 41595
effective date of the amendment of this section by H.B. 69 of the 41596
132nd general assembly, March 23, 2018. The board of township 41597
trustees may, by resolution, waive the application of this 41598
division or negotiate with the municipal corporation that created 41599
the district for a lesser amount of payments in lieu of taxes. 41600

(G) An exemption from taxation granted under this section 41601
commences with the tax year specified in the ordinance so long as 41602
the year specified in the ordinance commences after the effective 41603
date of the ordinance. If the ordinance specifies a year 41604
commencing before the effective date of the resolution or 41605
specifies no year whatsoever, the exemption commences with the tax 41606
year in which an exempted improvement first appears on the tax 41607

list and duplicate of real and public utility property and that 41608
commences after the effective date of the ordinance. In lieu of 41609
stating a specific year, the ordinance may provide that the 41610
exemption commences in the tax year in which the value of an 41611
improvement exceeds a specified amount or in which the 41612
construction of one or more improvements is completed, provided 41613
that such tax year commences after the effective date of the 41614
ordinance. With respect to the exemption of improvements to 41615
parcels under division (B) of this section, the ordinance may 41616
allow for the exemption to commence in different tax years on a 41617
parcel-by-parcel basis, with a separate exemption term specified 41618
for each parcel. 41619

Except as otherwise provided in this division or section 41620
5709.51 of the Revised Code, the exemption ends on the date 41621
specified in the ordinance as the date the improvement ceases to 41622
be a public purpose or the incentive district expires, or ends on 41623
the date on which the public infrastructure improvements and 41624
housing renovations are paid in full from the municipal public 41625
improvement tax increment equivalent fund established under 41626
division (A) of section 5709.43 of the Revised Code, whichever 41627
occurs first. The exemption of an improvement with respect to a 41628
parcel or within an incentive district may end on a later date, as 41629
specified in the ordinance, if the legislative authority and the 41630
board of education of the city, local, or exempted village school 41631
district within which the parcel or district is located have 41632
entered into a compensation agreement under section 5709.82 of the 41633
Revised Code with respect to the improvement, and the board of 41634
education has approved the term of the exemption under division 41635
(D)(2) of this section, but in no case shall the improvement be 41636
exempted from taxation for more than thirty years. Exemptions 41637
shall be claimed and allowed in the same manner as in the case of 41638
other real property exemptions. If an exemption status changes 41639
during a year, the procedure for the apportionment of the taxes 41640

for that year is the same as in the case of other changes in tax 41641
exemption status during the year. 41642

(H) Additional municipal financing of public infrastructure 41643
improvements and housing renovations may be provided by any 41644
methods that the municipal corporation may otherwise use for 41645
financing such improvements or renovations. If the municipal 41646
corporation issues bonds or notes to finance the public 41647
infrastructure improvements and housing renovations and pledges 41648
money from the municipal public improvement tax increment 41649
equivalent fund to pay the interest on and principal of the bonds 41650
or notes, the bonds or notes are not subject to Chapter 133. of 41651
the Revised Code. 41652

(I) The municipal corporation, not later than fifteen days 41653
after the adoption of an ordinance under this section, shall 41654
submit to the director of development services a copy of the 41655
ordinance. On or before the thirty-first day of March of each 41656
year, the municipal corporation shall submit a status report to 41657
the director of development services. The report shall indicate, 41658
in the manner prescribed by the director, the progress of the 41659
project during each year that an exemption remains in effect, 41660
including a summary of the receipts from service payments in lieu 41661
of taxes; expenditures of money from the funds created under 41662
section 5709.43 of the Revised Code; a description of the public 41663
infrastructure improvements and housing renovations financed with 41664
such expenditures; and a quantitative summary of changes in 41665
employment and private investment resulting from each project. 41666

(J) Nothing in this section shall be construed to prohibit a 41667
legislative authority from declaring to be a public purpose 41668
improvements with respect to more than one parcel. 41669

(K) If a parcel is located in a new community district in 41670
which the new community authority imposes a community development 41671
charge on the basis of rentals received from leases of real 41672

property as described in division (L)(2) of section 349.01 of the Revised Code, the parcel may not be exempted from taxation under this section.

Sec. 5709.41. (A) As used in this section:

(1) "Business day" means a day of the week excluding Saturday, Sunday, and a legal holiday as defined under section 1.14 of the Revised Code.

(2) "Improvement" means the increase in assessed value of any parcel of property subsequent to the acquisition of the parcel by a municipal corporation engaged in urban redevelopment.

(B) The legislative authority of a municipal corporation, by ordinance, may declare to be a public purpose any improvement to a parcel of real property if both of the following apply:

(1) The municipal corporation held fee title to the parcel prior to the adoption of the ordinance;

(2) The parcel is leased, or the fee of the parcel is conveyed, to any person either before or after adoption of the ordinance.

Improvements used or to be used for residential purposes may be declared a public purpose under this section only if the parcel is located in a blighted area of an impacted city as those terms are defined in section 1728.01 of the Revised Code. For this purpose, "parcel that is used or to be used for residential purposes" means a parcel that, as improved, is used or to be used for purposes that would cause the tax commissioner to classify the parcel as residential property in accordance with rules adopted by the commissioner under section 5713.041 of the Revised Code.

(C) Except as otherwise provided in division (C)(1), (2), or (3) of this section, not more than seventy-five per cent of an improvement thus declared to be a public purpose may be exempted

from real property taxation. The ordinance shall specify the 41703
percentage of the improvement to be exempted from taxation. If a 41704
parcel is located in a new community district in which the new 41705
community authority imposes a community development charge on the 41706
basis of rentals received from leases of real property as 41707
described in division (L)(2) of section 349.01 of the Revised 41708
Code, the parcel may not be exempted from taxation under this 41709
section. 41710

(1) If the ordinance declaring improvements to a parcel to be 41711
a public purpose specifies that payments in lieu of taxes provided 41712
for in section 5709.42 of the Revised Code shall be paid to the 41713
city, local, or exempted village school district in which the 41714
parcel is located in the amount of the taxes that would have been 41715
payable to the school district if the improvements had not been 41716
exempted from taxation, the percentage of the improvement that may 41717
be exempted from taxation may exceed seventy-five per cent, and 41718
the exemption may be granted for up to thirty years, without the 41719
approval of the board of education as otherwise required under 41720
division (C)(2) of this section. 41721

(2) Improvements may be exempted from taxation for up to ten 41722
years or, with the approval of the board of education of the city, 41723
local, or exempted village school district within the territory of 41724
which the improvements are or will be located, for up to thirty 41725
years. The percentage of the improvement exempted from taxation 41726
may, with such approval, exceed seventy-five per cent, but shall 41727
not exceed one hundred per cent. Not later than forty-five 41728
business days prior to adopting an ordinance under this section, 41729
the legislative authority shall deliver to the board of education 41730
a notice stating its intent to declare improvements to be a public 41731
purpose under this section. The notice shall describe the parcel 41732
and the improvements, provide an estimate of the true value in 41733
money of the improvements, specify the period for which the 41734

improvements would be exempted from taxation and the percentage of 41735
the improvements that would be exempted, and indicate the date on 41736
which the legislative authority intends to adopt the ordinance. 41737
The board of education, by resolution adopted by a majority of the 41738
board, may approve the exemption for the period or for the 41739
exemption percentage specified in the notice, may disapprove the 41740
exemption for the number of years in excess of ten, may disapprove 41741
the exemption for the percentage of the improvements to be 41742
exempted in excess of seventy-five per cent, or both, or may 41743
approve the exemption on the condition that the legislative 41744
authority and the board negotiate an agreement providing for 41745
compensation to the school district equal in value to a percentage 41746
of the amount of taxes exempted in the eleventh and subsequent 41747
years of the exemption period, or, in the case of exemption 41748
percentages in excess of seventy-five per cent, compensation equal 41749
in value to a percentage of the taxes that would be payable on the 41750
portion of the improvement in excess of seventy-five per cent were 41751
that portion to be subject to taxation. The board of education 41752
shall certify its resolution to the legislative authority not 41753
later than fourteen days prior to the date the legislative 41754
authority intends to adopt the ordinance as indicated in the 41755
notice. If the board of education approves the exemption on the 41756
condition that a compensation agreement be negotiated, the board 41757
in its resolution shall propose a compensation percentage. If the 41758
board of education and the legislative authority negotiate a 41759
mutually acceptable compensation agreement, the ordinance may 41760
declare the improvements a public purpose for the number of years 41761
specified in the ordinance or, in the case of exemption 41762
percentages in excess of seventy-five per cent, for the exemption 41763
percentage specified in the ordinance. In either case, if the 41764
board and the legislative authority fail to negotiate a mutually 41765
acceptable compensation agreement, the ordinance may declare the 41766
improvements a public purpose for not more than ten years, but 41767

shall not exempt more than seventy-five per cent of the 41768
improvements from taxation. If the board fails to certify a 41769
resolution to the legislative authority within the time prescribed 41770
by this division, the legislative authority thereupon may adopt 41771
the ordinance and may declare the improvements a public purpose 41772
for up to thirty years. The legislative authority may adopt the 41773
ordinance at any time after the board of education certifies its 41774
resolution approving the exemption to the legislative authority, 41775
or, if the board approves the exemption on the condition that a 41776
mutually acceptable compensation agreement be negotiated, at any 41777
time after the compensation agreement is agreed to by the board 41778
and the legislative authority. If a mutually acceptable 41779
compensation agreement is negotiated between the legislative 41780
authority and the board, including agreements for payments in lieu 41781
of taxes under section 5709.42 of the Revised Code, the 41782
legislative authority shall compensate the joint vocational school 41783
district within the territory of which the improvements are or 41784
will be located at the same rate and under the same terms received 41785
by the city, local, or exempted village school district. 41786

(3) If a board of education has adopted a resolution waiving 41787
its right to approve exemptions from taxation and the resolution 41788
remains in effect, approval of exemptions by the board is not 41789
required under this division. If a board of education has adopted 41790
a resolution allowing a legislative authority to deliver the 41791
notice required under this division fewer than forty-five business 41792
days prior to the legislative authority's adoption of the 41793
ordinance, the legislative authority shall deliver the notice to 41794
the board not later than the number of days prior to such adoption 41795
as prescribed by the board in its resolution. If a board of 41796
education adopts a resolution waiving its right to approve 41797
exemptions or shortening the notification period, the board shall 41798
certify a copy of the resolution to the legislative authority. If 41799
the board of education rescinds such a resolution, it shall 41800

certify notice of the rescission to the legislative authority. 41801

(4) If the legislative authority is not required by division 41802
(C)(1), (2), or (3) of this section to notify the board of 41803
education of the legislative authority's intent to declare 41804
improvements to be a public purpose, the legislative authority 41805
shall comply with the notice requirements imposed under section 41806
5709.83 of the Revised Code, unless the board has adopted a 41807
resolution under that section waiving its right to receive such a 41808
notice. 41809

(5) Nothing in division (C) of this section prohibits the 41810
legislative authority of a municipal corporation from amending the 41811
ordinance or resolution under section 5709.51 of the Revised Code 41812
to extend the term of the exemption. 41813

(D) The exemption commences on the effective date of the 41814
ordinance and ends on the date specified in the ordinance as the 41815
date the improvement ceases to be a public purpose. The exemption 41816
shall be claimed and allowed in the same or a similar manner as in 41817
the case of other real property exemptions. If an exemption status 41818
changes during a tax year, the procedure for the apportionment of 41819
the taxes for that year is the same as in the case of other 41820
changes in tax exemption status during the year. 41821

(E) A municipal corporation, not later than fifteen days 41822
after the adoption of an ordinance granting a tax exemption under 41823
this section, shall submit to the director of development services 41824
a copy of the ordinance. On or before the thirty-first day of 41825
March each year, the municipal corporation shall submit a status 41826
report to the director of development outlining the progress of 41827
the project during each year that the exemption remains in effect. 41828

Sec. 5709.51. (A) The legislative authority of a municipal 41829
corporation, a board of township trustees, or a board of county 41830
commissioners may amend an ordinance or resolution adopted in 41831

accordance with division (B) of section 5709.40, section 5709.41, 41832
division (B) of section 5709.73, or division (A) of section 41833
5709.78 of the Revised Code, as applicable, to extend the 41834
exemption from taxation of improvements to the parcel or parcels 41835
designated in the ordinance or resolution for an additional period 41836
of not more than thirty years if all of the following conditions 41837
are met: 41838

(1) The service payments made pursuant to section 5709.42, 41839
5709.74, or 5709.79 of the Revised Code by the owner or owners of 41840
the parcel or parcels designated in the ordinance or resolution 41841
exceeded one million five hundred thousand dollars in the calendar 41842
year preceding the adoption of the amendment. 41843

(2) The service payments described in division (A)(1) of this 41844
section did not exceed one million five hundred thousand dollars 41845
in any calendar year before the calendar year immediately 41846
preceding the adoption of the amendment. This condition applies 41847
only to amendments adopted under this section on or after January 41848
1, 2021. 41849

(3) The amendment extending the exemption provides for 41850
compensation to the city, local, or exempted village school 41851
district in which the parcel or parcels are located equal in value 41852
to the amount of taxes that would be payable to the school 41853
district if the improvements had not been exempted from taxation 41854
for the additional period. 41855

(B) Not later than fifteen days after amending an ordinance 41856
or resolution under this section, the legislative authority of the 41857
municipal corporation, board of township trustees, or board of 41858
county commissioners shall send a copy of the amendment to the 41859
director of development services. 41860

Sec. 5709.73. (A) As used in this section and section 5709.74 41861
of the Revised Code: 41862

(1) "Business day" means a day of the week excluding 41863
Saturday, Sunday, and a legal holiday as defined in section 1.14 41864
of the Revised Code. 41865

(2) "Further improvements" or "improvements" means the 41866
increase in the assessed value of real property that would first 41867
appear on the tax list and duplicate of real and public utility 41868
property after the effective date of a resolution adopted under 41869
this section were it not for the exemption granted by that 41870
resolution. For purposes of division (B) of this section, 41871
"improvements" do not include any property used or to be used for 41872
residential purposes. For this purpose, "property that is used or 41873
to be used for residential purposes" means property that, as 41874
improved, is used or to be used for purposes that would cause the 41875
tax commissioner to classify the property as residential property 41876
in accordance with rules adopted by the commissioner under section 41877
5713.041 of the Revised Code. 41878

(3) "Housing renovation" means a project carried out for 41879
residential purposes. 41880

(4) "Incentive district" has the same meaning as in section 41881
5709.40 of the Revised Code, except that a blighted area is in the 41882
unincorporated area of a township. 41883

(5) "Overlay" has the same meaning as in section 5709.40 of 41884
the Revised Code, except that the overlay is delineated by the 41885
board of township trustees. 41886

(6) "Project" and "public infrastructure improvement" have 41887
the same meanings as in section 5709.40 of the Revised Code. 41888

(B) A board of township trustees may, by unanimous vote, 41889
adopt a resolution that declares to be a public purpose any public 41890
infrastructure improvements made that are necessary for the 41891
development of certain parcels of land located in the 41892
unincorporated area of the township. Except ~~with the approval~~ as 41893

~~otherwise provided~~ under division (D) of this section ~~of the board~~ 41894
~~of education of each city, local, or exempted village school~~ 41895
~~district within which the improvements are located~~ or section 41896
5709.51 of the Revised Code, the resolution may exempt from real 41897
property taxation not more than seventy-five per cent of further 41898
improvements to a parcel of land that directly benefits from the 41899
public infrastructure improvements, for a period of not more than 41900
ten years. The resolution shall specify the percentage of the 41901
further improvements to be exempted and the life of the exemption. 41902

(C)(1) A board of township trustees may adopt, by unanimous 41903
vote, a resolution creating an incentive district and declaring 41904
improvements to parcels within the district to be a public purpose 41905
and, except as provided in division (C)(2) of this section, exempt 41906
from taxation as provided in this section, but no board of 41907
township trustees of a township that has a population that exceeds 41908
twenty-five thousand, as shown by the most recent federal 41909
decennial census, shall adopt a resolution that creates an 41910
incentive district if the sum of the taxable value of real 41911
property in the proposed district for the preceding tax year and 41912
the taxable value of all real property in the township that would 41913
have been taxable in the preceding year were it not for the fact 41914
that the property was in an existing incentive district and 41915
therefore exempt from taxation exceeds twenty-five per cent of the 41916
taxable value of real property in the township for the preceding 41917
tax year. The district shall be located within the unincorporated 41918
area of the township and shall not include any territory that is 41919
included within a district created under division (B) of section 41920
5709.78 of the Revised Code. The resolution shall delineate the 41921
boundary of the proposed district and specifically identify each 41922
parcel within the district. A proposed district may not include 41923
any parcel that is or has been exempted from taxation under 41924
division (B) of this section or that is or has been within another 41925
district created under this division. A resolution may create more 41926

than one such district, and more than one resolution may be 41927
adopted under division (C)(1) of this section. 41928

(2)(a) Not later than thirty days prior to adopting a 41929
resolution under division (C)(1) of this section, if the township 41930
intends to apply for exemptions from taxation under section 41931
5709.911 of the Revised Code on behalf of owners of real property 41932
located within the proposed incentive district, the board shall 41933
conduct a public hearing on the proposed resolution. Not later 41934
than thirty days prior to the public hearing, the board shall give 41935
notice of the public hearing and the proposed resolution by first 41936
class mail to every real property owner whose property is located 41937
within the boundaries of the proposed incentive district that is 41938
the subject of the proposed resolution. The notice shall include a 41939
map of the proposed incentive district on which the board of 41940
township trustees shall have delineated an overlay. The notice 41941
shall inform the property owner of the owner's right to exclude 41942
the owner's property from the incentive district if both of the 41943
following conditions are met: 41944

(i) The owner's entire parcel of property will not be located 41945
within the overlay. 41946

(ii) The owner has submitted a statement to the board of 41947
county commissioners of the county in which the parcel is located 41948
indicating the owner's intent to seek a tax exemption for 41949
improvements to the owner's parcel under division (A) or (B) of 41950
section 5709.78 of the Revised Code within the next five years. 41951

When both of the preceding conditions are met, the owner may 41952
exclude the owner's property from the incentive district by 41953
submitting a written response in accordance with division 41954
(C)(2)(b) of this section. The notice also shall include 41955
information detailing the required contents of the response, the 41956
address to which the response may be mailed, and the deadline for 41957
submitting the response. 41958

(b) Any owner of real property located within the boundaries of an incentive district proposed under division (C)(1) of this section who meets the conditions specified in divisions (C)(2)(a)(i) and (ii) of this section may exclude the property from the proposed incentive district by submitting a written response to the board not later than forty-five days after the postmark date on the notice required under division (C)(2)(a) of this section. The response shall include a copy of the statement submitted under division (C)(2)(a)(ii) of this section. The response shall be sent by first class mail or delivered in person at a public hearing held by the board under division (C)(2)(a) of this section. The response shall conform to any content requirements that may be established by the board and included in the notice provided under division (C)(2)(a) of this section. In the response, property owners may identify a parcel by street address, by the manner in which it is identified in the resolution, or by other means allowing the identity of the parcel to be ascertained.

(c) Before adopting a resolution under division (C)(1) of this section, the board shall amend the resolution to exclude any parcel for which a written response has been submitted under division (C)(2)(b) of this section. A township shall not apply for exemptions from taxation under section 5709.911 of the Revised Code for any such parcel, and service payments may not be required from the owner of the parcel. Improvements to a parcel excluded from an incentive district under this division may be exempted from taxation under division (B) of this section pursuant to a resolution adopted under that division or under any other section of the Revised Code under which the parcel qualifies.

(3)(a) A resolution adopted under division (C)(1) of this section shall specify the life of the incentive district and the percentage of the improvements to be exempted, shall designate the

public infrastructure improvements made, to be made, or in the 41991
process of being made, that benefit or serve, or, once made, will 41992
benefit or serve parcels in the district. The resolution also 41993
shall identify one or more specific projects being, or to be, 41994
undertaken in the district that place additional demand on the 41995
public infrastructure improvements designated in the resolution. 41996
The project identified may, but need not be, the project under 41997
division (C)(3)(b) of this section that places real property in 41998
use for commercial or industrial purposes. 41999

A resolution adopted under division (C)(1) of this section on 42000
or after March 30, 2006, shall not designate police or fire 42001
equipment as public infrastructure improvements, and, except as 42002
provided in division (F) of this section, no service payment 42003
provided for in section 5709.74 of the Revised Code and received 42004
by the township under the resolution shall be used for police or 42005
fire equipment. 42006

(b) A resolution adopted under division (C)(1) of this 42007
section may authorize the use of service payments provided for in 42008
section 5709.74 of the Revised Code for the purpose of housing 42009
renovations within the incentive district, provided that the 42010
resolution also designates public infrastructure improvements that 42011
benefit or serve the district, and that a project within the 42012
district places real property in use for commercial or industrial 42013
purposes. Service payments may be used to finance or support 42014
loans, deferred loans, and grants to persons for the purpose of 42015
housing renovations within the district. The resolution shall 42016
designate the parcels within the district that are eligible for 42017
housing renovations. The resolution shall state separately the 42018
amount or the percentages of the expected aggregate service 42019
payments that are designated for each public infrastructure 42020
improvement and for the purpose of housing renovations. 42021

(4) Except with the approval of the board of education of 42022

each city, local, or exempted village school district within the 42023
territory of which the incentive district is or will be located, 42024
and subject to division (E) of this section, the life of an 42025
incentive district shall not exceed ten years, and the percentage 42026
of improvements to be exempted shall not exceed seventy-five per 42027
cent. With approval of the board of education, the life of a 42028
district may be not more than thirty years, and the percentage of 42029
improvements to be exempted may be not more than one hundred per 42030
cent. The approval of a board of education shall be obtained in 42031
the manner provided in division (D) of this section. 42032

(D) Improvements with respect to a parcel may be exempted 42033
from taxation under division (B) of this section, and improvements 42034
to parcels within an incentive district may be exempted from 42035
taxation under division (C) of this section, for up to ten years 42036
or, with the approval of the board of education of the city, 42037
local, or exempted village school district within which the parcel 42038
or district is located, for up to thirty years. The percentage of 42039
the improvements exempted from taxation may, with such approval, 42040
exceed seventy-five per cent, but shall not exceed one hundred per 42041
cent. Not later than forty-five business days prior to adopting a 42042
resolution under this section declaring improvements to be a 42043
public purpose that is subject to approval by a board of education 42044
under this division, the board of township trustees shall deliver 42045
to the board of education a notice stating its intent to adopt a 42046
resolution making that declaration. The notice regarding 42047
improvements with respect to a parcel under division (B) of this 42048
section shall identify the parcels for which improvements are to 42049
be exempted from taxation, provide an estimate of the true value 42050
in money of the improvements, specify the period for which the 42051
improvements would be exempted from taxation and the percentage of 42052
the improvements that would be exempted, and indicate the date on 42053
which the board of township trustees intends to adopt the 42054
resolution. The notice regarding improvements made under division 42055

(C) of this section to parcels within an incentive district shall 42056
delineate the boundaries of the district, specifically identify 42057
each parcel within the district, identify each anticipated 42058
improvement in the district, provide an estimate of the true value 42059
in money of each such improvement, specify the life of the 42060
district and the percentage of improvements that would be 42061
exempted, and indicate the date on which the board of township 42062
trustees intends to adopt the resolution. The board of education, 42063
by resolution adopted by a majority of the board, may approve the 42064
exemption for the period or for the exemption percentage specified 42065
in the notice; may disapprove the exemption for the number of 42066
years in excess of ten, may disapprove the exemption for the 42067
percentage of the improvements to be exempted in excess of 42068
seventy-five per cent, or both; or may approve the exemption on 42069
the condition that the board of township trustees and the board of 42070
education negotiate an agreement providing for compensation to the 42071
school district equal in value to a percentage of the amount of 42072
taxes exempted in the eleventh and subsequent years of the 42073
exemption period or, in the case of exemption percentages in 42074
excess of seventy-five per cent, compensation equal in value to a 42075
percentage of the taxes that would be payable on the portion of 42076
the improvements in excess of seventy-five per cent were that 42077
portion to be subject to taxation, or other mutually agreeable 42078
compensation. 42079

The board of education shall certify its resolution to the 42080
board of township trustees not later than fourteen days prior to 42081
the date the board of township trustees intends to adopt the 42082
resolution as indicated in the notice. If the board of education 42083
and the board of township trustees negotiate a mutually acceptable 42084
compensation agreement, the resolution may declare the 42085
improvements a public purpose for the number of years specified in 42086
the resolution or, in the case of exemption percentages in excess 42087
of seventy-five per cent, for the exemption percentage specified 42088

in the resolution. In either case, if the board of education and 42089
the board of township trustees fail to negotiate a mutually 42090
acceptable compensation agreement, the resolution may declare the 42091
improvements a public purpose for not more than ten years, and 42092
shall not exempt more than seventy-five per cent of the 42093
improvements from taxation. If the board of education fails to 42094
certify a resolution to the board of township trustees within the 42095
time prescribed by this section, the board of township trustees 42096
thereupon may adopt the resolution and may declare the 42097
improvements a public purpose for up to thirty years or, in the 42098
case of exemption percentages proposed in excess of seventy-five 42099
per cent, for the exemption percentage specified in the 42100
resolution. The board of township trustees may adopt the 42101
resolution at any time after the board of education certifies its 42102
resolution approving the exemption to the board of township 42103
trustees, or, if the board of education approves the exemption on 42104
the condition that a mutually acceptable compensation agreement be 42105
negotiated, at any time after the compensation agreement is agreed 42106
to by the board of education and the board of township trustees. 42107
If a mutually acceptable compensation agreement is negotiated 42108
between the board of township trustees and the board of education, 42109
including agreements for payments in lieu of taxes under section 42110
5709.74 of the Revised Code, the board of township trustees shall 42111
compensate the joint vocational school district within which the 42112
parcel or district is located at the same rate and under the same 42113
terms received by the city, local, or exempted village school 42114
district. 42115

If a board of education has adopted a resolution waiving its 42116
right to approve exemptions from taxation under this section and 42117
the resolution remains in effect, approval of such exemptions by 42118
the board of education is not required under division (D) of this 42119
section. If a board of education has adopted a resolution allowing 42120
a board of township trustees to deliver the notice required under 42121

division (D) of this section fewer than forty-five business days 42122
prior to adoption of the resolution by the board of township 42123
trustees, the board of township trustees shall deliver the notice 42124
to the board of education not later than the number of days prior 42125
to the adoption as prescribed by the board of education in its 42126
resolution. If a board of education adopts a resolution waiving 42127
its right to approve exemptions or shortening the notification 42128
period, the board of education shall certify a copy of the 42129
resolution to the board of township trustees. If the board of 42130
education rescinds the resolution, it shall certify notice of the 42131
rescission to the board of township trustees. 42132

If the board of township trustees is not required by division 42133
(D) of this section to notify the board of education of the board 42134
of township trustees' intent to declare improvements to be a 42135
public purpose, the board of township trustees shall comply with 42136
the notice requirements imposed under section 5709.83 of the 42137
Revised Code before taking formal action to adopt the resolution 42138
making that declaration, unless the board of education has adopted 42139
a resolution under that section waiving its right to receive the 42140
notice. 42141

Nothing in this division prohibits the board of township 42142
trustees from amending the resolution under section 5709.51 of the 42143
Revised Code to extend the term of the exemption. 42144

(E)(1) If a proposed resolution under division (C)(1) of this 42145
section exempts improvements with respect to a parcel within an 42146
incentive district for more than ten years, or the percentage of 42147
the improvement exempted from taxation exceeds seventy-five per 42148
cent, not later than forty-five business days prior to adopting 42149
the resolution the board of township trustees shall deliver to the 42150
board of county commissioners of the county within which the 42151
incentive district is or will be located a notice that states its 42152
intent to adopt a resolution creating an incentive district. The 42153

notice shall include a copy of the proposed resolution, identify 42154
the parcels for which improvements are to be exempted from 42155
taxation, provide an estimate of the true value in money of the 42156
improvements, specify the period of time for which the 42157
improvements would be exempted from taxation, specify the 42158
percentage of the improvements that would be exempted from 42159
taxation, and indicate the date on which the board of township 42160
trustees intends to adopt the resolution. 42161

(2) The board of county commissioners, by resolution adopted 42162
by a majority of the board, may object to the exemption for the 42163
number of years in excess of ten, may object to the exemption for 42164
the percentage of the improvement to be exempted in excess of 42165
seventy-five per cent, or both. If the board of county 42166
commissioners objects, the board may negotiate a mutually 42167
acceptable compensation agreement with the board of township 42168
trustees. In no case shall the compensation provided to the board 42169
of county commissioners exceed the property taxes foregone due to 42170
the exemption. If the board of county commissioners objects, and 42171
the board of county commissioners and board of township trustees 42172
fail to negotiate a mutually acceptable compensation agreement, 42173
the resolution adopted under division (C)(1) of this section shall 42174
provide to the board of county commissioners compensation in the 42175
eleventh and subsequent years of the exemption period equal in 42176
value to not more than fifty per cent of the taxes that would be 42177
payable to the county or, if the board of county commissioner's 42178
objection includes an objection to an exemption percentage in 42179
excess of seventy-five per cent, compensation equal in value to 42180
not more than fifty per cent of the taxes that would be payable to 42181
the county, on the portion of the improvement in excess of 42182
seventy-five per cent, were that portion to be subject to 42183
taxation. The board of county commissioners shall certify its 42184
resolution to the board of township trustees not later than thirty 42185
days after receipt of the notice. 42186

(3) If the board of county commissioners does not object or 42187
fails to certify its resolution objecting to an exemption within 42188
thirty days after receipt of the notice, the board of township 42189
trustees may adopt its resolution, and no compensation shall be 42190
provided to the board of county commissioners. If the board of 42191
county commissioners timely certifies its resolution objecting to 42192
the trustees' resolution, the board of township trustees may adopt 42193
its resolution at any time after a mutually acceptable 42194
compensation agreement is agreed to by the board of county 42195
commissioners and the board of township trustees, or, if no 42196
compensation agreement is negotiated, at any time after the board 42197
of township trustees agrees in the proposed resolution to provide 42198
compensation to the board of county commissioners of fifty per 42199
cent of the taxes that would be payable to the county in the 42200
eleventh and subsequent years of the exemption period or on the 42201
portion of the improvement in excess of seventy-five per cent, 42202
were that portion to be subject to taxation. 42203

(F) Service payments in lieu of taxes that are attributable 42204
to any amount by which the effective tax rate of either a renewal 42205
levy with an increase or a replacement levy exceeds the effective 42206
tax rate of the levy renewed or replaced, or that are attributable 42207
to an additional levy, for a levy authorized by the voters for any 42208
of the following purposes on or after January 1, 2006, and which 42209
are provided pursuant to a resolution creating an incentive 42210
district under division (C)(1) of this section that is adopted on 42211
or after January 1, 2006, or a later date as specified in this 42212
division, shall be distributed to the appropriate taxing authority 42213
as required under division (C) of section 5709.74 of the Revised 42214
Code in an amount equal to the amount of taxes from that 42215
additional levy or from the increase in the effective tax rate of 42216
such renewal or replacement levy that would have been payable to 42217
that taxing authority from the following levies were it not for 42218
the exemption authorized under division (C) of this section: 42219

(1) A tax levied under division (L) of section 5705.19 or	42220
section 5705.191 or 5705.222 of the Revised Code for community	42221
developmental disabilities programs and services pursuant to	42222
Chapter 5126. of the Revised Code;	42223
(2) A tax levied under division (Y) of section 5705.19 of the	42224
Revised Code for providing or maintaining senior citizens services	42225
or facilities;	42226
(3) A tax levied under section 5705.22 of the Revised Code	42227
for county hospitals;	42228
(4) A tax levied by a joint-county district or by a county	42229
under section 5705.19, 5705.191, or 5705.221 of the Revised Code	42230
for alcohol, drug addiction, and mental health services or	42231
families;	42232
(5) A tax levied under section 5705.23 of the Revised Code	42233
for library purposes;	42234
(6) A tax levied under section 5705.24 of the Revised Code	42235
for the support of children services and the placement and care of	42236
children;	42237
(7) A tax levied under division (Z) of section 5705.19 of the	42238
Revised Code for the provision and maintenance of zoological park	42239
services and facilities under section 307.76 of the Revised Code;	42240
(8) A tax levied under section 511.27 or division (H) of	42241
section 5705.19 of the Revised Code for the support of township	42242
park districts;	42243
(9) A tax levied under division (A), (F), or (H) of section	42244
5705.19 of the Revised Code for parks and recreational purposes of	42245
a joint recreation district organized pursuant to division (B) of	42246
section 755.14 of the Revised Code;	42247
(10) A tax levied under section 1545.20 or 1545.21 of the	42248
Revised Code for park district purposes;	42249

(11) A tax levied under section 5705.191 of the Revised Code 42250
for the purpose of making appropriations for public assistance; 42251
human or social services; public relief; public welfare; public 42252
health and hospitalization; and support of general hospitals; 42253

(12) A tax levied under section 3709.29 of the Revised Code 42254
for a general health district program; 42255

(13) A tax levied by a township under section 505.39, 505.51, 42256
or division (I), (J), (U), or (JJ) of section 5705.19 of the 42257
Revised Code for the purpose of funding fire, police, emergency 42258
medical, or ambulance services as described in those sections. 42259
Division (F)(13) of this section applies only to incentive 42260
districts created by a resolution adopted on or after March 22, 42261
2019, the effective date of the amendment of this section by H.B. 42262
500 of the 132nd general assembly, and only if that resolution 42263
specifies that division (F) of this section shall apply to such a 42264
tax. 42265

(G) An exemption from taxation granted under this section 42266
commences with the tax year specified in the resolution so long as 42267
the year specified in the resolution commences after the effective 42268
date of the resolution. If the resolution specifies a year 42269
commencing before the effective date of the resolution or 42270
specifies no year whatsoever, the exemption commences with the tax 42271
year in which an exempted improvement first appears on the tax 42272
list and duplicate of real and public utility property and that 42273
commences after the effective date of the resolution. In lieu of 42274
stating a specific year, the resolution may provide that the 42275
exemption commences in the tax year in which the value of an 42276
improvement exceeds a specified amount or in which the 42277
construction of one or more improvements is completed, provided 42278
that such tax year commences after the effective date of the 42279
resolution. With respect to the exemption of improvements to 42280
parcels under division (B) of this section, the resolution may 42281

allow for the exemption to commence in different tax years on a 42282
parcel-by-parcel basis, with a separate exemption term specified 42283
for each parcel. 42284

Except as otherwise provided in this division and section 42285
5709.51 of the Revised Code, the exemption ends on the date 42286
specified in the resolution as the date the improvement ceases to 42287
be a public purpose or the incentive district expires, or ends on 42288
the date on which the public infrastructure improvements and 42289
housing renovations are paid in full from the township public 42290
improvement tax increment equivalent fund established under 42291
section 5709.75 of the Revised Code, whichever occurs first. The 42292
exemption of an improvement with respect to a parcel or within an 42293
incentive district may end on a later date, as specified in the 42294
resolution, if the board of township trustees and the board of 42295
education of the city, local, or exempted village school district 42296
within which the parcel or district is located have entered into a 42297
compensation agreement under section 5709.82 of the Revised Code 42298
with respect to the improvement and the board of education has 42299
approved the term of the exemption under division (D) of this 42300
section, but in no case shall the improvement be exempted from 42301
taxation for more than thirty years. The board of township 42302
trustees may, by majority vote, adopt a resolution permitting the 42303
township to enter into such agreements as the board finds 42304
necessary or appropriate to provide for the construction or 42305
undertaking of public infrastructure improvements and housing 42306
renovations. Any exemption shall be claimed and allowed in the 42307
same or a similar manner as in the case of other real property 42308
exemptions. If an exemption status changes during a tax year, the 42309
procedure for the apportionment of the taxes for that year is the 42310
same as in the case of other changes in tax exemption status 42311
during the year. 42312

(H) The board of township trustees may issue the notes of the 42313

township to finance all costs pertaining to the construction or 42314
undertaking of public infrastructure improvements and housing 42315
renovations made pursuant to this section. The notes shall be 42316
signed by the board and attested by the signature of the township 42317
fiscal officer, shall bear interest not to exceed the rate 42318
provided in section 9.95 of the Revised Code, and are not subject 42319
to Chapter 133. of the Revised Code. The resolution authorizing 42320
the issuance of the notes shall pledge the funds of the township 42321
public improvement tax increment equivalent fund established 42322
pursuant to section 5709.75 of the Revised Code to pay the 42323
interest on and principal of the notes. The notes, which may 42324
contain a clause permitting prepayment at the option of the board, 42325
shall be offered for sale on the open market or given to the 42326
vendor or contractor if no sale is made. 42327

(I) The township, not later than fifteen days after the 42328
adoption of a resolution under this section, shall submit to the 42329
director of development services a copy of the resolution. On or 42330
before the thirty-first day of March of each year, the township 42331
shall submit a status report to the director of development 42332
services. The report shall indicate, in the manner prescribed by 42333
the director, the progress of the project during each year that 42334
the exemption remains in effect, including a summary of the 42335
receipts from service payments in lieu of taxes; expenditures of 42336
money from the fund created under section 5709.75 of the Revised 42337
Code; a description of the public infrastructure improvements and 42338
housing renovations financed with the expenditures; and a 42339
quantitative summary of changes in private investment resulting 42340
from each project. 42341

(J) Nothing in this section shall be construed to prohibit a 42342
board of township trustees from declaring to be a public purpose 42343
improvements with respect to more than one parcel. 42344

If a parcel is located in a new community district in which 42345

the new community authority imposes a community development charge 42346
on the basis of rentals received from leases of real property as 42347
described in division (L)(2) of section 349.01 of the Revised 42348
Code, the parcel may not be exempted from taxation under this 42349
section. 42350

(K) A board of township trustees that adopted a resolution 42351
under this section prior to July 21, 1994, may amend that 42352
resolution to include any additional public infrastructure 42353
improvement. A board of township trustees that seeks by the 42354
amendment to utilize money from its township public improvement 42355
tax increment equivalent fund for land acquisition in aid of 42356
industry, commerce, distribution, or research, demolition on 42357
private property, or stormwater and flood remediation projects may 42358
do so provided that the board currently is a party to a 42359
hold-harmless agreement with the board of education of the city, 42360
local, or exempted village school district within the territory of 42361
which are located the parcels that are subject to an exemption. 42362
For the purposes of this division, a "hold-harmless agreement" 42363
means an agreement under which the board of township trustees 42364
agrees to compensate the school district for one hundred per cent 42365
of the tax revenue that the school district would have received 42366
from further improvements to parcels designated in the resolution 42367
were it not for the exemption granted by the resolution. 42368

(L) Notwithstanding the limitation prescribed by division (D) 42369
of this section on the number of years that improvements to a 42370
parcel or parcels may be exempted from taxation, a board of 42371
trustees of a township with a population of fifteen thousand or 42372
more may amend a resolution originally adopted under this section 42373
before December 31, 1994, to extend the exemption of improvements 42374
to the parcel or parcels included in such resolution for an 42375
additional period not to exceed fifteen years. The amendment shall 42376
not increase the percentage of improvements to the parcel or 42377

parcels exempted from taxation. Before adopting an amendment 42378
authorized under this division, the board of township trustees 42379
shall obtain the approval of each board of education of the city, 42380
local, or exempted village school district within which the 42381
exempted parcels are located in the manner required under division 42382
(D) of this section, except that (1) the board of education may 42383
approve the exemption on the condition that the board of township 42384
trustees and the board of education negotiate an agreement 42385
providing for compensation to the school district equal in value 42386
to the amount of taxes the district forgoes in each year the 42387
exemption is extended pursuant to this division or any other 42388
mutually agreeable compensation and (2) if the board of education 42389
fails to certify a resolution approving the amendment to the board 42390
of township trustees within the time prescribed by division (D) of 42391
this section, the board of township trustees shall not adopt the 42392
amendment authorized under this division. 42393

No approval under this division shall be required from a 42394
board of education that has adopted a resolution waiving its right 42395
to approve exemptions from taxation pursuant to division (D) of 42396
this section. If the board of education has adopted such a 42397
resolution, the board of township trustees shall comply with the 42398
notice requirements imposed under section 5709.83 of the Revised 42399
Code before taking formal action to adopt an amendment authorized 42400
under this division unless the board of education has adopted a 42401
resolution under that section waiving its right to receive the 42402
notice. Not later than fourteen days before adopting an amendment 42403
authorized under this division, the board of township trustees 42404
shall deliver a notice identical to a notice required under 42405
section 5709.83 of the Revised Code to the board of county 42406
commissioners of each county in which the exempted parcels are 42407
located. 42408

Sec. 5709.78. (A) A board of county commissioners may, by 42409

resolution, declare improvements to certain parcels of real 42410
property located in the unincorporated territory of the county to 42411
be a public purpose. Except ~~with the approval as otherwise~~ 42412
~~provided~~ under division (C) of this section ~~of the board of~~ 42413
~~education of each city, local, or exempted village school district~~ 42414
~~within which the improvements are located~~ or section 5709.51 of 42415
the Revised Code, not more than seventy-five per cent of an 42416
improvement thus declared to be a public purpose may be exempted 42417
from real property taxation, for a period of not more than ten 42418
years. The resolution shall specify the percentage of the 42419
improvement to be exempted and the life of the exemption. 42420

A resolution adopted under this division shall designate the 42421
specific public infrastructure improvements made, to be made, or 42422
in the process of being made by the county that directly benefit, 42423
or that once made will directly benefit, the parcels for which 42424
improvements are declared to be a public purpose. The service 42425
payments provided for in section 5709.79 of the Revised Code shall 42426
be used to finance the public infrastructure improvements 42427
designated in the resolution, or as provided in section 5709.80 of 42428
the Revised Code. 42429

(B)(1) A board of county commissioners may adopt a resolution 42430
creating an incentive district and declaring improvements to 42431
parcels within the district to be a public purpose and, except as 42432
provided in division (B)(2) of this section, exempt from taxation 42433
as provided in this section, but no board of county commissioners 42434
of a county that has a population that exceeds twenty-five 42435
thousand, as shown by the most recent federal decennial census, 42436
shall adopt a resolution that creates an incentive district if the 42437
sum of the taxable value of real property in the proposed district 42438
for the preceding tax year and the taxable value of all real 42439
property in the county that would have been taxable in the 42440
preceding year were it not for the fact that the property was in 42441

an existing incentive district and therefore exempt from taxation 42442
exceeds twenty-five per cent of the taxable value of real property 42443
in the county for the preceding tax year. The district shall be 42444
located within the unincorporated territory of the county and 42445
shall not include any territory that is included within a district 42446
created under division (C) of section 5709.73 of the Revised Code. 42447
The resolution shall delineate the boundary of the proposed 42448
district and specifically identify each parcel within the 42449
district. A proposed district may not include any parcel that is 42450
or has been exempted from taxation under division (A) of this 42451
section or that is or has been within another district created 42452
under this division. A resolution may create more than one such 42453
district, and more than one resolution may be adopted under 42454
division (B)(1) of this section. 42455

(2)(a) Not later than thirty days prior to adopting a 42456
resolution under division (B)(1) of this section, if the county 42457
intends to apply for exemptions from taxation under section 42458
5709.911 of the Revised Code on behalf of owners of real property 42459
located within the proposed incentive district, the board of 42460
county commissioners shall conduct a public hearing on the 42461
proposed resolution. Not later than thirty days prior to the 42462
public hearing, the board shall give notice of the public hearing 42463
and the proposed resolution by first class mail to every real 42464
property owner whose property is located within the boundaries of 42465
the proposed incentive district that is the subject of the 42466
proposed resolution. The board also shall provide the notice by 42467
first class mail to the clerk of each township in which the 42468
proposed incentive district will be located. The notice shall 42469
include a map of the proposed incentive district on which the 42470
board of county commissioners shall have delineated an overlay. 42471
The notice shall inform property owners of the owner's right to 42472
exclude the owner's property from the incentive district if both 42473
of the following conditions are met: 42474

(i) The owner's entire parcel of property will not be located within the overlay. 42475
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(ii) The owner has submitted a statement to the board of township trustees of the township in which the parcel is located indicating the owner's intent to seek a tax exemption for improvements to the owner's parcel under division (B) or (C) of section 5709.73 of the Revised Code within the next five years. 42477
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When both of the preceding conditions are met, the owner may exclude the owner's property from the incentive district by submitting a written response in accordance with division (B)(2)(b) of this section. The notice also shall include information detailing the required contents of the response, the address to which the response may be mailed, and the deadline for submitting the response. 42482
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(b) Any owner of real property located within the boundaries of an incentive district proposed under division (B) (1) of this section who meets the conditions specified in divisions (B)(2)(a)(i) and (ii) of this section may exclude the property from the proposed incentive district by submitting a written response to the board not later than forty-five days after the postmark date on the notice required under division (B)(2)(a) of this section. The response shall include a copy of the statement submitted under division (B)(2)(a)(ii) of this section. The response shall be sent by first class mail or delivered in person at a public hearing held by the board under division (B)(2)(a) of this section. The response shall conform to any content requirements that may be established by the board and included in the notice provided under division (B)(2)(a) of this section. In the response, property owners may identify a parcel by street address, by the manner in which it is identified in the resolution, or by other means allowing the identity of the parcel to be ascertained. 42489
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(c) Before adopting a resolution under division (B)(1) of 42507
this section, the board shall amend the resolution to exclude any 42508
parcel for which a written response has been submitted under 42509
division (B)(2)(b) of this section. A county shall not apply for 42510
exemptions from taxation under section 5709.911 of the Revised 42511
Code for any such parcel, and service payments may not be required 42512
from the owner of the parcel. Improvements to a parcel excluded 42513
from an incentive district under this division may be exempted 42514
from taxation under division (A) of this section pursuant to a 42515
resolution adopted under that division or under any other section 42516
of the Revised Code under which the parcel qualifies. 42517

(3)(a) A resolution adopted under division (B)(1) of this 42518
section shall specify the life of the incentive district and the 42519
percentage of the improvements to be exempted, shall designate the 42520
public infrastructure improvements made, to be made, or in the 42521
process of being made, that benefit or serve, or, once made, will 42522
benefit or serve parcels in the district. The resolution also 42523
shall identify one or more specific projects being, or to be, 42524
undertaken in the district that place additional demand on the 42525
public infrastructure improvements designated in the resolution. 42526
The project identified may, but need not be, the project under 42527
division (B)(3)(b) of this section that places real property in 42528
use for commercial or industrial purposes. 42529

A resolution adopted under division (B)(1) of this section on 42530
or after March 30, 2006, shall not designate police or fire 42531
equipment as public infrastructure improvements, and no service 42532
payment provided for in section 5709.79 of the Revised Code and 42533
received by the county under the resolution shall be used for 42534
police or fire equipment. 42535

(b) A resolution adopted under division (B)(1) of this 42536
section may authorize the use of service payments provided for in 42537
section 5709.79 of the Revised Code for the purpose of housing 42538

renovations within the incentive district, provided that the 42539
resolution also designates public infrastructure improvements that 42540
benefit or serve the district, and that a project within the 42541
district places real property in use for commercial or industrial 42542
purposes. Service payments may be used to finance or support 42543
loans, deferred loans, and grants to persons for the purpose of 42544
housing renovations within the district. The resolution shall 42545
designate the parcels within the district that are eligible for 42546
housing renovations. The resolution shall state separately the 42547
amount or the percentages of the expected aggregate service 42548
payments that are designated for each public infrastructure 42549
improvement and for the purpose of housing renovations. 42550

(4) Except with the approval of the board of education of 42551
each city, local, or exempted village school district within the 42552
territory of which the incentive district is or will be located, 42553
and subject to division (D) of this section, the life of an 42554
incentive district shall not exceed ten years, and the percentage 42555
of improvements to be exempted shall not exceed seventy-five per 42556
cent. With approval of the board of education, the life of a 42557
district may be not more than thirty years, and the percentage of 42558
improvements to be exempted may be not more than one hundred per 42559
cent. The approval of a board of education shall be obtained in 42560
the manner provided in division (C) of this section. 42561

(C)(1) Improvements with respect to a parcel may be exempted 42562
from taxation under division (A) of this section, and improvements 42563
to parcels within an incentive district may be exempted from 42564
taxation under division (B) of this section, for up to ten years 42565
or, with the approval of the board of education of each city, 42566
local, or exempted village school district within which the parcel 42567
or district is located, for up to thirty years. The percentage of 42568
the improvements exempted from taxation may, with such approval, 42569
exceed seventy-five per cent, but shall not exceed one hundred per 42570

cent. Not later than forty-five business days prior to adopting a 42571
resolution under this section declaring improvements to be a 42572
public purpose that is subject to the approval of a board of 42573
education under this division, the board of county commissioners 42574
shall deliver to the board of education a notice stating its 42575
intent to adopt a resolution making that declaration. The notice 42576
regarding improvements with respect to a parcel under division (A) 42577
of this section shall identify the parcels for which improvements 42578
are to be exempted from taxation, provide an estimate of the true 42579
value in money of the improvements, specify the period for which 42580
the improvements would be exempted from taxation and the 42581
percentage of the improvements that would be exempted, and 42582
indicate the date on which the board of county commissioners 42583
intends to adopt the resolution. The notice regarding improvements 42584
to parcels within an incentive district under division (B) of this 42585
section shall delineate the boundaries of the district, 42586
specifically identify each parcel within the district, identify 42587
each anticipated improvement in the district, provide an estimate 42588
of the true value in money of each such improvement, specify the 42589
life of the district and the percentage of improvements that would 42590
be exempted, and indicate the date on which the board of county 42591
commissioners intends to adopt the resolution. The board of 42592
education, by resolution adopted by a majority of the board, may 42593
approve the exemption for the period or for the exemption 42594
percentage specified in the notice; may disapprove the exemption 42595
for the number of years in excess of ten, may disapprove the 42596
exemption for the percentage of the improvements to be exempted in 42597
excess of seventy-five per cent, or both; or may approve the 42598
exemption on the condition that the board of county commissioners 42599
and the board of education negotiate an agreement providing for 42600
compensation to the school district equal in value to a percentage 42601
of the amount of taxes exempted in the eleventh and subsequent 42602
years of the exemption period or, in the case of exemption 42603

percentages in excess of seventy-five per cent, compensation equal 42604
in value to a percentage of the taxes that would be payable on the 42605
portion of the improvements in excess of seventy-five per cent 42606
were that portion to be subject to taxation, or other mutually 42607
agreeable compensation. 42608

(2) The board of education shall certify its resolution to 42609
the board of county commissioners not later than fourteen days 42610
prior to the date the board of county commissioners intends to 42611
adopt its resolution as indicated in the notice. If the board of 42612
education and the board of county commissioners negotiate a 42613
mutually acceptable compensation agreement, the resolution of the 42614
board of county commissioners may declare the improvements a 42615
public purpose for the number of years specified in that 42616
resolution or, in the case of exemption percentages in excess of 42617
seventy-five per cent, for the exemption percentage specified in 42618
the resolution. In either case, if the board of education and the 42619
board of county commissioners fail to negotiate a mutually 42620
acceptable compensation agreement, the resolution may declare the 42621
improvements a public purpose for not more than ten years, and 42622
shall not exempt more than seventy-five per cent of the 42623
improvements from taxation. If the board of education fails to 42624
certify a resolution to the board of county commissioners within 42625
the time prescribed by this section, the board of county 42626
commissioners thereupon may adopt the resolution and may declare 42627
the improvements a public purpose for up to thirty years or, in 42628
the case of exemption percentages proposed in excess of 42629
seventy-five per cent, for the exemption percentage specified in 42630
the resolution. The board of county commissioners may adopt the 42631
resolution at any time after the board of education certifies its 42632
resolution approving the exemption to the board of county 42633
commissioners, or, if the board of education approves the 42634
exemption on the condition that a mutually acceptable compensation 42635
agreement be negotiated, at any time after the compensation 42636

agreement is agreed to by the board of education and the board of 42637
county commissioners. If a mutually acceptable compensation 42638
agreement is negotiated between the board of county commissioners 42639
and the board of education, including agreements for payments in 42640
lieu of taxes under section 5709.79 of the Revised Code, the board 42641
of county commissioners shall compensate the joint vocational 42642
school district within which the parcel or district is located at 42643
the same rate and under the same terms received by the city, 42644
local, or exempted village school district. 42645

(3) If a board of education has adopted a resolution waiving 42646
its right to approve exemptions from taxation under this section 42647
and the resolution remains in effect, approval of such exemptions 42648
by the board of education is not required under division (C) of 42649
this section. If a board of education has adopted a resolution 42650
allowing a board of county commissioners to deliver the notice 42651
required under division (C) of this section fewer than forty-five 42652
business days prior to approval of the resolution by the board of 42653
county commissioners, the board of county commissioners shall 42654
deliver the notice to the board of education not later than the 42655
number of days prior to such approval as prescribed by the board 42656
of education in its resolution. If a board of education adopts a 42657
resolution waiving its right to approve exemptions or shortening 42658
the notification period, the board of education shall certify a 42659
copy of the resolution to the board of county commissioners. If 42660
the board of education rescinds such a resolution, it shall 42661
certify notice of the rescission to the board of county 42662
commissioners. 42663

(4) Nothing in division (C) of this section prohibits the 42664
board of county commissioners from amending the resolution under 42665
section 5709.51 of the Revised Code to extend the term of the 42666
exemption. 42667

(D)(1) If a proposed resolution under division (B)(1) of this 42668

section exempts improvements with respect to a parcel within an 42669
incentive district for more than ten years, or the percentage of 42670
the improvement exempted from taxation exceeds seventy-five per 42671
cent, not later than forty-five business days prior to adopting 42672
the resolution the board of county commissioners shall deliver to 42673
the board of township trustees of any township within which the 42674
incentive district is or will be located a notice that states its 42675
intent to adopt a resolution creating an incentive district. The 42676
notice shall include a copy of the proposed resolution, identify 42677
the parcels for which improvements are to be exempted from 42678
taxation, provide an estimate of the true value in money of the 42679
improvements, specify the period of time for which the 42680
improvements would be exempted from taxation, specify the 42681
percentage of the improvements that would be exempted from 42682
taxation, and indicate the date on which the board intends to 42683
adopt the resolution. 42684

(2) The board of township trustees, by resolution adopted by 42685
a majority of the board, may object to the exemption for the 42686
number of years in excess of ten, may object to the exemption for 42687
the percentage of the improvement to be exempted in excess of 42688
seventy-five per cent, or both. If the board of township trustees 42689
objects, the board of township trustees may negotiate a mutually 42690
acceptable compensation agreement with the board of county 42691
commissioners. In no case shall the compensation provided to the 42692
board of township trustees exceed the property taxes forgone due 42693
to the exemption. If the board of township trustees objects, and 42694
the board of township trustees and the board of county 42695
commissioners fail to negotiate a mutually acceptable compensation 42696
agreement, the resolution adopted under division (B)(1) of this 42697
section shall provide to the board of township trustees 42698
compensation in the eleventh and subsequent years of the exemption 42699
period equal in value to not more than fifty per cent of the taxes 42700
that would be payable to the township or, if the board of township 42701

trustee's objection includes an objection to an exemption 42702
percentage in excess of seventy-five per cent, compensation equal 42703
in value to not more than fifty per cent of the taxes that would 42704
be payable to the township on the portion of the improvement in 42705
excess of seventy-five per cent, were that portion to be subject 42706
to taxation. The board of township trustees shall certify its 42707
resolution to the board of county commissioners not later than 42708
thirty days after receipt of the notice. 42709

(3) If the board of township trustees does not object or 42710
fails to certify a resolution objecting to an exemption within 42711
thirty days after receipt of the notice, the board of county 42712
commissioners may adopt its resolution, and no compensation shall 42713
be provided to the board of township trustees. If the board of 42714
township trustees certifies its resolution objecting to the 42715
commissioners' resolution, the board of county commissioners may 42716
adopt its resolution at any time after a mutually acceptable 42717
compensation agreement is agreed to by the board of county 42718
commissioners and the board of township trustees. If the board of 42719
township trustees certifies a resolution objecting to the 42720
commissioners' resolution, the board of county commissioners may 42721
adopt its resolution at any time after a mutually acceptable 42722
compensation agreement is agreed to by the board of county 42723
commissioners and the board of township trustees, or, if no 42724
compensation agreement is negotiated, at any time after the board 42725
of county commissioners in the proposed resolution to provide 42726
compensation to the board of township trustees of fifty per cent 42727
of the taxes that would be payable to the township in the eleventh 42728
and subsequent years of the exemption period or on the portion of 42729
the improvement in excess of seventy-five per cent, were that 42730
portion to be subject to taxation. 42731

(E) Service payments in lieu of taxes that are attributable 42732
to any amount by which the effective tax rate of either a renewal 42733

levy with an increase or a replacement levy exceeds the effective 42734
tax rate of the levy renewed or replaced, or that are attributable 42735
to an additional levy, for a levy authorized by the voters for any 42736
of the following purposes on or after January 1, 2006, and which 42737
are provided pursuant to a resolution creating an incentive 42738
district under division (B)(1) of this section that is adopted on 42739
or after January 1, 2006, shall be distributed to the appropriate 42740
taxing authority as required under division (D) of section 5709.79 42741
of the Revised Code in an amount equal to the amount of taxes from 42742
that additional levy or from the increase in the effective tax 42743
rate of such renewal or replacement levy that would have been 42744
payable to that taxing authority from the following levies were it 42745
not for the exemption authorized under division (B) of this 42746
section: 42747

(1) A tax levied under division (L) of section 5705.19 or 42748
section 5705.191 or 5705.222 of the Revised Code for community 42749
developmental disabilities programs and services pursuant to 42750
Chapter 5126. of the Revised Code; 42751

(2) A tax levied under division (Y) of section 5705.19 of the 42752
Revised Code for providing or maintaining senior citizens services 42753
or facilities; 42754

(3) A tax levied under section 5705.22 of the Revised Code 42755
for county hospitals; 42756

(4) A tax levied by a joint-county district or by a county 42757
under section 5705.19, 5705.191, or 5705.221 of the Revised Code 42758
for alcohol, drug addiction, and mental health services or 42759
facilities; 42760

(5) A tax levied under section 5705.23 of the Revised Code 42761
for library purposes; 42762

(6) A tax levied under section 5705.24 of the Revised Code 42763
for the support of children services and the placement and care of 42764

children;	42765
(7) A tax levied under division (Z) of section 5705.19 of the Revised Code for the provision and maintenance of zoological park services and facilities under section 307.76 of the Revised Code;	42766 42767 42768
(8) A tax levied under section 511.27 or division (H) of section 5705.19 of the Revised Code for the support of township park districts;	42769 42770 42771
(9) A tax levied under division (A), (F), or (H) of section 5705.19 of the Revised Code for parks and recreational purposes of a joint recreation district organized pursuant to division (B) of section 755.14 of the Revised Code;	42772 42773 42774 42775
(10) A tax levied under section 1545.20 or 1545.21 of the Revised Code for park district purposes;	42776 42777
(11) A tax levied under section 5705.191 of the Revised Code for the purpose of making appropriations for public assistance; human or social services; public relief; public welfare; public health and hospitalization; and support of general hospitals;	42778 42779 42780 42781
(12) A tax levied under section 3709.29 of the Revised Code for a general health district program.	42782 42783
(F) An exemption from taxation granted under this section commences with the tax year specified in the resolution so long as the year specified in the resolution commences after the effective date of the resolution. If the resolution specifies a year commencing before the effective date of the resolution or specifies no year whatsoever, the exemption commences with the tax year in which an exempted improvement first appears on the tax list and duplicate of real and public utility property and that commences after the effective date of the resolution. In lieu of stating a specific year, the resolution may provide that the exemption commences in the tax year in which the value of an improvement exceeds a specified amount or in which the	42784 42785 42786 42787 42788 42789 42790 42791 42792 42793 42794 42795

construction of one or more improvements is completed, provided 42796
that such tax year commences after the effective date of the 42797
resolution. With respect to the exemption of improvements to 42798
parcels under division (A) of this section, the resolution may 42799
allow for the exemption to commence in different tax years on a 42800
parcel-by-parcel basis, with a separate exemption term specified 42801
for each parcel. 42802

Except as otherwise provided in this division, the exemption 42803
ends on the date specified in the resolution as the date the 42804
improvement ceases to be a public purpose or the incentive 42805
district expires, or ends on the date on which the county can no 42806
longer require annual service payments in lieu of taxes under 42807
section 5709.79 of the Revised Code, whichever occurs first. The 42808
exemption of an improvement with respect to a parcel or within an 42809
incentive district may end on a later date, as specified in the 42810
resolution, if the board of commissioners and the board of 42811
education of the city, local, or exempted village school district 42812
within which the parcel or district is located have entered into a 42813
compensation agreement under section 5709.82 of the Revised Code 42814
with respect to the improvement, and the board of education has 42815
approved the term of the exemption under division (C)(1) of this 42816
section, but in no case shall the improvement be exempted from 42817
taxation for more than thirty years. Exemptions shall be claimed 42818
and allowed in the same or a similar manner as in the case of 42819
other real property exemptions. If an exemption status changes 42820
during a tax year, the procedure for the apportionment of the 42821
taxes for that year is the same as in the case of other changes in 42822
tax exemption status during the year. 42823

(G) If the board of county commissioners is not required by 42824
this section to notify the board of education of the board of 42825
county commissioners' intent to declare improvements to be a 42826
public purpose, the board of county commissioners shall comply 42827

with the notice requirements imposed under section 5709.83 of the Revised Code before taking formal action to adopt the resolution making that declaration, unless the board of education has adopted a resolution under that section waiving its right to receive such a notice.

(H) The county, not later than fifteen days after the adoption of a resolution under this section, shall submit to the director of development services a copy of the resolution. On or before the thirty-first day of March of each year, the county 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 project during each year that an exemption remains in effect, including a summary of the receipts from service payments in lieu of taxes; expenditures of money from the fund created under section 5709.80 of the Revised Code; a description of the public infrastructure improvements and housing renovations financed with such expenditures; and a quantitative summary of changes in employment and private investment resulting from each project.

(I) Nothing in this section shall be construed to prohibit a board of county commissioners from declaring to be a public purpose improvements with respect to more than one parcel.

(J) If a parcel is located in a new community district in which the new community authority imposes a community development charge on the basis of rentals received from leases of real property as described in division (L)(2) of section 349.01 of the Revised Code, the parcel may not be exempted from taxation under this section.

Sec. 5745.05. (A) Prior to the first day of March, June, September, and December, the tax commissioner shall certify to the director of budget and management the amount to be paid to each

municipal corporation, as indicated on the declaration of 42859
estimated tax reports and annual reports received under sections 42860
5745.03 and 5745.04 of the Revised Code, less any amounts 42861
previously distributed and net of any audit adjustments made by 42862
the tax commissioner. Not later than the first day of March, June, 42863
September, and December, the director of budget and management 42864
shall provide for payment of the amount certified to each 42865
municipal corporation from the municipal income tax fund, plus a 42866
pro rata share of any investment earnings accruing to the fund 42867
since the previous payment under this section apportioned among 42868
municipal corporations entitled to such payments in proportion to 42869
the amount certified by the tax commissioner, and minus any 42870
reduction required by the commissioner under division (D) of 42871
section 718.83 of the Revised Code. All investment earnings on 42872
money in the municipal income tax fund shall be credited to that 42873
fund. 42874

(B) If the tax commissioner determines that the amount of tax 42875
paid by a taxpayer and distributed to a municipal corporation 42876
under this section for a taxable year exceeds the amount payable 42877
to that municipal corporation under this chapter after accounting 42878
for amounts remitted with the annual report and as estimated 42879
taxes, the tax commissioner shall permit the taxpayer to credit 42880
the excess against the taxpayer's payments to the municipal 42881
corporation of estimated taxes remitted for an ensuing taxable 42882
year under section 5745.04 of the Revised Code. If, upon the 42883
written request of the taxpayer, the tax commissioner determines 42884
that the excess to be so credited is likely to exceed the amount 42885
of estimated taxes payable by the taxpayer to the municipal 42886
corporation during the ensuing twelve months, the tax commissioner 42887
shall so notify the municipal corporation and the municipal 42888
corporation shall issue a refund of the excess to the taxpayer 42889
within ninety days after receiving such a notice. Interest shall 42890
accrue on the amount to be refunded and is payable to the taxpayer 42891

at the rate per annum prescribed by section 5703.47 of the Revised Code from the ninety-first day after the notice is received by the municipal corporation until the day the refund is paid. Immediately after notifying a municipal corporation under this division of an excess to be refunded, the commissioner also shall notify the director of budget and management of the amount of the excess, and the director shall transfer from the municipal income tax administrative fund to the municipal income tax fund one and one-half per cent of the amount of the excess. The commissioner shall include the transferred amount in the computation of the amount due the municipal corporation in the next certification to the director under division (A) of this section.

Sec. 5747.02. (A) For the purpose of providing revenue for the support of schools and local government functions, to provide relief to property taxpayers, to provide revenue for the general revenue fund, and to meet the expenses of administering the tax levied by this chapter, there is hereby levied on every individual, trust, and estate residing in or earning or receiving income in this state, on every individual, trust, and estate earning or receiving lottery winnings, prizes, or awards pursuant to Chapter 3770. of the Revised Code, on every individual, trust, and estate earning or receiving winnings on casino gaming, and on every individual, trust, and estate otherwise having nexus with or in this state under the Constitution of the United States, an annual tax measured as prescribed in divisions (A)(1) to (4) of this section.

(1) In the case of trusts, the tax imposed by this section shall be measured by modified Ohio taxable income under division (D) of this section and levied in the same amount as the tax is imposed on estates as prescribed in division (A)(2) of this section.

(2) In the case of estates, the tax imposed by this section 42923
shall be measured by Ohio taxable income and levied at the rate of 42924
seven thousand four hundred twenty-five ten-thousandths per cent 42925
for the first ten thousand five hundred dollars of such income 42926
and, for income in excess of that amount, at the same rates 42927
prescribed in division (A)(3) of this section for individuals. 42928

(3) In the case of individuals, for taxable years beginning 42929
in 2017 or thereafter, the tax imposed by this section on income 42930
other than taxable business income shall be measured by Ohio 42931
adjusted gross income, less taxable business income and less an 42932
exemption for the taxpayer, the taxpayer's spouse, and each 42933
dependent as provided in section 5747.025 of the Revised Code. If 42934
the balance thus obtained is equal to or less than ten thousand 42935
five hundred dollars, no tax shall be imposed on that balance. If 42936
the balance thus obtained is greater than ten thousand five 42937
hundred dollars, the tax is hereby levied as follows: 42938

OHIO ADJUSTED GROSS INCOME LESS 42939
TAXABLE BUSINESS INCOME AND
EXEMPTIONS (INDIVIDUALS)
OR 42940
MODIFIED OHIO 42941
TAXABLE INCOME (TRUSTS) 42942
OR 42943
OHIO TAXABLE INCOME (ESTATES) TAX 42944
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More than \$10,500 but not more \$77.96 plus 1.980% of the amount 42947
than \$15,800 in excess of \$10,500
More than \$15,800 but not more \$182.90 plus 2.476% of the 42948
than \$21,100 amount in excess of \$15,800
More than \$21,100 but not more \$314.13 plus 2.969% of the 42949
than \$42,100 amount in excess of \$21,100

More than \$42,100 but not more than \$84,200	\$937.62 plus 3.465% of the amount in excess of \$42,100	42950
More than \$84,200 but not more than \$105,300	\$2,396.39 plus 3.960% of the amount in excess of \$84,200	42951
More than \$105,300 but not more than \$210,600	\$3,231.95 plus 4.597% of the amount in excess of \$105,300	42952
More than \$210,600	\$8,072.59 plus 4.997% of the amount in excess of \$210,600	42953

(4)(a) In the case of individuals, for taxable years beginning in 2016 or thereafter, the tax imposed by this section on taxable business income shall equal three per cent of the result obtained by subtracting any amount allowed under division (A)(4)(b) of this section from the individual's taxable business income. 42954
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(b) If the exemptions allowed to an individual under division (A)(3) of this section exceed the taxpayer's Ohio adjusted gross income less taxable business income, the excess shall be deducted from taxable business income before computing the tax under division (A)(4)(a) of this section. 42960
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(5) Except as otherwise provided in this division, in August of each year, the tax commissioner shall make a new adjustment to the income amounts prescribed in divisions (A)(2) and (3) of this section by multiplying the percentage increase in the gross domestic product deflator computed that year under section 5747.025 of the Revised Code by each of the income amounts resulting from the adjustment under this division in the preceding year, adding the resulting product to the corresponding income amount resulting from the adjustment in the preceding year, and rounding the resulting sum to the nearest multiple of fifty dollars. The tax commissioner also shall recompute each of the tax dollar amounts to the extent necessary to reflect the new adjustment of the income amounts. To recompute the tax dollar 42965
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amount corresponding to the lowest tax rate in division (A)(3) of 42978
this section, the commissioner shall multiply the tax rate 42979
prescribed in division (A)(2) of this section by the income amount 42980
specified in that division and as adjusted according to this 42981
paragraph. The rates of taxation shall not be adjusted. 42982

The adjusted amounts apply to taxable years beginning in the 42983
calendar year in which the adjustments are made and to taxable 42984
years beginning in each ensuing calendar year until a calendar 42985
year in which a new adjustment is made pursuant to this division. 42986
The tax commissioner shall not make a new adjustment in any year 42987
in which the amount resulting from the adjustment would be less 42988
than the amount resulting from the adjustment in the preceding 42989
year. 42990

(B) If the director of budget and management makes a 42991
certification to the tax commissioner under division (B) of 42992
section 131.44 of the Revised Code, the amount of tax as 42993
determined under divisions (A)(1) to (3) of this section shall be 42994
reduced by the percentage prescribed in that certification for 42995
taxable years beginning in the calendar year in which that 42996
certification is made. 42997

(C) The levy of this tax on income does not prevent a 42998
municipal corporation, a joint economic development zone created 42999
under section 715.691, or a joint economic development district 43000
created under section 715.70, 715.71, or 715.72 of the Revised 43001
Code from levying a tax on income. 43002

(D) This division applies only to taxable years of a trust 43003
beginning in 2002 or thereafter. 43004

(1) The tax imposed by this section on a trust shall be 43005
computed by multiplying the Ohio modified taxable income of the 43006
trust by the rates prescribed by division (A) of this section. 43007

(2) A resident trust may claim a credit against the tax 43008

computed under division (D) of this section equal to the lesser of 43009
(a) the tax paid to another state or the District of Columbia on 43010
the resident trust's modified nonbusiness income, other than the 43011
portion of the resident trust's nonbusiness income that is 43012
qualifying investment income as defined in section 5747.012 of the 43013
Revised Code, or (b) the effective tax rate, based on modified 43014
Ohio taxable income, multiplied by the resident trust's modified 43015
nonbusiness income other than the portion of the resident trust's 43016
nonbusiness income that is qualifying investment income. The 43017
credit applies before any other applicable credits. 43018

(3) The credits enumerated in divisions (A)(1) to (9) and 43019
(A)~~(18)~~(20) to ~~(20)~~(22) of section 5747.98 of the Revised Code do 43020
not apply to a trust subject to division (D) of this section. Any 43021
credits enumerated in other divisions of section 5747.98 of the 43022
Revised Code apply to a trust subject to division (D) of this 43023
section. To the extent that the trust distributes income for the 43024
taxable year for which a credit is available to the trust, the 43025
credit shall be shared by the trust and its beneficiaries. The tax 43026
commissioner and the trust shall be guided by applicable 43027
regulations of the United States treasury regarding the sharing of 43028
credits. 43029

(E) For the purposes of this section, "trust" means any trust 43030
described in Subchapter J of Chapter 1 of the Internal Revenue 43031
Code, excluding trusts that are not irrevocable as defined in 43032
division (I)(3)(b) of section 5747.01 of the Revised Code and that 43033
have no modified Ohio taxable income for the taxable year, 43034
charitable remainder trusts, qualified funeral trusts and preneed 43035
funeral contract trusts established pursuant to sections 4717.31 43036
to 4717.38 of the Revised Code that are not qualified funeral 43037
trusts, endowment and perpetual care trusts, qualified settlement 43038
trusts and funds, designated settlement trusts and funds, and 43039
trusts exempted from taxation under section 501(a) of the Internal 43040

Revenue Code. 43041

(F) Nothing in division (A)(3) of this section shall prohibit 43042
an individual with an Ohio adjusted gross income, less taxable 43043
business income and exemptions, of ten thousand five hundred 43044
dollars or less from filing a return under this chapter to receive 43045
a refund of taxes withheld or to claim any refundable credit 43046
allowed under this chapter. 43047

Sec. 5747.08. An annual return with respect to the tax 43048
imposed by section 5747.02 of the Revised Code and each tax 43049
imposed under Chapter 5748. of the Revised Code shall be made by 43050
every taxpayer for any taxable year for which the taxpayer is 43051
liable for the tax imposed by that section or under that chapter, 43052
unless the total credits allowed under division (E) of section 43053
5747.05 and divisions (F) and (G) of section 5747.055 of the 43054
Revised Code for the year are equal to or exceed the tax imposed 43055
by section 5747.02 of the Revised Code, in which case no return 43056
shall be required unless the taxpayer is liable for a tax imposed 43057
pursuant to Chapter 5748. of the Revised Code. 43058

(A) If an individual is deceased, any return or notice 43059
required of that individual under this chapter shall be made and 43060
filed by that decedent's executor, administrator, or other person 43061
charged with the property of that decedent. 43062

(B) If an individual is unable to make a return or notice 43063
required by this chapter, the return or notice required of that 43064
individual shall be made and filed by the individual's duly 43065
authorized agent, guardian, conservator, fiduciary, or other 43066
person charged with the care of the person or property of that 43067
individual. 43068

(C) Returns or notices required of an estate or a trust shall 43069
be made and filed by the fiduciary of the estate or trust. 43070

(D)(1)(a) Except as otherwise provided in division (D)(1)(b) 43071
of this section, any pass-through entity may file a single return 43072
on behalf of one or more of the entity's investors other than an 43073
investor that is a person subject to the tax imposed under section 43074
5733.06 of the Revised Code. The single return shall set forth the 43075
name, address, and social security number or other identifying 43076
number of each of those pass-through entity investors and shall 43077
indicate the distributive share of each of those pass-through 43078
entity investor's income taxable in this state in accordance with 43079
sections 5747.20 to 5747.231 of the Revised Code. Such 43080
pass-through entity investors for whom the pass-through entity 43081
elects to file a single return are not entitled to the exemption 43082
or credit provided for by sections 5747.02 and 5747.022 of the 43083
Revised Code; shall calculate the tax before business credits at 43084
the highest rate of tax set forth in section 5747.02 of the 43085
Revised Code for the taxable year for which the return is filed; 43086
and are entitled to only their distributive share of the business 43087
credits as defined in division (D)(2) of this section. A single 43088
check drawn by the pass-through entity shall accompany the return 43089
in full payment of the tax due, as shown on the single return, for 43090
such investors, other than investors who are persons subject to 43091
the tax imposed under section 5733.06 of the Revised Code. 43092

(b)(i) A pass-through entity shall not include in such a 43093
single return any investor that is a trust to the extent that any 43094
direct or indirect current, future, or contingent beneficiary of 43095
the trust is a person subject to the tax imposed under section 43096
5733.06 of the Revised Code. 43097

(ii) A pass-through entity shall not include in such a single 43098
return any investor that is itself a pass-through entity to the 43099
extent that any direct or indirect investor in the second 43100
pass-through entity is a person subject to the tax imposed under 43101
section 5733.06 of the Revised Code. 43102

(c) Nothing in division (D) of this section precludes the tax commissioner from requiring such investors to file the return and make the payment of taxes and related interest, penalty, and interest penalty required by this section or section 5747.02, 5747.09, or 5747.15 of the Revised Code. Nothing in division (D) of this section precludes such an investor from filing the annual return under this section, utilizing the refundable credit equal to the investor's proportionate share of the tax paid by the pass-through entity on behalf of the investor under division (I) of this section, and making the payment of taxes imposed under section 5747.02 of the Revised Code. Nothing in division (D) of this section shall be construed to provide to such an investor or pass-through entity any additional deduction or credit, other than the credit provided by division (I) of this section, solely on account of the entity's filing a return in accordance with this section. Such a pass-through entity also shall make the filing and payment of estimated taxes on behalf of the pass-through entity investors other than an investor that is a person subject to the tax imposed under section 5733.06 of the Revised Code.

(2) For the purposes of this section, "business credits" means the credits listed in section 5747.98 of the Revised Code excluding the following credits:

(a) The retirement income credit under division (B) of section 5747.055 of the Revised Code;

(b) The senior citizen credit under division (F) of section 5747.055 of the Revised Code;

(c) The lump sum distribution credit under division (G) of section 5747.055 of the Revised Code;

(d) The dependent care credit under section 5747.054 of the Revised Code;

(e) The lump sum retirement income credit under division (C)

of section 5747.055 of the Revised Code;	43134
(f) The lump sum retirement income credit under division (D) of section 5747.055 of the Revised Code;	43135 43136
(g) The lump sum retirement income credit under division (E) of section 5747.055 of the Revised Code;	43137 43138
(h) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;	43139 43140
(i) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	43141 43142
(j) The joint filing credit under division (E) of section 5747.05 of the Revised Code;	43143 43144
(k) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	43145 43146
(l) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	43147 43148
(m) The earned income tax credit under section 5747.71 of the Revised Code;	43149 43150
<u>(n) The lead abatement credit under section 5747.26 of the Revised Code.</u>	43151 43152
(3) The election provided for under division (D) of this section applies only to the taxable year for which the election is made by the pass-through entity. Unless the tax commissioner provides otherwise, this election, once made, is binding and irrevocable for the taxable year for which the election is made. Nothing in this division shall be construed to provide for any deduction or credit that would not be allowable if a nonresident pass-through entity investor were to file an annual return.	43153 43154 43155 43156 43157 43158 43159 43160
(4) If a pass-through entity makes the election provided for under division (D) of this section, the pass-through entity shall be liable for any additional taxes, interest, interest penalty, or	43161 43162 43163

penalties imposed by this chapter if the tax commissioner finds 43164
that the single return does not reflect the correct tax due by the 43165
pass-through entity investors covered by that return. Nothing in 43166
this division shall be construed to limit or alter the liability, 43167
if any, imposed on pass-through entity investors for unpaid or 43168
underpaid taxes, interest, interest penalty, or penalties as a 43169
result of the pass-through entity's making the election provided 43170
for under division (D) of this section. For the purposes of 43171
division (D) of this section, "correct tax due" means the tax that 43172
would have been paid by the pass-through entity had the single 43173
return been filed in a manner reflecting the commissioner's 43174
findings. Nothing in division (D) of this section shall be 43175
construed to make or hold a pass-through entity liable for tax 43176
attributable to a pass-through entity investor's income from a 43177
source other than the pass-through entity electing to file the 43178
single return. 43179

(E) If a husband and wife file a joint federal income tax 43180
return for a taxable year, they shall file a joint return under 43181
this section for that taxable year, and their liabilities are 43182
joint and several, but, if the federal income tax liability of 43183
either spouse is determined on a separate federal income tax 43184
return, they shall file separate returns under this section. 43185

If either spouse is not required to file a federal income tax 43186
return and either or both are required to file a return pursuant 43187
to this chapter, they may elect to file separate or joint returns, 43188
and, pursuant to that election, their liabilities are separate or 43189
joint and several. If a husband and wife file separate returns 43190
pursuant to this chapter, each must claim the taxpayer's own 43191
exemption, but not both, as authorized under section 5747.02 of 43192
the Revised Code on the taxpayer's own return. 43193

(F) Each return or notice required to be filed under this 43194
section shall contain the signature of the taxpayer or the 43195

taxpayer's duly authorized agent and of the person who prepared 43196
the return for the taxpayer, and shall include the taxpayer's 43197
social security number. Each return shall be verified by a 43198
declaration under the penalties of perjury. The tax commissioner 43199
shall prescribe the form that the signature and declaration shall 43200
take. 43201

(G) Each return or notice required to be filed under this 43202
section shall be made and filed as required by section 5747.04 of 43203
the Revised Code, on or before the fifteenth day of April of each 43204
year, on forms that the tax commissioner shall prescribe, together 43205
with remittance made payable to the treasurer of state in the 43206
combined amount of the state and all school district income taxes 43207
shown to be due on the form. 43208

Upon good cause shown, the commissioner may extend the period 43209
for filing any notice or return required to be filed under this 43210
section and may adopt rules relating to extensions. If the 43211
extension results in an extension of time for the payment of any 43212
state or school district income tax liability with respect to 43213
which the return is filed, the taxpayer shall pay at the time the 43214
tax liability is paid an amount of interest computed at the rate 43215
per annum prescribed by section 5703.47 of the Revised Code on 43216
that liability from the time that payment is due without extension 43217
to the time of actual payment. Except as provided in section 43218
5747.132 of the Revised Code, in addition to all other interest 43219
charges and penalties, all taxes imposed under this chapter or 43220
Chapter 5748. of the Revised Code and remaining unpaid after they 43221
become due, except combined amounts due of one dollar or less, 43222
bear interest at the rate per annum prescribed by section 5703.47 43223
of the Revised Code until paid or until the day an assessment is 43224
issued under section 5747.13 of the Revised Code, whichever occurs 43225
first. 43226

If the commissioner considers it necessary in order to ensure 43227

the payment of the tax imposed by section 5747.02 of the Revised Code or any tax imposed under Chapter 5748. of the Revised Code, the commissioner may require returns and payments to be made otherwise than as provided in this section.

To the extent that any provision in this division conflicts with any provision in section 5747.026 of the Revised Code, the provision in that section prevails.

(H) The amounts withheld by an employer pursuant to section 5747.06 of the Revised Code, a casino operator pursuant to section 5747.063 of the Revised Code, or a lottery sales agent pursuant to section 5747.064 of the Revised Code shall be allowed to the recipient of the compensation casino winnings, or lottery prize award as credits against payment of the appropriate taxes imposed on the recipient by section 5747.02 and under Chapter 5748. of the Revised Code.

(I) If a pass-through entity elects to file a single return under division (D) of this section and if any investor is required to file the annual return and make the payment of taxes required by this chapter on account of the investor's other income that is not included in a single return filed by a pass-through entity or any other investor elects to file the annual return, the investor is entitled to a refundable credit equal to the investor's proportionate share of the tax paid by the pass-through entity on behalf of the investor. The investor shall claim the credit for the investor's taxable year in which or with which ends the taxable year of the pass-through entity. Nothing in this chapter shall be construed to allow any credit provided in this chapter to be claimed more than once. For the purpose of computing any interest, penalty, or interest penalty, the investor shall be deemed to have paid the refundable credit provided by this division on the day that the pass-through entity paid the estimated tax or the tax giving rise to the credit.

(J) The tax commissioner shall ensure that each return 43260
required to be filed under this section includes a box that the 43261
taxpayer may check to authorize a paid tax preparer who prepared 43262
the return to communicate with the department of taxation about 43263
matters pertaining to the return. The return or instructions 43264
accompanying the return shall indicate that by checking the box 43265
the taxpayer authorizes the department of taxation to contact the 43266
preparer concerning questions that arise during the processing of 43267
the return and authorizes the preparer only to provide the 43268
department with information that is missing from the return, to 43269
contact the department for information about the processing of the 43270
return or the status of the taxpayer's refund or payments, and to 43271
respond to notices about mathematical errors, offsets, or return 43272
preparation that the taxpayer has received from the department and 43273
has shown to the preparer. 43274

(K) The tax commissioner shall permit individual taxpayers to 43275
instruct the department of taxation to cause any refund of 43276
overpaid taxes to be deposited directly into a checking account, 43277
savings account, or an individual retirement account or individual 43278
retirement annuity, or preexisting college savings plan or program 43279
account offered by the Ohio tuition trust authority under Chapter 43280
3334. of the Revised Code, as designated by the taxpayer, when the 43281
taxpayer files the annual return required by this section 43282
electronically. 43283

(L) The tax commissioner may adopt rules to administer this 43284
section. 43285

Sec. 5747.26. (A) Terms used in this section have the same 43286
meanings as in section 3742.50 of the Revised Code. 43287

(B) There is hereby allowed a nonrefundable credit against a 43288
taxpayer's aggregate tax liability under section 5747.02 of the 43289
Revised Code for a taxpayer to whom a lead abatement tax credit 43290

certificate was issued under section 3742.50 of the Revised Code. 43291
The credit equals the amount listed on the certificate and shall 43292
be claimed for the taxable year in which the certificate was 43293
issued. 43294

The credit shall be claimed in the order required under 43295
section 5747.98 of the Revised Code. If the credit exceeds the 43296
taxpayer's aggregate tax due under section 5747.02 of the Revised 43297
Code for that taxable year after allowing for credits that precede 43298
the credit under this section in that order, such excess shall be 43299
allowed as a credit in each of the ensuing seven taxable years, 43300
but the amount of any excess credit allowed in any such taxable 43301
year shall be deducted from the balance carried forward to the 43302
ensuing taxable year. 43303

(C) The taxpayer shall provide, upon request of the tax 43304
commissioner, any documentation necessary to verify the taxpayer 43305
is entitled to the credit under this section. 43306

Sec. 5747.82. (A) Any term used in this section that is 43307
defined in section 122.84 of the Revised Code has the same meaning 43308
as defined in that section. 43309

(B) A nonrefundable credit is allowed against a taxpayer's 43310
aggregate tax liability under section 5747.02 of the Revised Code 43311
for a taxpayer to whom a tax credit certificate was issued under 43312
section 122.84 of the Revised Code. The credit shall be claimed 43313
for the taxpayer's taxable year for which the certificate was 43314
issued. 43315

The credit equals ten per cent of the amount of the 43316
taxpayer's investment in Ohio qualified opportunity zone funds as 43317
indicated on the certificate. 43318

The credit shall be claimed in the order prescribed by 43319
section 5747.98 of the Revised Code. 43320

Sec. 5747.98. (A) To provide a uniform procedure for 43321
calculating a taxpayer's aggregate tax liability under section 43322
5747.02 of the Revised Code, a taxpayer shall claim any credits to 43323
which the taxpayer is entitled in the following order: 43324

(1) Either the retirement income credit under division (B) of 43325
section 5747.055 of the Revised Code or the lump sum retirement 43326
income credits under divisions (C), (D), and (E) of that section; 43327

(2) Either the senior citizen credit under division (F) of 43328
section 5747.055 of the Revised Code or the lump sum distribution 43329
credit under division (G) of that section; 43330

(3) The dependent care credit under section 5747.054 of the 43331
Revised Code; 43332

(4) The credit for displaced workers who pay for job training 43333
under section 5747.27 of the Revised Code; 43334

(5) The campaign contribution credit under section 5747.29 of 43335
the Revised Code; 43336

(6) The twenty-dollar personal exemption credit under section 43337
5747.022 of the Revised Code; 43338

(7) The joint filing credit under division (G) of section 43339
5747.05 of the Revised Code; 43340

(8) The earned income credit under section 5747.71 of the 43341
Revised Code; 43342

(9) The credit for adoption of a minor child under section 43343
5747.37 of the Revised Code; 43344

(10) The nonrefundable job retention credit under division 43345
(B) of section 5747.058 of the Revised Code; 43346

(11) The enterprise zone credit under section 5709.66 of the 43347
Revised Code; 43348

(12) The ethanol plant investment credit under section 43349

5747.75 of the Revised Code;	43350
(13) The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;	43351 43352
(14) The small business investment credit under section 5747.81 of the Revised Code;	43353 43354
(15) <u>The nonrefundable lead abatement credit under section 5747.26 of the Revised Code;</u>	43355 43356
<u>(16) The opportunity zone investment credit under section 5747.82 of the Revised Code;</u>	43357 43358
<u>(17)</u> The enterprise zone credits under section 5709.65 of the Revised Code;	43359 43360
(16) <u>(18)</u> The research and development credit under section 5747.331 of the Revised Code;	43361 43362
(17) <u>(19)</u> The credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	43363 43364
(18) <u>(20)</u> The nonresident credit under division (A) of section 5747.05 of the Revised Code;	43365 43366
(19) <u>(21)</u> The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	43367 43368
(20) <u>(22)</u> The refundable motion picture production credit under section 5747.66 of the Revised Code;	43369 43370
(21) <u>(23)</u> The refundable jobs creation credit or job retention credit under division (A) of section 5747.058 of the Revised Code;	43371 43372
(22) <u>(24)</u> The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;	43373 43374
(23) <u>(25)</u> The refundable credits for taxes paid by a qualifying pass-through entity granted under division (I) of section 5747.08 of the Revised Code;	43375 43376 43377
(24) <u>(26)</u> The refundable credit under section 5747.80 of the	43378

Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code; 43379
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~~(25)~~(27) The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code; 43381
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~~(26)~~(28) The refundable credit for financial institution taxes paid by a pass-through entity granted under section 5747.65 of the Revised Code. 43383
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(B) For any credit, except the refundable credits enumerated in this section and the credit granted under division (H) of section 5747.08 of the Revised Code, the amount of the credit for a taxable year shall not exceed the taxpayer's aggregate amount of tax due under section 5747.02 of the Revised Code, after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or indirectly, a credit more than once for a taxable year. 43386
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Sec. 5903.12. (A) As used in this section: 43397

"Continuing education" means continuing education required of a licensee by law and includes, but is not limited to, the continuing education required of licensees under sections 3722.07, 3737.881, 3781.10, 4701.11, 4715.141, 4715.25, 4717.09, 4723.24, 4725.16, 4725.51, 4730.14, 4730.49, 4731.155, 4731.282, 4734.25, 4735.141, ~~4736.11~~, 4741.16, 4741.19, 4751.07, 4755.63, 4757.33, 4759.06, 4761.06, and 4763.07 of the Revised Code. 43398
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"Reporting period" means the period of time during which a licensee must complete the number of hours of continuing education required of the licensee by law. 43405
43406
43407

(B) A licensee may submit an application to a licensing 43408

agency, stating that the licensee requires an extension of the 43409
current reporting period because the licensee has served on active 43410
duty during the current or a prior reporting period. The licensee 43411
shall submit proper documentation certifying the active duty 43412
service and the length of that active duty service. Upon receiving 43413
the application and proper documentation, the licensing agency 43414
shall extend the current reporting period by an amount of time 43415
equal to the total number of months that the licensee spent on 43416
active duty during the current reporting period. For purposes of 43417
this division, any portion of a month served on active duty shall 43418
be considered one full month. 43419

Section 101.02. That existing sections 103.41, 103.416, 43420
107.036, 109.572, 111.15, 111.28, 113.50, 113.51, 113.53, 113.55, 43421
113.56, 120.04, 121.083, 121.22, 121.37, 122.075, 122.86, 123.01, 43422
123.21, 124.181, 124.82, 124.824, 125.01, 125.14, 125.18, 125.25, 43423
125.832, 126.48, 127.14, 131.35, 141.04, 141.16, 149.11, 153.02, 43424
166.01, 169.06, 173.04, 173.27, 173.38, 173.391, 183.18, 183.33, 43425
321.24, 341.34, 718.83, 718.85, 718.90, 753.21, 939.07, 1321.73, 43426
1349.43, 1505.09, 1533.09, 1533.10, 1533.11, 1533.111, 1533.112, 43427
1533.32, 1533.321, 1561.011, 1711.53, 1901.123, 1907.143, 2151.23, 43428
2151.353, 2151.421, 2151.424, 2151.86, 2301.27, 2301.28, 2301.30, 43429
2301.32, 2317.54, 2925.01, 2927.02, 2927.022, 2929.13, 2929.15, 43430
2929.34, 2950.08, 2967.02, 2967.05, 2967.29, 3107.14, 3119.023, 43431
3119.05, 3119.23, 3119.27, 3119.29, 3119.30, 3119.302, 3119.31, 43432
3119.32, 3125.25, 3301.07, 3301.0710, 3301.0711, 3301.0714, 43433
3301.52, 3301.53, 3302.01, 3302.03, 3302.042, 3302.061, 3302.10, 43434
3302.11, 3302.12, 3302.17, 3302.18, 3313.603, 3313.608, 3313.61, 43435
3313.611, 3313.612, 3314.03, 3314.08, 3317.016, 3317.02, 3317.022, 43436
3317.03, 3317.06, 3317.16, 3317.40, 3326.11, 3326.31, 3326.32, 43437
3326.33, 3328.24, 3345.48, 3701.044, 3701.139, 3701.33, 3701.36, 43438
3701.501, 3701.571, 3701.601, 3701.611, 3701.612, 3701.68, 43439
3701.83, 3701.95, 3701.99, 3702.12, 3702.13, 3702.30, 3702.967, 43440

3704.01, 3704.03, 3704.111, 3704.14, 3705.07, 3705.09, 3705.10, 43441
3706.25, 3706.29, 3709.09, 3709.092, 3710.01, 3710.04, 3710.05, 43442
3710.051, 3710.06, 3710.07, 3710.08, 3710.12, 3711.02, 3717.27, 43443
3717.47, 3718.011, 3718.03, 3730.01, 3730.02, 3730.03, 3730.04, 43444
3730.05, 3730.06, 3730.07, 3730.08, 3730.09, 3730.11, 3730.99, 43445
3734.01, 3734.57, 3734.85, 3734.901, 3742.03, 3742.04, 3742.18, 43446
3742.32, 3742.40, 3745.11, 3770.06, 3781.10, 3798.01, 3798.07, 43447
3798.10, 3901.381, 3901.3814, 4109.05, 4109.99, 4141.35, 4141.50, 43448
4301.43, 4313.02, 4501.10, 4501.24, 4503.515, 4506.03, 4506.11, 43449
4507.01, 4507.13, 4507.23, 4507.50, 4507.52, 4511.521, 4712.02, 43450
4717.03, 4717.05, 4717.07, 4717.41, 4727.03, 4728.03, 4729.20, 43451
4729.80, 4731.22, 4735.023, 4735.052, 4735.06, 4735.09, 4735.12, 43452
4735.13, 4735.15, 4735.182, 4735.27, 4735.28, 4736.01, 4736.02, 43453
4736.03, 4736.07, 4736.08, 4736.09, 4736.11, 4736.13, 4736.14, 43454
4736.15, 4736.17, 4736.18, 4737.045, 4743.05, 4757.10, 4757.13, 43455
4757.18, 4757.22, 4757.23, 4757.32, 4757.33, 4763.16, 4768.09, 43456
4773.01, 4773.08, 4776.20, 4937.01, 4937.05, 5101.061, 5101.14, 43457
5101.141, 5101.1411, 5101.1412, 5101.1414, 5101.83, 5101.85, 43458
5101.851, 5101.853, 5103.02, 5103.031, 5103.032, 5103.033, 43459
5103.035, 5103.038, 5103.0313, 5103.0314, 5103.0316, 5103.0328, 43460
5103.13, 5103.30, 5103.31, 5104.01, 5104.013, 5104.015, 5104.016, 43461
5104.02, 5104.021, 5104.03, 5104.04, 5104.042, 5104.09, 5104.12, 43462
5104.21, 5104.22, 5104.29, 5104.30, 5104.31, 5104.32, 5104.34, 43463
5104.38, 5104.41, 5104.99, 5119.185, 5119.44, 5120.10, 5120.112, 43464
5122.43, 5123.023, 5123.046, 5123.0414, 5123.0419, 5123.081, 43465
5123.092, 5123.166, 5126.054, 5126.055, 5126.056, 5126.131, 43466
5126.15, 5139.87, 5145.162, 5149.01, 5149.04, 5149.06, 5149.38, 43467
5162.01, 5162.12, 5162.52, 5164.01, 5164.342, 5164.36, 5164.38, 43468
5165.01, 5165.15, 5165.152, 5165.16, 5165.17, 5165.19, 5165.21, 43469
5165.25, 5166.01, 5166.22, 5167.01, 5167.03, 5167.04, 5167.10, 43470
5167.11, 5167.12, 5167.121, 5167.13, 5167.14, 5167.17, 5167.171, 43471
5167.172, 5167.18, 5167.20, 5167.201, 5167.26, 5167.41, 5168.03, 43472

5168.05, 5168.06, 5168.07, 5168.08, 5168.75, 5501.20, 5513.06, 43473
 5525.03, 5537.17, 5709.40, 5709.41, 5709.73, 5709.78, 5745.05, 43474
 5747.02, 5747.08, 5747.98, and 5903.12 of the Revised Code are 43475
 hereby repealed. 43476

Section 105.01. That sections 166.30, 191.01, 191.02, 191.04, 43477
 191.06, 191.08, 191.09, 191.10, 1505.12, 1505.13, 1561.24, 43478
 2151.861, 3701.25, 3701.26, 3701.264, 3701.27, 3706.27, 3706.30, 43479
 3721.41, 3721.42, 3730.10, 3798.06, 3798.08, 3798.14, 3798.15, 43480
 3798.16, 4501.16, 4736.05, 4736.06, 4736.10, 4736.12, 5101.852, 43481
 5103.039, 5103.0311, 5104.035, 5104.036, 5104.20, 5104.37, 43482
 5120.135, 5162.58, 5162.60, 5162.62, 5162.64, 5164.37, 5165.361, 43483
 5167.16, 5167.173, and 5167.25 of the Revised Code are hereby 43484
 repealed. 43485

Section 125.10. Section 103.416 of the Revised Code, as 43486
 amended by Section 101.01 of this act, is hereby repealed, 43487
 effective July 1, 2020. 43488

Section 201.10. Except as otherwise provided in this act, all 43489
 appropriation items in this act are appropriated out of any moneys 43490
 in the state treasury to the credit of the designated fund that 43491
 are not otherwise appropriated. For all appropriations made in 43492
 this act, the amounts in the first column are for fiscal year 2020 43493
 and the amounts in the second column are for fiscal year 2021. 43494

Section 203.10. ACC ACCOUNTANCY BOARD OF OHIO 43495

Dedicated Purpose Fund Group					43496
4J80 889601	CPA Education	\$	525,000	\$ 525,000	43497
	Assistance				
4K90 889609	Operating Expenses	\$	1,236,965	\$ 1,291,139	43498
TOTAL DPF	Dedicated Purpose Fund				43499

Group		\$	1,761,965	\$	1,816,139	43500
TOTAL ALL BUDGET FUND GROUPS		\$	1,761,965	\$	1,816,139	43501

Section 205.10. ADJ ADJUTANT GENERAL 43503

General Revenue Fund 43504

GRF	745401	Ohio Military Reserve	\$	11,939	\$	11,939	43505
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GRF	745404	Air National Guard	\$	1,805,346	\$	1,773,954	43506
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GRF	745407	National Guard	\$	388,000	\$	388,000	43507
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Benefits

GRF	745409	Central	\$	5,123,132	\$	5,184,396	43508
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Administration

GRF	745499	Army National Guard	\$	3,644,419	\$	3,620,908	43509
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TOTAL GRF General Revenue Fund		\$	10,972,836	\$	10,979,197	43510
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Dedicated Purpose Fund Group 43511

5340	745612	Property Operations	\$	900,000	\$	900,000	43512
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Management

5360	745605	Marksmanship	\$	115,000	\$	115,000	43513
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Activities

5360	745620	Camp Perry and	\$	874,054	\$	874,054	43514
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Buckeye Inn

Operations

5370	745604	Ohio National Guard	\$	190,000	\$	190,000	43515
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Facilities

Maintenance

5LY0	745626	Military Medal of	\$	5,000	\$	5,000	43516
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Distinction

5U80	745613	Community Match	\$	350,000	\$	350,000	43517
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Armories

TOTAL DPF Dedicated Purpose Fund		\$	2,434,054	\$	2,434,054	43518
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Group

Federal Fund Group 43519

3420	745616	Army National Guard	\$	26,262,967	\$	26,252,590	43520
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		Service Agreement				
3E80	745628	Air National Guard	\$	16,276,986	\$	16,276,984 43521
		Operations and Maintenance				
3R80	745603	Counter Drug	\$	15,000	\$	15,000 43522
		Operations				
TOTAL FED	Federal Fund Group		\$	42,554,953	\$	42,544,574 43523
TOTAL ALL BUDGET FUND GROUPS			\$	55,961,843	\$	55,957,825 43524

Section 205.20. NATIONAL GUARD BENEFITS 43526

The foregoing appropriation item 745407, National Guard 43527
Benefits, shall be used for purposes of sections 5919.31 and 43528
5919.33 of the Revised Code, and for administrative costs of the 43529
associated programs. 43530

If necessary, in order to pay benefits in a timely manner 43531
pursuant to sections 5919.31 and 5919.33 of the Revised Code, the 43532
Adjutant General may request the Director of Budget and Management 43533
transfer appropriation from any appropriation item used by the 43534
Adjutant General to appropriation item 745407, National Guard 43535
Benefits. Such amounts are hereby appropriated. The Adjutant 43536
General may subsequently seek Controlling Board approval to 43537
restore the appropriation in the appropriation item from which 43538
such a transfer was made. 43539

For active duty members of the Ohio National Guard who died 43540
after October 7, 2001, while performing active duty, the death 43541
benefit, pursuant to section 5919.33 of the Revised Code, shall be 43542
paid to the beneficiary or beneficiaries designated on the 43543
member's Servicemembers' Group Life Insurance Policy. 43544

STATE ACTIVE DUTY COSTS 43545

Of the foregoing appropriation item 745409, Central 43546
Administration, \$50,000 in each fiscal year shall be used for the 43547
purpose of paying expenses related to state active duty of members 43548

of the Ohio organized militia, in accordance with a proclamation 43549
of the Governor. Expenses include, but are not limited to, the 43550
cost of equipment, supplies, and services, as determined by the 43551
Adjutant General's Department. On June 1 of each fiscal year, if 43552
it is determined by the Adjutant General that any portion of this 43553
\$50,000 in that fiscal year will not be used for state active duty 43554
expenses, those amounts may be encumbered by the Adjutant General 43555
for maintenance expenses. If before the end of that fiscal year, 43556
state active duty expenses occur, these encumbrances should be 43557
canceled by the Adjutant General to pay for expenses related to 43558
state active duty. 43559

CYBER RANGE 43560

The Adjutant General's Department, in conjunction and 43561
collaboration with the Department of Administrative Services, the 43562
Department of Public Safety, the Department of Higher Education, 43563
and the Department of Education shall establish and maintain a 43564
cyber range. The Adjutant General's Department may work with 43565
federal agencies to assist in accomplishing this objective. The 43566
cyber range shall: (1) provide cyber training and education to 43567
K-12 students, higher education students, Ohio National Guardsmen, 43568
federal employees, and state and local government employees, and 43569
(2) provide for emergency preparedness exercises and training. The 43570
state agencies identified in this paragraph may procure any 43571
necessary goods and services including, but not limited to, 43572
contracted services, hardware, networking services, maintenance 43573
costs, and the training and management costs of a cyber range. 43574
These state agencies shall determine the amount of funds each 43575
agency will contribute from available funds and appropriations 43576
enacted herein in order to establish and maintain a cyber range. 43577

Of the foregoing appropriation item 745409, Central 43578
Administration, up to \$2,000,000 in each fiscal year shall be used 43579
by the Adjutant General's Department for the purposes of 43580

	establishing and maintaining the cyber range.				43581	
	Section 207.10. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES				43582	
	General Revenue Fund				43583	
GRF 100412	Unemployment Insurance	\$	0	\$	1,817,900	43584
	System Lease Rental					
	Payments					
GRF 100413	EDCS Lease Rental	\$	11,843,800	\$	13,716,500	43585
	Payments					
GRF 100414	MARCS Lease Rental	\$	6,768,900	\$	6,769,600	43586
	Payments					
GRF 100415	OAKS Lease Rental	\$	2,440,300	\$	2,444,500	43587
	Payments					
GRF 100416	STARS Lease Rental	\$	3,846,000	\$	5,097,800	43588
	Payments					
GRF 100447	Administrative	\$	86,914,500	\$	94,266,800	43589
	Buildings Lease Rental					
	Bond Payments					
GRF 100456	State IT Services	\$	2,249,158	\$	2,249,773	43590
GRF 100457	Equal Opportunity	\$	2,178,704	\$	2,178,704	43591
	Services					
GRF 100459	Ohio Business Gateway	\$	15,527,621	\$	14,527,621	43592
GRF 100469	Aronoff Center	\$	270,000	\$	270,000	43593
	Building Maintenance					
GRF 130321	State Agency Support	\$	18,494,092	\$	18,513,941	43594
	Services					
TOTAL GRF	General Revenue Fund	\$	150,533,075	\$	161,853,139	43595
	Dedicated Purpose Fund Group					43596
5L70 100610	Professional	\$	1,650,000	\$	1,650,000	43597
	Development					
5MV0 100662	Theater Equipment	\$	50,000	\$	50,000	43598
	Maintenance					

5NM0	100663	911 Program	\$	717,060	\$	715,522	43599
5V60	100619	Employee Educational Development	\$	1,245,000	\$	1,245,000	43600
TOTAL DPF Dedicated Purpose Fund Group			\$	3,662,060	\$	3,660,522	43601
Internal Service Activity Fund Group							43602
1120	100616	DAS Administration	\$	12,667,391	\$	13,100,541	43603
1150	100632	Central Service Agency	\$	956,061	\$	975,025	43604
1170	100644	General Services Division - Operating	\$	18,265,815	\$	21,460,060	43605
1220	100637	Fleet Management	\$	18,650,951	\$	23,315,522	43606
1250	100622	Human Resources Division - Operating	\$	18,612,217	\$	18,718,045	43607
1250	100657	Benefits Communication	\$	607,577	\$	615,521	43608
1280	100620	Office of Collective Bargaining	\$	4,283,998	\$	4,385,893	43609
1300	100606	Risk Management Reserve	\$	15,370,845	\$	15,389,803	43610
1320	100631	DAS Building Management	\$	49,173,190	\$	49,384,799	43611
1330	100607	IT Services Delivery	\$	162,248,367	\$	162,665,093	43612
1880	100649	Equal Opportunity Division - Operating	\$	1,836,834	\$	1,264,515	43613
2100	100612	State Printing	\$	29,092,749	\$	28,295,851	43614
2290	100630	IT Governance	\$	32,125,970	\$	32,602,191	43615
2290	100640	Consolidated IT Purchases	\$	69,348,000	\$	74,348,000	43616
4270	100602	Investment Recovery	\$	1,662,341	\$	1,662,341	43617
4N60	100617	Major IT Purchases	\$	3,288,990	\$	5,736,219	43618
5C20	100605	MARCS Administration	\$	27,207,396	\$	26,484,493	43619
5EB0	100635	OAKS Support Organization	\$	55,382,093	\$	58,807,701	43620
5EB0	100656	OAKS Updates and	\$	6,423,624	\$	6,359,539	43621

	Developments			
5JQ0 100658	Professionals	\$ 9,996,303	\$ 8,723,135	43622
	Licensing System			
5KZ0 100659	Building Improvement	\$ 3,449,500	\$ 2,862,000	43623
5LJ0 100661	IT Development	\$ 21,500,000	\$ 21,500,000	43624
5PC0 100665	Enterprise	\$ 111,095,956	\$ 111,263,921	43625
	Applications			
TOTAL ISA	Internal Service Activity			43626
Fund Group		\$ 673,246,168	\$ 689,920,208	43627
	Fiduciary Fund Group			
5UH0 100670	Enterprise	\$ 1,150,000	\$ 1,150,000	43629
	Transactions			
TOTAL FID	Fiduciary Fund Group	\$ 1,150,000	\$ 1,150,000	43630
	Federal Fund Group			
3AJ0 100623	Information Technology	\$ 10,000	\$ 10,000	43632
	Grants			
TOTAL FED	Federal Fund Group	\$ 10,000	\$ 10,000	43633
TOTAL ALL BUDGET FUND GROUPS		\$ 828,601,303	\$ 856,593,869	43634

Section 207.20. UNEMPLOYMENT INSURANCE SYSTEM LEASE RENTAL 43636

PAYMENTS 43637

The foregoing appropriation item 100412, Unemployment 43638
Insurance System Lease Rental Payments, shall be used to make 43639
payments during the period from July 1, 2019, through June 30, 43640
2021, pursuant to leases and agreements entered into under Chapter 43641
125. of the Revised Code, as supplemented by Section 701.40 of 43642
H.B. 529 of the 132nd General Assembly, with respect to financing 43643
the costs associated with the acquisition, development, 43644
implementation, and integration of the Unemployment Insurance 43645
System. 43646

EDCS LEASE RENTAL PAYMENTS 43647

The foregoing appropriation item 100413, EDCS Lease Rental 43648

Payments, shall be used to make payments during the period from 43649
July 1, 2019, through June 30, 2021, pursuant to leases and 43650
agreements entered into under Chapter 125. of the Revised Code, as 43651
supplemented by Section 701.10 of H.B. 529 of the 132nd General 43652
Assembly and other prior acts of the General Assembly, with 43653
respect to financing the costs associated with the acquisition, 43654
development, implementation, and integration of the Enterprise 43655
Data Center Solutions (EDCS) information technology initiative. 43656

MULTI-AGENCY RADIO COMMUNICATION SYSTEM LEASE RENTAL PAYMENTS 43657

The foregoing appropriation item 100414, MARCS Lease Rental 43658
Payments, shall be used to make payments during the period from 43659
July 1, 2019, through June 30, 2021, pursuant to leases and 43660
agreements entered into under Chapter 125. of the Revised Code, as 43661
supplemented by Section 701.10 of Sub. H.B. 497 of the 130th 43662
General Assembly and other prior acts of the General Assembly, 43663
with respect to financing the costs associated with the 43664
acquisition, development, implementation, and integration of the 43665
Multi-Agency Radio Communications System (MARCS) upgrade. 43666

OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM LEASE RENTAL PAYMENTS 43667

The foregoing appropriation item 100415, OAKS Lease Rental 43668
Payments, shall be used to make payments during the period from 43669
July 1, 2019, through June 30, 2021, pursuant to leases and 43670
agreements entered into under Chapter 125. of the Revised Code, as 43671
supplemented by Section 701.10 of H.B. 529 of the 132nd General 43672
Assembly and other prior acts of the General Assembly, with 43673
respect to financing the costs associated with the acquisition, 43674
development, implementation, and integration of the Ohio 43675
Administrative Knowledge System (OAKS). 43676

STATE TAXATION ACCOUNTING AND REVENUE SYSTEM LEASE RENTAL 43677
PAYMENTS 43678

The foregoing appropriation item 100416, STARS Lease Rental 43679

Payments, shall be used to make payments during the period from 43680
July 1, 2019, through June 30, 2021, pursuant to leases and 43681
agreements entered into under Chapter 125. of the Revised Code, as 43682
supplemented by Section 701.30 of H.B. 529 of the 132nd General 43683
Assembly and other prior acts of the General Assembly, with 43684
respect to financing the costs associated with the acquisition, 43685
development, implementation, and integration of the State Taxation 43686
Accounting and Revenue System (STARS). 43687

ADMINISTRATIVE BUILDINGS LEASE RENTAL BOND PAYMENTS 43688

The foregoing appropriation item 100447, Administrative 43689
Buildings Lease Rental Bond Payments, shall be used to meet all 43690
payments during the period from July 1, 2019, through June 30, 43691
2021, by the Department of Administrative Services pursuant to 43692
leases and agreements under Chapters 152. and 154. of the Revised 43693
Code. These appropriations are the source of funds pledged for 43694
bond service charges on related obligations issued under Chapters 43695
152. and 154. of the Revised Code. 43696

MULTI-AGENCY RADIO COMMUNICATION SYSTEM DEBT SERVICE PAYMENTS 43697

The Director of Administrative Services, in consultation with 43698
the Multi-Agency Radio Communication System (MARCS) Steering 43699
Committee and the Director of Budget and Management, shall 43700
determine the share of debt service payments attributable to 43701
spending for MARCS components that are not specific to any one 43702
agency and that shall be charged to the Public Safety - Highway 43703
Purposes Fund (Fund 5TM0). Such share of debt service payments 43704
shall be calculated for MARCS capital disbursements made beginning 43705
July 1, 1997. Within thirty days of any payment made from 43706
appropriation item 100447, Administrative Buildings Lease Rental 43707
Bond Payments, the Director of Administrative Services shall 43708
certify to the Director of Budget and Management the amount of 43709
this share. On or before June 30 of each fiscal year, the Director 43710
of Budget and Management may transfer an amount up to the amount 43711

certified for that fiscal year to the General Revenue Fund from 43712
the Public Safety - Highway Purposes Fund (Fund 5TM0) established 43713
in section 4501.06 of the Revised Code. 43714

DAS - BUILDING OPERATING PAYMENTS AND BUILDING MANAGEMENT 43715
FUND 43716

The foregoing appropriation item 130321, State Agency Support 43717
Services, may be used to provide funding for the cost of property 43718
appraisals or building studies that the Department of 43719
Administrative Services may be required to obtain for property 43720
that is being sold by the state or property under consideration to 43721
be renovated or purchased by the state. 43722

Notwithstanding section 125.28 of the Revised Code, the 43723
foregoing appropriation item 130321, State Agency Support 43724
Services, also may be used to pay the operating expenses of state 43725
facilities maintained by the Department of Administrative Services 43726
that are not billed to building tenants, or other costs associated 43727
with the Voinovich Center in Youngstown, Ohio. These expenses may 43728
include, but are not limited to, the costs for vacant space and 43729
space undergoing renovation, and the rent expenses of tenants that 43730
are relocated because of building renovations. These payments may 43731
be processed by the Department of Administrative Services through 43732
intrastate transfer vouchers and placed into the Building 43733
Management Fund (Fund 1320). 43734

At least once per year, the portion of appropriation item 43735
130321, State Agency Support Services, that is not used for the 43736
regular expenses of the appropriation item may be processed by the 43737
Department of Administrative Services through intrastate transfer 43738
voucher and placed in the Building Improvement Fund (Fund 5KZ0). 43739

CASH TRANSFER FROM THE MARCS ADMINISTRATION FUND TO THE GRF 43740

Upon the request of the Director of Administrative Services, 43741
the Director of Budget and Management may transfer unobligated 43742

cash in the MARCS Administration Fund (Fund 5C20) to the General 43743
Revenue Fund to reimburse the General Revenue Fund for lease 43744
rental payments made on behalf of the MARCS upgrade. 43745

Section 207.30. PROFESSIONAL DEVELOPMENT FUND 43746

The foregoing appropriation item 100610, Professional 43747
Development, shall be used to make payments from the Professional 43748
Development Fund (Fund 5L70) under section 124.182 of the Revised 43749
Code. If it is determined by the Director of Budget and Management 43750
that additional amounts are necessary, the amounts are hereby 43751
appropriated. 43752

911 PROGRAM 43753

The foregoing appropriation item 100663, 911 Program, shall 43754
be used by the Department of Administrative Services to pay the 43755
administrative, marketing, and educational costs of the Statewide 43756
Emergency Services Internet Protocol Network program. 43757

EMPLOYEE EDUCATIONAL DEVELOPMENT 43758

The foregoing appropriation item 100619, Employee Educational 43759
Development, shall be used to make payments from the Employee 43760
Educational Development Fund (Fund 5V60) under section 124.86 of 43761
the Revised Code. The fund shall be used to pay the costs of 43762
administering educational programs under existing collective 43763
bargaining agreements with District 1199, the Health Care and 43764
Social Service Union, Service Employees International Union; State 43765
Council of Professional Educators; Ohio Education Association and 43766
National Education Association; the Fraternal Order of Police Ohio 43767
Labor Council, Unit 2; and the Ohio State Troopers Association, 43768
Units 1 and 15. 43769

If it is determined by the Director of Budget and Management 43770
that additional amounts are necessary, the amounts are hereby 43771
appropriated. 43772

Section 207.40. GENERAL SERVICE CHARGES 43773

The Department of Administrative Services, with the approval 43774
of the Director of Budget and Management, shall establish charges 43775
for recovering the costs of administering the programs funded by 43776
the General Services Fund (Fund 1170) and the State Printing Fund 43777
(Fund 2100). 43778

COLLECTIVE BARGAINING ARBITRATION EXPENSES 43779

The Department of Administrative Services may seek 43780
reimbursement from state agencies for the actual costs and 43781
expenses the Department incurs in the collective bargaining 43782
arbitration process. The reimbursements shall be processed through 43783
intrastate transfer vouchers and credited to the Collective 43784
Bargaining Fund (Fund 1280). 43785

EQUAL OPPORTUNITY PROGRAM 43786

The Department of Administrative Services, with the approval 43787
of the Director of Budget and Management, shall establish charges 43788
for recovering the costs of administering the activities supported 43789
by the State EEO Fund (Fund 1880). These charges shall be 43790
deposited to the credit of Fund 1880 upon payment made by state 43791
agencies, state-supported or state-assisted institutions of higher 43792
education, tax-supported agencies, municipal corporations, and 43793
other political subdivisions of the state, for services rendered. 43794

CONSOLIDATED IT PURCHASES 43795

The foregoing appropriation item 100640, Consolidated IT 43796
Purchases, shall be used by the Department of Administrative 43797
Services acting as the purchasing agent for one or more government 43798
entities under the authority of division (G) of section 125.18 of 43799
the Revised Code to make information technology purchases at a 43800
lower aggregate cost than each individual government entity could 43801
have obtained independently for that information technology 43802

purchase. 43803

INVESTMENT RECOVERY FUND 43804

Notwithstanding division (B) of section 125.14 of the Revised 43805
Code, cash balances in the Investment Recovery Fund (Fund 4270) 43806
may be used to support the operating expenses of the Federal 43807
Surplus Operating Program created in sections 125.84 to 125.90 of 43808
the Revised Code. 43809

Notwithstanding division (B) of section 125.14 of the Revised 43810
Code, the Director of Budget and Management, at the request of the 43811
Director of Administrative Services, shall transfer up to 43812
\$3,800,000 of cash in excess of needs from the Investment Recovery 43813
Fund (Fund 4270) to the Enterprise Applications Fund (Fund 5PC0) 43814
during the biennium beginning July 1, 2019, and ending June 30, 43815
2021, to pay the operating and maintenance expenses of the Ohio 43816
Business Gateway. 43817

MAJOR IT PURCHASES CHARGES 43818

Effective July 1, 2019, the Director of Budget and Management 43819
shall cancel any existing encumbrances against appropriation item 43820
100617, Major IT Purchases, and reestablish them against 43821
appropriation item 100640, Consolidated IT Purchases. The 43822
reestablished encumbrance amounts are hereby appropriated. Any 43823
business commenced but not completed under appropriation item 43824
100617, Major IT Purchases, by July 1, 2019, shall be completed 43825
under appropriation item 100640, Consolidated IT Purchases, in the 43826
same manner, and with the same effect, as if completed with regard 43827
to appropriation item 100617, Major IT Purchases. 43828

On July 1, 2019, or as soon as possible thereafter, the 43829
Director of Administrative Services shall certify to the Director 43830
of Budget and Management the amount of cash in the Major 43831
Information Technology Purchases Fund (Fund 4N60) that was 43832
received from agencies for actual expenditures. The Director of 43833

Budget and Management shall transfer the certified amount of cash 43834
from the Major Information Technology Purchases Fund (Fund 4N60) 43835
to the IT Governance Fund (Fund 2290). 43836

Upon the request of the Director of Administrative Services, 43837
the Director of Budget and Management may transfer up to the 43838
amount collected for statewide indirect costs attributable to debt 43839
service paid for the enterprise data center solutions project from 43840
the General Revenue Fund to the Major Information Technology 43841
Purchases Fund (Fund 4N60). 43842

PROFESSIONS LICENSING SYSTEM 43843

The foregoing appropriation item, 100658, Ohio Professionals 43844
Licensing System, shall be used to purchase the equipment, 43845
products, and services necessary to update and maintain an 43846
automated licensing system for the professional licensing boards. 43847

The Department of Administrative Services shall establish 43848
charges for recovering the costs of ongoing maintenance of the 43849
system that are not otherwise recovered under section 125.18 of 43850
the Revised Code. The charges shall be billed to state agencies, 43851
boards, and commissions using the state's enterprise electronic 43852
licensing system and deposited via intrastate transfer vouchers to 43853
the credit of the Professions Licensing System Fund (Fund 5JQ0). 43854

Section 207.45. BUILDING IMPROVEMENT FUND 43855

The foregoing appropriation item 100659, Building 43856
Improvement, shall be used to make payments from the Building 43857
Improvement Fund (Fund 5KZ0) for major maintenance or improvements 43858
required in facilities maintained by the Department of 43859
Administrative Services. The Department of Administrative Services 43860
shall conduct or contract for regular assessments of these 43861
buildings and shall maintain a cash balance in Fund 5KZ0 equal to 43862
the cost of the repairs and improvements that are recommended to 43863

occur within the next five years, with the following exception 43864
described below. 43865

Upon request of the Director of Administrative Services, the 43866
Director of Budget and Management may permit a cash transfer from 43867
Fund 5KZ0 to the Building Management Fund (Fund 1320) to pay costs 43868
of operating and maintaining facilities managed by the Department 43869
of Administrative Services that are not charged to tenants during 43870
the same fiscal year. 43871

Should the cash balance in Fund 1320 be determined to be 43872
sufficient, the Director of Administrative Services may request 43873
that the Director of Budget and Management transfer cash from Fund 43874
1320 to Fund 5KZ0 in an amount equal to the initial cash transfer 43875
made under this section plus applicable interest. 43876

INFORMATION TECHNOLOGY DEVELOPMENT 43877

The foregoing appropriation item 100661, IT Development, 43878
shall be used by the Department of Administrative Services to pay 43879
the costs of modernizing the state's information technology 43880
management and investment practices away from a limited, 43881
agency-specific focus in favor of a statewide methodology 43882
supporting development of enterprise solutions. This appropriation 43883
item may be used to pay the costs of enterprise information 43884
technology initiatives affecting state agencies or their 43885
customers. 43886

Notwithstanding any provision of law to the contrary, the 43887
Department of Administrative Services, with the approval of the 43888
Director of Budget and Management, may charge state agencies an 43889
information technology development assessment based on state 43890
agencies' information technology expenditures or other methodology 43891
and may assess fees or charges to entities that are not state 43892
agencies to offset the cost of specific technology events or 43893
services. The revenue from these assessments, fees, or charges 43894

shall be deposited into the Information Technology Development Fund (Fund 5LJ0), which is hereby created. 43895
43896

Upon the request of the Director of Administrative Services, 43897
the Director of Budget and Management may transfer up to 43898
\$12,500,000 in cash in each fiscal year from the General Revenue 43899
Fund to the Information Technology Development Fund (Fund 5LJ0) to 43900
support the operations of the Office of InnovateOhio. 43901

ENTERPRISE APPLICATIONS 43902

The foregoing appropriation item 100665, Enterprise 43903
Applications, shall be used for the operation and management of 43904
information technology applications that support state agencies' 43905
objectives. Charges billed to benefiting agencies shall be 43906
deposited to the credit of the Enterprise Applications Fund (Fund 43907
5PC0), which is hereby created. 43908

CASH TRANSFER FROM THE DIRECTOR'S OFFICE FUND TO THE LOCAL GOVERNMENT INNOVATION FUND 43909
43910

On July 1, 2019, or as soon as possible thereafter, the 43911
Director of Budget and Management shall transfer \$38,555.24 cash 43912
from the Director's Office Fund (Fund 1120) to the Local 43913
Government Innovation Fund (Fund 5KN0). This amount represents the 43914
unexpended balance of a grant received from the Local Government 43915
Innovation Fund (Fund 5KN0) and appropriated under Fund 1120 43916
appropriation item 100667, Local Government Efficiency Programs. 43917

Section 207.50. ENTERPRISE IT STRATEGY IMPLEMENTATION 43918

The Director of Administrative Services shall determine and 43919
implement strategies that benefit the enterprise by improving 43920
efficiency, reducing costs, or enhancing capacity of information 43921
technology (IT) services. Such improvements and efficiencies may 43922
result in the consolidation and transfer of such services. As 43923
determined to be necessary for successful implementation of this 43924

section and notwithstanding any provision of law to the contrary, 43925
the Director of Administrative Services may request the Director 43926
of Budget and Management to consolidate or transfer IT-specific 43927
budget authority between agencies or within an agency as necessary 43928
to implement enterprise IT cost containment strategies and related 43929
efficiencies. Once the Director of Budget and Management is 43930
satisfied that the proposed initiative is cost advantageous to the 43931
enterprise, the Director of Budget and Management may transfer 43932
appropriations, funds, and cash as needed to implement the 43933
proposed initiative. The establishment of any new fund or 43934
additional appropriation as a result of this section shall be 43935
subject to Controlling Board approval. 43936

The Director of Budget and Management and the Director of 43937
Administrative Services may transfer any employees, assets, and 43938
liabilities, including, but not limited to, records, contracts, 43939
and agreements in order to facilitate the improvements determined 43940
in accordance with this section. 43941

Section 209.10. AGE DEPARTMENT OF AGING 43942

General Revenue Fund				43943
GRF	490321	Operating Expenses	\$ 1,551,161 \$ 1,514,690	43944
GRF	490410	Long-Term Care	\$ 1,846,979 \$ 3,112,901	43945
Ombudsman				
GRF	490411	Senior Community	\$ 8,152,696 \$ 8,144,480	43946
Services				
GRF	490414	Alzheimer's and Other	\$ 2,495,245 \$ 2,495,245	43947
Dementia Respite				
GRF	490506	National Senior	\$ 222,792 \$ 222,792	43948
Service Corps				
GRF	656423	Long-Term Care Budget	\$ 5,073,618 \$ 5,325,896	43949
- State				
TOTAL GRF	General Revenue Fund		\$ 19,342,491 \$ 20,816,004	43950

Dedicated Purpose Fund Group				43951
4800	490606	Senior Community Outreach and Education	\$ 372,523 \$ 372,523	43952
4C40	490609	Regional Long-Term Care Ombudsman Program	\$ 1,000,000 \$ 1,000,000	43953
5BA0	490620	Ombudsman Support	\$ 1,500,000 \$ 1,500,000	43954
5K90	490613	Long-Term Care Consumers Guide	\$ 1,350,000 \$ 1,350,000	43955
5MT0	490627	Board of Executives of Long-Term Services and Supports	\$ 800,000 \$ 800,000	43956
5T40	656625	Health Care Grants - State	\$ 200,000 \$ 200,000	43957
5TI0	656624	Provider Certification	\$ 120,000 \$ 120,000	43958
5W10	490616	Resident Services Coordinator Program	\$ 344,700 \$ 344,700	43959
TOTAL DPF Dedicated Purpose Fund Group				43960
				\$ 5,687,223 \$ 5,687,223 43961
Federal Fund Group				43962
3220	490618	Federal Aging Grants	\$ 8,700,000 \$ 8,700,000	43963
3C40	656623	Long-Term Care Budget - Federal	\$ 5,341,281 \$ 5,477,117	43964
3M40	490612	Federal Independence Services	\$ 58,655,080 \$ 58,655,080	43965
TOTAL FED Federal Fund Group				\$ 72,696,361 \$ 72,832,197 43966
TOTAL ALL BUDGET FUND GROUPS				\$ 97,726,075 \$ 99,335,424 43967

Section 209.20. LONG-TERM CARE 43969

Pursuant to an interagency agreement, the Department of 43970

Medicaid may designate the Department of Aging to perform 43971
assessments under section 5165.04 of the Revised Code. The 43972
Department of Aging shall provide long-term care consultations 43973
under section 173.42 of the Revised Code to assist individuals in 43974
planning for their long-term health care needs. 43975

The Department of Aging shall administer the Medicaid 43976
waiver-funded PASSPORT Home Care Program, the Assisted Living 43977
Program, and PACE as delegated by the Department of Medicaid in an 43978
interagency agreement. 43979

PERFORMANCE-BASED REIMBURSEMENT 43980

The Department of Aging may design and utilize a payment 43981
method for PASSPORT administrative agency operations that includes 43982
a pay-for-performance incentive component that is earned by a 43983
PASSPORT administrative agency when defined consumer and policy 43984
outcomes are achieved. 43985

Section 209.30. MYCARE OHIO 43986

The authority of the Office of the State Long-Term Care 43987
Ombudsman as described in sections 173.14 to 173.28 of the Revised 43988
Code extends to MyCare Ohio during the period of the federal 43989
financial alignment demonstration program. 43990

SENIOR COMMUNITY SERVICES 43991

The foregoing appropriation item 490411, Senior Community 43992
Services, may be used for programs, services, and activities 43993
designated by the Department of Aging, including, but not limited 43994
to, home-delivered and congregate meals, transportation services, 43995
personal care services, respite services, adult day services, home 43996
repair, care coordination, prevention and disease self-management, 43997
and decision support systems. The Department may also use these 43998
funds to provide grants to community organizations to support and 43999
expand evidence-based/informed programming. Service priority shall 44000

be given to low income, high need, and/or cognitively impaired persons 60 years of age and over. 44001
44002

NATIONAL SENIOR SERVICE CORPS 44003

The foregoing appropriation item 490506, National Senior Service Corps, may be used by the Department of Aging to fund grants to organizations that receive federal funds from the Corporation for National and Community Service to support the following Senior Corps programs: the Foster Grandparents Program, the Senior Companion Program, and the Retired Senior Volunteer Program. A recipient of these grant funds shall use the funds to support priorities established by the Department and the Ohio State Office of the Corporation for National and Community Service. Neither the Department nor any area agencies on aging that are involved in the distribution of these funds to lower-tiered grant recipients may use any portion of these funds to cover administrative costs. 44004
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BOARD OF EXECUTIVES OF LONG-TERM SERVICES AND SUPPORTS 44017

The foregoing appropriation item 490627, Board of Executives of Long-Term Services and Supports, may be used by the Board of Executives of Long-Term Services and Supports to administer and enforce Chapter 4751. of the Revised Code and rules adopted under it. 44018
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44022

Section 211.10. AGR DEPARTMENT OF AGRICULTURE 44023

General Revenue Fund 44024

GRF 700401	Animal Health Programs	\$	3,785,399	\$	3,700,399	44025
GRF 700403	Dairy Division	\$	1,208,067	\$	1,178,459	44026
GRF 700404	Ohio Proud	\$	99,159	\$	100,771	44027
GRF 700406	Consumer Protection	\$	1,369,703	\$	1,320,696	44028
	Lab					
GRF 700407	Food Safety	\$	1,385,046	\$	1,340,046	44029

GRF 700409	Farmland Preservation	\$	74,686	\$	74,686	44030
GRF 700410	Plant Industry	\$	152,468	\$	147,468	44031
GRF 700412	Weights and Measures	\$	614,723	\$	614,723	44032
GRF 700415	Poultry Inspection	\$	626,427	\$	611,428	44033
GRF 700417	Soil and Water Phosphorus Program	\$	20,000,000	\$	20,000,000	44034
GRF 700418	Livestock Regulation Program	\$	1,145,071	\$	1,145,071	44035
GRF 700424	Livestock Testing and Inspections	\$	117,493	\$	117,493	44036
GRF 700426	Dangerous and Restricted Animals	\$	582,340	\$	604,060	44037
GRF 700427	High Volume Breeder Kennel Control	\$	1,235,767	\$	1,235,767	44038
GRF 700428	Soil and Water Division	\$	3,543,482	\$	3,543,482	44039
GRF 700499	Meat Inspection Program - State Share	\$	6,357,407	\$	6,082,091	44040
GRF 700501	County Agricultural Societies	\$	379,673	\$	379,673	44041
GRF 700509	Soil and Water District Support	\$	11,833,016	\$	11,833,016	44042
TOTAL GRF	General Revenue Fund	\$	54,509,927	\$	54,029,329	44043
Dedicated Purpose Fund Group						44044
4900 700651	License Plates - Sustainable Agriculture	\$	17,500	\$	17,500	44045
4940 700612	Agricultural Commodity Marketing Program	\$	253,000	\$	253,000	44046
4960 700626	Ohio Grape Industries	\$	1,543,223	\$	1,550,000	44047
4970 700627	Grain Warehouse Program	\$	491,590	\$	500,000	44048

4C90	700605	Commercial Feed and Seed	\$	2,367,396	\$	2,426,251	44049
4D20	700609	Auction Education	\$	50,000	\$	50,000	44050
4E40	700606	Utility Radiological Safety	\$	97,610	\$	101,130	44051
4P70	700610	Food Safety Inspection	\$	1,022,005	\$	1,043,743	44052
4R00	700636	Ohio Proud Marketing	\$	30,500	\$	30,500	44053
4R20	700637	Dairy Industry Inspection	\$	1,800,246	\$	1,852,950	44054
4T60	700611	Poultry and Meat Inspection	\$	120,000	\$	120,000	44055
5780	700620	Ride Inspection	\$	1,827,551	\$	1,944,585	44056
5B80	700629	Auctioneers	\$	350,449	\$	361,450	44057
5BV0	700660	Heidelberg Water Quality Lab	\$	250,000	\$	250,000	44058
5BV0	700661	Soil and Water Districts	\$	8,000,000	\$	8,000,000	44059
5FC0	700648	Plant Pest Program	\$	1,468,037	\$	1,515,298	44060
5H20	700608	Metrology Lab and Scale Certification	\$	975,000	\$	975,000	44061
5L80	700604	Livestock Management Program	\$	274,814	\$	275,000	44062
5MA0	700657	Dangerous and Restricted Animals	\$	7,000	\$	7,000	44063
5MR0	700658	High Volume Breeders and Kennels	\$	320,000	\$	320,000	44064
5MS0	700659	Captive Deer	\$	40,000	\$	40,000	44065
5QW0	700653	Watershed Assistance	\$	515,000	\$	515,000	44066
6520	700634	Animal, Consumer, and ATL Labs	\$	5,396,151	\$	5,466,896	44067
6690	700635	Pesticide, Fertilizer, and Lime	\$	4,859,314	\$	5,000,000	44068

		Inspection Program				
6H20	700670	H2Ohio	\$	30,300,000	\$	0 44069
		TOTAL DPF Dedicated Purpose				44070
		Fund Group	\$	62,376,386	\$	32,615,303 44071
		Internal Service Activity Fund Group				44072
5DA0	700644	Laboratory	\$	1,200,807	\$	1,204,626 44073
		Administration				
		Support				
5GH0	700655	Administrative	\$	5,403,892	\$	5,524,048 44074
		Support				
		TOTAL ISA Internal Service Activity				44075
		Fund Group	\$	6,604,699		6,728,674 44076
		Capital Projects Fund Group				44077
7057	700632	Clean Ohio	\$	589,960	\$	610,000 44078
		Agricultural Easement				
		Operating				
		TOTAL CPF Capital Projects Fund	\$	589,960	\$	610,000 44079
		Group				
		Federal Fund Group				44080
3260	700618	Meat Inspection	\$	5,036,419	\$	5,194,424 44081
		Program - Federal				
		Share				
3360	700617	Ohio Farm Loan -	\$	351,743	\$	360,000 44082
		Revolving				
3820	700601	Federal Cooperative	\$	7,000,000	\$	7,000,000 44083
		Contracts				
3AB0	700641	Agricultural Easement	\$	342,419	\$	350,000 44084
3J40	700607	Federal	\$	1,209,234	\$	1,209,234 44085
		Administrative				
		Programs				
3R20	700614	Federal Plant	\$	6,020,619	\$	6,095,972 44086
		Industry				

TOTAL FED Federal Fund Group	\$	19,960,434	\$	20,209,630	44087
TOTAL ALL BUDGET FUND GROUPS	\$	144,041,406	\$	114,192,936	44088

Section 211.20. SOIL AND WATER PHOSPHORUS PROGRAM 44090

The Department of Agriculture shall establish programs to 44091
assist in reducing total phosphorus and dissolved reactive 44092
phosphorus in the Western Lake Erie Basin. The programs shall give 44093
priority to those subwatersheds determined to be highest in total 44094
phosphorus and dissolved reactive phosphorus nutrient loading. 44095

The foregoing appropriation item 700417, Soil and Water 44096
Phosphorus Program, shall be used to support the programs 44097
described above, which may include but not be limited to, the 44098
following: (1) equipment for subsurface placement of nutrients 44099
into the soil; (2) equipment for nutrient placement based on 44100
geographic information system data; (3) soil testing; (4) 44101
implementation of variable rate technology; (5) equipment 44102
implementing manure transformation and manure conversion 44103
technologies; (6) tributary monitoring; (7) water management and 44104
edge-of-field drainage management; and (8) an agricultural 44105
phosphorus reduction revolving loan program. Not more than forty 44106
per cent of the foregoing appropriation item 700417, Soil and 44107
Water Phosphorus Program, shall be used for any single activity. 44108

DANGEROUS AND RESTRICTED WILD ANIMALS 44109

The foregoing appropriation item 700426, Dangerous and 44110
Restricted Animals, shall be used to administer the Dangerous and 44111
Restricted Wild Animal Permitting Program. 44112

COUNTY AGRICULTURAL SOCIETIES 44113

The foregoing appropriation item 700501, County Agricultural 44114
Societies, shall be used to reimburse county and independent 44115
agricultural societies for expenses related to Junior Fair 44116
activities. 44117

SUPPORT FOR SOIL AND WATER DISTRICTS IN THE WESTERN LAKE ERIE 44118
BASIN 44119

Of the foregoing appropriation item 700509, Soil and Water 44120
District Support, \$350,000 in each fiscal year shall be used by 44121
the Department of Agriculture for a program to support soil and 44122
water conservation districts in the Western Lake Erie Basin in 44123
complying with provisions of Sub. S.B. 1 of the 131st General 44124
Assembly. The Department shall approve a soil and water district's 44125
application for funding under the program if the application 44126
demonstrates that funding will be used for, but not limited to, 44127
providing technical assistance, developing applicable nutrient or 44128
manure management plans, hiring and training of soil and water 44129
conservation district staff on best conservation practices, or 44130
other activities the Director determines appropriate to assist 44131
farmers in the Western Lake Erie Basin in complying with the 44132
provisions of Sub. S.B. 1 of the 131st General Assembly. 44133

Of the foregoing appropriation item 700509, Soil and Water 44134
District Support, \$3,500,000 in each fiscal year shall be used to 44135
support county soil and water conservation districts in the 44136
Western Lake Erie Basin for staffing costs and to assist in soil 44137
testing and nutrient management plan development, including manure 44138
transformation and manure conversion technologies, enhanced filter 44139
strips, water management, and other conservation support. 44140

SOIL AND WATER DISTRICTS 44141

In addition to state payments to soil and water conservation 44142
districts authorized by section 940.15 of the Revised Code, the 44143
Department of Agriculture may use appropriation item 700661, Soil 44144
and Water Districts, to pay any soil and water conservation 44145
district an annual amount not to exceed \$40,000 upon receipt of a 44146
request and justification from the district and approval by the 44147
Ohio Soil and Water Conservation Commission. The county auditor 44148
shall credit the payments to the special fund established under 44149

section 940.12 of the Revised Code for use by the local soil and water conservation district. The amounts received by each district shall be expended for the purposes of the district.

H2OHIO FUND

The foregoing appropriation item 700670, H2Ohio, shall be used by the Department of Agriculture to support best management practices for farmers including but not limited to assistance with equipment purchases and soil testing. In addition, the foregoing appropriation item 700760, H2Ohio, may be used to fund improvements and protection of state waterways in support of water quality priorities and management in accordance with section 126.60 of the Revised Code.

On July 1, 2020, or as soon as possible thereafter, the Director of Agriculture may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item, 700670, H2Ohio, at the end of fiscal year 2020 to be reappropriated in fiscal year 2021. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2021.

CLEAN OHIO AGRICULTURAL EASEMENT OPERATING EXPENSES

The foregoing appropriation item 700632, Clean Ohio Agricultural Easement Operating, shall be used by the Department of Agriculture in administering Clean Ohio Agricultural Easement Fund (Fund 7057) projects pursuant to sections 901.21, 901.22, and 5301.67 to 5301.70 of the Revised Code.

Section 213.10. AIR AIR QUALITY DEVELOPMENT AUTHORITY

Dedicated Purpose Fund Group

4Z90	898602	Small Business	\$	208,813	\$	208,813	44177
		Ombudsman					
5700	898601	Operating Expenses	\$	565,364	\$	583,395	44178

5A00 898603	Small Business Assistance	\$	450,000	\$	450,000	44179
TOTAL DPF Dedicated Purpose Fund Group		\$	1,224,177	\$	1,242,208	44180
TOTAL ALL BUDGET FUND GROUPS		\$	1,224,177	\$	1,242,208	44181

Section 213.20. REIMBURSEMENT TO AIR QUALITY DEVELOPMENT 44183

AUTHORITY TRUST ACCOUNT 44184

Notwithstanding any other provision of law to the contrary, 44185
the Air Quality Development Authority may reimburse the Air 44186
Quality Development Authority trust account established under 44187
section 3706.10 of the Revised Code from all operating funds of 44188
the agency for expenses pertaining to the administration and 44189
shared costs incurred by the Air Quality Development Authority in 44190
the execution of responsibilities as prescribed in Chapter 3706. 44191
of the Revised Code. The reimbursement shall be made by voucher 44192
and completed in accordance with the administrative indirect costs 44193
allocation plan approved by the Office of Budget and Management. 44194

Section 215.10. ARC ARCHITECTS BOARDS 44195

Dedicated Purpose Fund Group						44196
4K90 891609	Operating	\$	638,611	\$	646,294	44197
TOTAL DPF Dedicated Purpose Fund Group		\$	638,611	\$	646,294	44198
TOTAL ALL BUDGET FUND GROUPS		\$	638,611	\$	646,294	44200

Section 217.10. ART OHIO ARTS COUNCIL 44202

General Revenue Fund						44203
GRF 370321	Operating Expenses	\$	1,947,031	\$	2,042,828	44204
GRF 370502	State Program Subsidies	\$	12,730,750	\$	12,730,750	44205
TOTAL GRF General Revenue Fund		\$	14,677,781	\$	14,773,578	44206

Dedicated Purpose Fund Group					44207
4600 370602 Arts Council Program	\$	377,942	\$	385,000	44208
Support					
4B70 370603 Percent for Art	\$	165,000	\$	165,000	44209
Acquisitions					
TOTAL DPF Dedicated Purpose Fund	\$	542,942	\$	550,000	44210
Group					
Federal Fund Group					44211
3140 370601 Federal Support	\$	1,250,000	\$	1,250,000	44212
TOTAL FED Federal Fund Group	\$	1,250,000	\$	1,250,000	44213
TOTAL ALL BUDGET FUND GROUPS	\$	16,470,723	\$	16,573,578	44214
STATE PROGRAM SUBSIDIES					44215
Notwithstanding any provision of law to the contrary, of the					44216
foregoing appropriation item 370502, State Program Subsidies, at					44217
least \$2,000,000 per fiscal year shall be used by the Ohio Arts					44218
Council to award grants for arts-related educational programming					44219
for kindergarten through twelfth grade students.					44220
FEDERAL SUPPORT					44221
Notwithstanding any provision of law to the contrary, the					44222
foregoing appropriation item 370601, Federal Support, shall be					44223
used by the Ohio Arts Council for subsidies only, and not for its					44224
administrative costs, unless the Council is required to use a					44225
portion of the funds for administrative costs under conditions of					44226
the federal grant.					44227
Section 219.10. ATH ATHLETIC COMMISSION					44228
Dedicated Purpose Fund Group					44229
4K90 175609 Operating Expenses	\$	331,169	\$	331,822	44230
TOTAL DPF Dedicated Purpose Fund	\$	331,169	\$	331,822	44231
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	331,169	\$	331,822	44232

Section 221.10. AGO ATTORNEY GENERAL				44234
General Revenue Fund				44235
GRF	055321	Operating Expenses	\$ 60,646,591 \$ 62,958,461	44236
GRF	055405	Law-Related Education	\$ 68,950 \$ 68,950	44237
GRF	055406	BCIRS Lease Rental	\$ 2,515,100 \$ 2,513,400	44238
Payments				
GRF	055411	County Sheriffs' Pay	\$ 942,148 \$ 942,148	44239
Supplement				
GRF	055415	County Prosecutors'	\$ 1,206,989 \$ 1,206,989	44240
Pay Supplement				
GRF	055431	Drug Abuse Response	\$ 1,500,000 \$ 1,500,000	44241
Team Grants				
GRF	055501	Rape Crisis Centers	\$ 1,550,000 \$ 1,550,000	44242
GRF	055502	School Safety	\$ 12,000,000 \$ 12,000,000	44243
Training Grants				
TOTAL GRF	General Revenue Fund		\$ 80,429,778 \$ 82,739,948	44244
Dedicated Purpose Fund Group				44245
1060	055612	Attorney General	\$ 58,426,184 \$ 60,018,182	44246
Operating				
4020	055616	Victims of Crime	\$ 20,624,291 \$ 20,624,291	44247
4170	055621	Domestic Violence	\$ 25,000 \$ 25,000	44248
Shelter				
4180	055615	Charitable	\$ 8,286,000 \$ 8,286,000	44249
Foundations				
4190	055623	Claims Section	\$ 41,500,000 \$ 42,600,000	44250
4200	055603	Attorney General	\$ 2,432,925 \$ 2,432,925	44251
Antitrust				
4210	055617	Police Officers'	\$ 2,182,062 \$ 2,250,000	44252
Training Academy Fee				
4L60	055606	DARE Programs	\$ 3,814,289 \$ 3,814,289	44253
4Y70	055608	Title Defect Recision	\$ 1,013,751 \$ 1,013,751	44254

4Z20	055609	BCI Asset Forfeiture and Cost Reimbursement	\$	2,500,000	\$	2,500,000	44255
5900	055633	Peace Officer Private Security Training	\$	95,325	\$	95,325	44256
5A90	055618	Telemarketing Fraud Enforcement	\$	10,000	\$	10,000	44257
5LR0	055655	Peace Officer Training - Casino	\$	5,355,079	\$	5,529,409	44258
5MP0	055657	Peace Officer Training Commission	\$	325,000	\$	325,000	44259
5TL0	055659	Organized Crime Law Enforcement Trust	\$	100,000	\$	100,000	44260
6310	055637	Consumer Protection Enforcement	\$	9,276,000	\$	9,276,000	44261
6590	055641	Solid and Hazardous Waste Background Investigations	\$	328,728	\$	328,728	44262
U087	055402	Tobacco Settlement Oversight, Administration, and Enforcement	\$	2,650,000	\$	2,650,000	44263
TOTAL DPF Dedicated Purpose Fund							44264
Group			\$	158,944,634	\$	161,878,900	44265
Internal Service Activity Fund Group							44266
1950	055660	Workers' Compensation Section	\$	7,416,045	\$	6,898,040	44267
TOTAL ISA Internal Service Activity			\$	7,416,045	\$	6,898,040	44268
Fund Group							
Holding Account Fund Group							44269
R004	055631	General Holding Account	\$	1,000,000	\$	1,000,000	44270

R005	055632	Antitrust Settlements	\$	1,000,000	\$	1,000,000	44271
R018	055630	Consumer Frauds	\$	1,000,000	\$	1,000,000	44272
R042	055601	Organized Crime Commission Distributions	\$	750,000	\$	750,000	44273
R054	055650	Collection Payment Redistribution	\$	4,500,000	\$	4,500,000	44274
TOTAL HLD Holding Account							44275
Fund Group			\$	8,250,000	\$	8,250,000	44276
Federal Fund Group							44277
3060	055620	Medicaid Fraud Control	\$	8,961,419	\$	8,961,419	44278
3830	055634	Crime Victims Assistance	\$	109,971,344	\$	110,000,000	44279
3E50	055638	Attorney General Pass-Through Funds	\$	4,017,209	\$	4,020,999	44280
3FV0	055656	Crime Victim Compensation	\$	4,600,000	\$	4,600,000	44281
3R60	055613	Attorney General Federal Funds	\$	2,799,999	\$	2,799,999	44282
TOTAL FED Federal Fund Group			\$	130,349,971	\$	130,382,417	44283
TOTAL ALL BUDGET FUND GROUPS			\$	385,390,428	\$	390,149,305	44284

Section 221.20. OHIO CENTER FOR THE FUTURE OF FORENSIC SCIENCE 44286
44287

Of the foregoing appropriation item 055321, Operating Expenses, \$600,000 in each fiscal year shall be used for the Ohio Center for the Future of Forensic Science at Bowling Green State University. The purpose of the Center shall be to foster forensic science research techniques (BCI Eminent Scholar) and to create professional training opportunities to students (BCI Scholars) in the forensic science fields. 44288
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DOMESTIC VIOLENCE PROGRAM	44295
Of the foregoing appropriation item 055321, Operating Expenses, \$100,000 in each fiscal year may be used by the Attorney General for the purpose of providing funding to domestic violence programs as defined in section 109.46 of the Revised Code.	44296 44297 44298 44299
NARCOTICS TASK FORCES	44300
Of the foregoing appropriation item 055321, Operating Expenses, up to \$500,000 in each fiscal year shall be used by the Attorney General to support narcotics task forces to be funded through appropriation item 761403, Recovery Ohio Law Enforcement, used by the Department of Public Safety.	44301 44302 44303 44304 44305
BUREAU OF CRIMINAL INVESTIGATION RECORDS SYSTEM (BCIRS) LEASE RENTAL PAYMENTS	44306 44307
The foregoing appropriation item 055406, BCIRS Lease Rental Payments, shall be used for payments during the period from July 1, 2019, through June 30, 2021, pursuant to leases and agreements entered into pursuant to Section 701.40 of Am. Sub. S.B. 310 of the 131st General Assembly and other prior acts of the General Assembly, with respect to financing the costs associated with the acquisition, development, implementation, and integration of the BCIRS.	44308 44309 44310 44311 44312 44313 44314 44315
COUNTY SHERIFFS' PAY SUPPLEMENT	44316
The foregoing appropriation item 055411, County Sheriffs' Pay Supplement, shall be used for the purpose of supplementing the annual compensation of county sheriffs as required by section 325.06 of the Revised Code.	44317 44318 44319 44320
At the request of the Attorney General, the Director of Budget and Management may transfer appropriation from appropriation item 055321, Operating Expenses, to appropriation item 055411, County Sheriffs' Pay Supplement. Any appropriation so	44321 44322 44323 44324

transferred shall be used to supplement the annual compensation of 44325
county sheriffs as required by section 325.06 of the Revised Code. 44326

COUNTY PROSECUTORS' PAY SUPPLEMENT 44327

The foregoing appropriation item 055415, County Prosecutors' 44328
Pay Supplement, shall be used for the purpose of supplementing the 44329
annual compensation of certain county prosecutors as required by 44330
section 325.111 of the Revised Code. 44331

At the request of the Attorney General, the Director of 44332
Budget and Management may transfer appropriation from 44333
appropriation item 055321, Operating Expenses, to appropriation 44334
item 055415, County Prosecutors' Pay Supplement. Any appropriation 44335
so transferred shall be used to supplement the annual compensation 44336
of county prosecutors as required by section 325.111 of the 44337
Revised Code. 44338

Section 221.30. BATTERED WOMEN'S SHELTER 44339

Of the foregoing appropriation item 055501, Rape Crisis 44340
Centers, \$50,000 in each fiscal year shall be distributed to the 44341
Battered Women's Shelter of Summit and Medina counties for the 44342
cost of operating the commercial kitchen located at its Market 44343
Street Facility. 44344

DRUG ABUSE RESPONSE TEAM GRANT PROGRAM 44345

The Attorney General shall maintain the Drug Abuse Response 44346
Team Grant Program for the purpose of replicating or expanding 44347
successful law enforcement programs that address the opioid 44348
epidemic similar to the Drug Abuse Response Team established by 44349
the Lucas County Sheriff's Department, and the Quick Response 44350
Teams established in Colerain Township's Department of Public 44351
Safety in Hamilton County and Summit County. Any grants awarded by 44352
this grant program may include requirements for private or 44353
nonprofit matching support. 44354

The foregoing appropriation item 055431, Drug Abuse Response Team Grants, shall be used by the Attorney General to fund grants to law enforcement or other government agencies; the primary purpose of the grants shall be to replicate or expand successful law enforcement programs that address the opioid epidemic similar to the Drug Abuse Response Team established by the Lucas County Sheriff's Department and the Quick Response Teams established in Colerain Township's Department of Public Safety in Hamilton County and Summit County.

Each recipient of a grant under this program shall, within six months of the end date of the grant, submit a written report describing the outcomes that resulted from the grant to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives.

WORKERS' COMPENSATION SECTION

The Workers' Compensation Fund (Fund 1950) is entitled to receive quarterly payments from the Bureau of Workers' Compensation and the Ohio Industrial Commission to fund legal services provided to the Bureau of Workers' Compensation and the Ohio Industrial Commission during the fiscal year.

In addition, the Bureau of Workers' Compensation shall transfer payments for the support of the Workers' Compensation Fraud Unit.

All amounts shall be mutually agreed upon by the Attorney General, the Bureau of Workers' Compensation, and the Ohio Industrial Commission.

GENERAL HOLDING ACCOUNT

The foregoing appropriation item 055631, General Holding Account, shall be used to distribute moneys under the terms of relevant court orders or other settlements received in a variety

of cases involving the Office of the Attorney General. If it is 44386
determined that additional amounts are necessary for this purpose, 44387
the amounts are hereby appropriated. 44388

ANTITRUST SETTLEMENTS 44389

The foregoing appropriation item 055632, Antitrust 44390
Settlements, shall be used to distribute moneys under the terms of 44391
relevant court orders or other out of court settlements in 44392
antitrust cases or antitrust matters involving the Office of the 44393
Attorney General. If it is determined that additional amounts are 44394
necessary for this purpose, the amounts are hereby appropriated. 44395

CONSUMER FRAUDS 44396

The foregoing appropriation item 055630, Consumer Frauds, 44397
shall be used for distribution of moneys from court-ordered 44398
judgments against sellers in actions brought by the Office of the 44399
Attorney General under sections 1334.08 and 4549.48 and division 44400
(B) of section 1345.07 of the Revised Code. These moneys shall be 44401
used to provide restitution to consumers victimized by the fraud 44402
that generated the court-ordered judgments. If it is determined 44403
that additional amounts are necessary for this purpose, the 44404
amounts are hereby appropriated. 44405

ORGANIZED CRIME COMMISSION DISTRIBUTIONS 44406

The foregoing appropriation item 055601, Organized Crime 44407
Commission Distributions, shall be used by the Organized Crime 44408
Investigations Commission, as provided by section 177.011 of the 44409
Revised Code, to reimburse political subdivisions for the expenses 44410
the political subdivisions incur when their law enforcement 44411
officers participate in an organized crime task force. If it is 44412
determined that additional amounts are necessary for this purpose, 44413
the amounts are hereby appropriated. 44414

COLLECTION PAYMENT REDISTRIBUTION 44415

The foregoing appropriation item 055650, Collection Payment 44416
 Redistribution, shall be used for the purpose of allocating the 44417
 revenue where debtors mistakenly paid the client agencies instead 44418
 of the Attorney General's Collections Enforcement Section. If it 44419
 is determined that additional amounts are necessary for this 44420
 purpose, the amounts are hereby appropriated. 44421

Section 223.10. AUD AUDITOR OF STATE 44422

General Revenue Fund 44423

GRF 070321 Operating Expenses \$ 28,528,759 \$ 28,560,583 44424

GRF 070403 Fiscal \$ 794,695 \$ 789,029 44425

Watch/Emergency
 Technical Assistance

GRF 070409 School District \$ 975,017 \$ 960,000 44426

Performance Audits

GRF 070412 Local Government \$ 10,000,000 \$ 10,000,000 44427

Audit Support

TOTAL GRF General Revenue Fund \$ 40,298,471 \$ 40,309,612 44428

Dedicated Purpose Fund Group 44429

1090 070601 Public Audit Expense \$ 11,184,958 \$ 11,545,067 44430

- Intrastate

4220 070602 Public Audit Expense \$ 34,477,707 \$ 35,053,886 44431

- Local Government

5840 070603 Training Program \$ 482,973 \$ 483,564 44432

5JZ0 070606 LEAP Revolving Loans \$ 309,359 \$ 310,952 44433

6750 070605 Uniform Accounting \$ 4,191,269 \$ 4,228,178 44434

Network

TOTAL DPF Dedicated Purpose Fund 44435

Group \$ 50,646,266 \$ 51,621,647 44436

TOTAL ALL BUDGET FUND GROUPS \$ 90,944,737 \$ 91,931,259 44437

Section 229.10. OBM OFFICE OF BUDGET AND MANAGEMENT 44439

General Revenue Fund					44440
GRF 042321	Budget Development	\$	3,328,574	\$	3,389,364
	and Implementation				44441
GRF 042425	Shared Services	\$	1,285,250	\$	1,049,725
	Development				44442
TOTAL GRF	General Revenue Fund	\$	4,613,824	\$	4,439,089
					44443
Internal Service Activity Fund Group					44444
1050 042603	Financial Management	\$	17,106,380	\$	16,995,903
1050 042620	Shared Services	\$	6,744,587	\$	6,543,051
	Operating				44446
TOTAL ISA	Internal Service Activity				44447
Fund Group		\$	23,850,967	\$	23,538,954
					44448
Fiduciary Fund Group					44449
5EH0 042604	Forgery Recovery	\$	30,000	\$	30,000
TOTAL FID	Fiduciary Fund Group	\$	30,000	\$	30,000
					44451
TOTAL ALL BUDGET FUND GROUPS		\$	28,494,791	\$	28,008,043
					44452

Section 229.20. AUDIT COSTS 44454

All centralized audit costs associated with either Single 44455
 Audit Schedules or financial statements prepared in conformance 44456
 with generally accepted accounting principles for the state shall 44457
 be paid from the foregoing appropriation item 042603, Financial 44458
 Management. 44459

Costs associated with the audit of the Auditor of State shall 44460
 be paid from the foregoing appropriation item 042321, Budget 44461
 Development and Implementation. 44462

SHARED SERVICES CENTER 44463

The foregoing appropriation items 042425, Shared Services 44464
 Development, and 042620, Shared Services Operating, shall be used 44465
 by the Director of Budget and Management to support the Shared 44466
 Services program pursuant to division (D) of section 126.21 of the 44467

Revised Code. 44468

The Director of Budget and Management shall include the 44469
recovery of costs to operate the Shared Services program in the 44470
accounting and budgeting services payroll rate and through direct 44471
charges using intrastate transfer vouchers billed to agencies for 44472
services rendered using a methodology determined by the Director 44473
of Budget and Management. Such cost recovery revenues shall be 44474
deposited to the credit of the Accounting and Budgeting Fund (Fund 44475
1050). 44476

INTERNAL AUDIT 44477

The Director of Budget and Management shall include the 44478
recovery of costs to operate the Internal Audit Program pursuant 44479
to section 126.45 of the Revised Code in the accounting and 44480
budgeting services payroll rate and through direct charges using 44481
intrastate transfer vouchers billed to agencies reviewed by the 44482
program using a methodology determined by the Director of Budget 44483
and Management. Such cost recovery revenues shall be deposited to 44484
the credit of Fund 1050. 44485

FORGERY RECOVERY 44486

The foregoing appropriation item 042604, Forgery Recovery, 44487
shall be used to reissue warrants that have been certified as 44488
forgeries by the rightful recipient as determined by the Bureau of 44489
Criminal Identification and Investigation and the Treasurer of 44490
State. Upon receipt of funds to cover the reissuance of the 44491
warrant, the Director of Budget and Management shall reissue a 44492
state warrant of the same amount. Any additional amounts needed to 44493
reissue warrants backed by the receipt of funds are hereby 44494
appropriated. 44495

Section 231.10. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD 44496

General Revenue Fund 44497

GRF	874100	Personal Services	\$	3,802,439	\$	3,819,502	44498
GRF	874320	Maintenance and Equipment	\$	1,368,765	\$	1,368,765	44499
TOTAL GRF	General Revenue Fund		\$	5,171,204	\$	5,188,267	44500
Dedicated Purpose Fund Group							44501
2080	874601	Underground Parking Garage Operations	\$	4,245,906	\$	4,245,906	44502
4G50	874603	Capitol Square Education Center and Arts	\$	6,000	\$	6,000	44503
TOTAL DPF	Dedicated Purpose Fund Group		\$	4,251,906	\$	4,251,906	44504 44505
Internal Service Activity Fund Group							44506
4S70	874602	Statehouse Gift Shop/Events	\$	800,000	\$	800,000	44507
TOTAL ISA	Internal Service Activity Fund Group		\$	800,000	\$	800,000	44508 44509
TOTAL ALL BUDGET FUND GROUPS			\$	10,223,110	\$	10,240,173	44510

PERSONAL SERVICES 44511

On July 1, 2019, or as soon as possible thereafter, the 44512
 Executive Director of the Capitol Square Review and Advisory Board 44513
 may certify to the Director of Budget and Management an amount up 44514
 to the unexpended, unencumbered balance of the foregoing 44515
 appropriation item 874100, Personal Services, at the end of fiscal 44516
 year 2019 to be reappropriated to fiscal year 2020. The amount 44517
 certified is hereby appropriated to the same appropriation item 44518
 for fiscal year 2020. 44519

On July 1, 2020, or as soon as possible thereafter, the 44520
 Executive Director of the Capital Square Review and Advisory Board 44521
 may certify to the Director of Budget and Management an amount up 44522
 to the unexpended, unencumbered balance of the foregoing 44523
 appropriation item 874100, Personal Services, at the end of fiscal 44524

year 2020 to be reappropriated to fiscal year 2021. The amount 44525
certified is hereby appropriated to the same appropriation item 44526
for fiscal year 2021. 44527

MAINTENANCE AND EQUIPMENT 44528

On July 1, 2019, or as soon as possible thereafter, the 44529
Executive Director of the Capitol Square Review and Advisory Board 44530
may certify to the Director of Budget and Management an amount up 44531
to the unexpended, unencumbered balance of the foregoing 44532
appropriation item 874320, Maintenance and Equipment, at the end 44533
of fiscal year 2019 to be reappropriated to fiscal year 2020. The 44534
amount certified is hereby appropriated to the same appropriation 44535
item for fiscal year 2020. 44536

On July 1, 2020, or as soon as possible thereafter, the 44537
Executive Director of the Capitol Square Review and Advisory Board 44538
may certify to the Director of Budget and Management an amount up 44539
to the unexpended, unencumbered balance of the foregoing 44540
appropriation item 874320, Maintenance and Equipment, at the end 44541
of fiscal year 2020 to be reappropriated to fiscal year 2021. The 44542
amount certified is hereby appropriated to the same appropriation 44543
item for fiscal year 2021. 44544

UNDERGROUND PARKING GARAGE FUND 44545

Notwithstanding division (G) of section 105.41 of the Revised 44546
Code and any other provision to the contrary, moneys in the 44547
Underground Parking Garage Fund (Fund 2080) may be used for 44548
personnel and operating costs related to the operations of the 44549
Statehouse and the Statehouse Underground Parking Garage. 44550

HOUSE AND SENATE PARKING REIMBURSEMENT 44551

On July 1 of each fiscal year, or as soon as possible 44552
thereafter, the Director of Budget and Management shall transfer 44553
\$500,000 cash from the General Revenue Fund to the Underground 44554
Parking Garage Fund (Fund 2080). The amounts transferred under 44555

this section shall be used to reimburse the Capitol Square Review 44556
and Advisory Board for legislative parking costs. 44557

Section 233.10. SCR STATE BOARD OF CAREER COLLEGES AND 44558
SCHOOLS 44559

Dedicated Purpose Fund Group 44560

4K90 233601 Operating Expenses \$ 540,260 \$ 540,260 44561

TOTAL DPF Dedicated Purpose Fund \$ 540,260 \$ 540,260 44562

Group

TOTAL ALL BUDGET FUND GROUPS \$ 540,260 \$ 540,260 44563

Section 235.10. CAC CASINO CONTROL COMMISSION 44565

Dedicated Purpose Fund Group 44566

5HS0 955321 Operating Expenses \$ 13,180,629 \$ 13,673,127 44567

5NU0 955601 Casino Commission \$ 250,000 \$ 250,000 44568

Enforcement

TOTAL DPF Dedicated Purpose Fund \$ 13,430,629 \$ 13,923,127 44569

Group

TOTAL ALL BUDGET FUND GROUPS \$ 13,430,629 \$ 13,923,127 44570

Section 237.10. CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD 44572

Dedicated Purpose Fund Group 44573

4K90 930609 Operating Expenses \$ 651,167 \$ 664,212 44574

TOTAL DPF Dedicated Purpose Fund \$ 651,167 \$ 664,212 44575

Group

TOTAL ALL BUDGET FUND GROUPS \$ 651,167 \$ 664,212 44576

Section 239.10. CHR STATE CHIROPRACTIC BOARD 44578

Dedicated Purpose Fund Group 44579

4K90 878609 Operating Expenses \$ 605,251 \$ 622,000 44580

TOTAL DPF Dedicated Purpose Fund \$ 605,251 \$ 622,000 44581

Group

TOTAL ALL BUDGET FUND GROUPS	\$	605,251	\$	622,000	44582
 Section 241.10. CIV OHIO CIVIL RIGHTS COMMISSION					44584
General Revenue Fund					44585
GRF 876321 Operating Expenses	\$	5,863,161	\$	5,863,161	44586
TOTAL GRF General Revenue Fund	\$	5,863,161	\$	5,863,161	44587
 Dedicated Purpose Fund Group					44588
2170 876604 Operations Support	\$	3,000	\$	3,000	44589
TOTAL DPF Internal Service Activity					44590
Fund Group	\$	3,000	\$	3,000	44591
 Federal Fund Group					44592
3340 876601 Federal Programs	\$	3,555,504	\$	3,908,497	44593
TOTAL FED Federal Special Revenue					44594
Fund Group	\$	3,555,504	\$	3,908,497	44595
TOTAL ALL BUDGET FUND GROUPS	\$	9,421,665	\$	9,774,658	44596
 Section 243.10. COM DEPARTMENT OF COMMERCE					44598
 Dedicated Purpose Fund Group					44599
4B20 800631 Real Estate Appraisal	\$	35,000	\$	35,000	44600
 Recovery					
4H90 800608 Cemeteries	\$	302,250	\$	313,466	44601
4X20 800619 Financial Institutions	\$	1,914,631	\$	1,980,213	44602
5430 800602 Unclaimed	\$	10,452,421	\$	10,465,295	44603
 Funds-Operating					
5430 800625 Unclaimed Funds-Claims	\$	70,000,000	\$	70,000,000	44604
5440 800612 Banks	\$	10,154,147	\$	10,688,048	44605
5460 800610 Fire Marshal	\$	20,436,641	\$	21,090,755	44606
5460 800639 Fire Department Grants	\$	5,200,000	\$	5,200,000	44607
5470 800603 Real Estate	\$	69,655	\$	69,655	44608
 Education/Research					
5480 800611 Real Estate Recovery	\$	50,000	\$	50,000	44609
5490 800614 Real Estate	\$	3,876,514	\$	4,067,513	44610

5500	800617	Securities	\$	6,165,054	\$	6,363,135	44611
5520	800604	Credit Union	\$	3,719,253	\$	3,807,712	44612
5530	800607	Consumer Finance	\$	5,465,720	\$	5,777,988	44613
5560	800615	Industrial Compliance	\$	30,729,000	\$	30,729,000	44614
5F10	800635	Small Government Fire Departments	\$	300,000	\$	300,000	44615
5FW0	800616	Financial Literacy Education	\$	150,000	\$	150,000	44616
5GK0	800609	Securities Investor Education/Enforcement	\$	2,178,400	\$	2,182,150	44617
5HV0	800641	Cigarette Enforcement	\$	27,324	\$	27,324	44618
5LC0	800644	Liquor JobsOhio Extraordinary Allowance	\$	788,204	\$	788,204	44619
5LN0	800645	Liquor Operating Services	\$	19,540,125	\$	19,705,103	44620
5LP0	800646	Liquor Regulatory Operating Expenses	\$	15,918,941	\$	14,787,281	44621
5SE0	800651	Cemetery Grant Program	\$	100,000	\$	100,000	44622
5SJ0	800648	Volunteer Peace Officers' Dependent Fund	\$	50,000	\$	50,000	44623
5SU0	800649	Manufactured Homes Regulation	\$	260,550	\$	270,478	44624
5SY0	800650	Medical Marijuana Control Program	\$	6,435,897	\$	5,121,000	44625
5VC0	800652	Real Estate Home Inspector Operating	\$	490,000	\$	490,000	44626
5VD0	800653	Real Estate Home Inspector Recovery	\$	10,000	\$	10,000	44627
5X60	800623	Video Service	\$	416,732	\$	412,693	44628
6530	800629	UST Registration/Permit Fee	\$	2,316,230	\$	2,301,714	44629
6A40	800630	Real Estate	\$	1,299,071	\$	1,336,056	44630

Appraiser-Operating				
TOTAL DPF Dedicated Purpose				44631
Fund Group	\$	218,851,760	\$	218,669,783 44632
Internal Service Activity Fund Group				44633
1630 800620 Division of	\$	8,558,140	\$	8,364,140 44634
Administration				
1630 800637 Information Technology	\$	8,601,860	\$	8,985,860 44635
TOTAL ISA Internal Service Activity				44636
Fund Group	\$	17,160,000	\$	17,350,000 44637
Federal Fund Group				44638
3480 800622 Underground Storage	\$	820,675	\$	805,112 44639
Tanks				
3480 800624 Leaking Underground	\$	1,950,000	\$	1,949,887 44640
Storage Tanks				
TOTAL FED Federal Fund Group	\$	2,770,675	\$	2,754,999 44641
TOTAL ALL BUDGET FUND GROUPS	\$	238,782,435	\$	238,774,782 44642

Section 243.20. UNCLAIMED FUNDS PAYMENTS 44644

The foregoing appropriation item 800625, Unclaimed 44645
 Funds-Claims, shall be used to pay claims under section 169.08 of 44646
 the Revised Code. If it is determined by the Director of Commerce 44647
 that additional appropriation amounts are necessary to make such 44648
 payments, the Director of Commerce may request that the Director 44649
 of Budget and Management increase such amounts. Such increases are 44650
 hereby appropriated. 44651

DIVISION OF REAL ESTATE AND PROFESSIONAL LICENSING 44652

The foregoing appropriation item 800631, Real Estate 44653
 Appraiser Recovery, shall be used to pay settlements, judgments, 44654
 and court orders under section 4763.16 of the Revised Code. If it 44655
 is determined by the Director of Commerce that additional 44656
 appropriation amounts are necessary to make such payments, the 44657
 Director of Commerce may request that the Director of Budget and 44658

Management increase such amounts. Such increases are hereby 44659
appropriated. 44660

The foregoing appropriation item 800611, Real Estate 44661
Recovery, shall be used to pay settlements, judgments, and court 44662
orders under section 4735.12 of the Revised Code. If it is 44663
determined by the Director of Commerce that additional 44664
appropriation amounts are necessary to make such payments, the 44665
Director of Commerce may request that the Director of Budget and 44666
Management increase such amounts. Such increases are hereby 44667
appropriated. 44668

FIRE DEPARTMENT GRANTS 44669

(A) The foregoing appropriation item 800639, Fire Department 44670
Grants, shall be used to make annual grants to the following 44671
eligible recipients: volunteer fire departments, fire departments 44672
that serve one or more small municipalities or small townships, 44673
joint fire districts comprised of fire departments that primarily 44674
serve small municipalities or small townships, local units of 44675
government responsible for such fire departments, and local units 44676
of government responsible for the provision of fire protection 44677
services for small municipalities or small townships. For the 44678
purposes of these grants, a private fire company, as that phrase 44679
is defined in section 9.60 of the Revised Code, that is providing 44680
fire protection services under a contract to a political 44681
subdivision of the state, is an additional eligible recipient for 44682
a training grant. 44683

Eligible recipients that consist of small municipalities or 44684
small townships that all intend to contract with the same fire 44685
department or private fire company for fire protection services 44686
may jointly apply and be considered for a grant. If a joint 44687
applicant is awarded a grant, the State Fire Marshal shall, if 44688
feasible, proportionately award the grant and any equipment 44689
purchased with grant funds to each of the joint applicants based 44690

upon each applicant's contribution to and demonstrated need for 44691
fire protection services. For the purpose of this grant program, 44692
an eligible recipient or any firefighting entity that is 44693
contracted to serve an eligible recipient may only file, be listed 44694
as joint applicant, or be designated as a service provider on one 44695
grant application per fiscal year. 44696

If the grant awarded to joint applicants is an equipment 44697
grant and the equipment to be purchased cannot be readily 44698
distributed or possessed by multiple recipients, each of the joint 44699
applicants shall be awarded by the State Fire Marshal an ownership 44700
interest in the equipment so purchased in proportion to each 44701
applicant's contribution to and demonstrated need for fire 44702
protection services. The joint applicants shall then mutually 44703
agree on how the equipment is to be maintained, operated, stored, 44704
or disposed of. If, for any reason, the joint applicants cannot 44705
agree as to how jointly owned equipment is to be maintained, 44706
operated, stored, or disposed of or any of the joint applicants no 44707
longer maintain a contract with the same fire protection service 44708
provider as the other applicants, then the joint applicants shall, 44709
with the assistance of the State Fire Marshal, mutually agree as 44710
to how the jointly owned equipment is to be maintained, operated, 44711
stored, disposed of, or owned. If the joint applicants cannot 44712
agree how the grant equipment is to be maintained, operated, 44713
stored, disposed of, or owned, the State Fire Marshal may, in its 44714
discretion, require all of the equipment acquired by the joint 44715
applicants with grant funds to be returned to the State Fire 44716
Marshal. The State Fire Marshal may then award the returned 44717
equipment to any eligible recipients. For this paragraph only, an 44718
"equipment grant" also includes a MARCS Grant. 44719

(B) Except as otherwise provided in this section, the grants 44720
shall be used by recipients to purchase firefighting or rescue 44721
equipment or gear or similar items, to provide full or partial 44722

reimbursement for the documented costs of firefighter training, 44723
or, at the discretion of the State Fire Marshal, to cover fire 44724
department costs for providing fire protection services in that 44725
grant recipient's jurisdiction. 44726

(1) Of the foregoing appropriation item 800639, Fire 44727
Department Grants, up to \$1,000,000 per fiscal year may be used to 44728
pay for the State Fire Marshal's costs of providing firefighter I 44729
certification classes or other firefighter classes approved by the 44730
State Fire Marshal at no cost to selected students attending the 44731
Ohio Fire Academy or other class providers approved by the State 44732
Fire Marshal. The State Fire Marshal may establish the 44733
qualifications and selection processes for students to attend such 44734
classes by written policy, and such students shall be considered 44735
eligible recipients of fire department grants for the purposes of 44736
this portion of the grant program. 44737

(2) Of the foregoing appropriation item 800639, Fire 44738
Department Grants, up to \$3,000,000 in each fiscal year may be 44739
used for MARCS Grants. MARCS Grants may be used for the payment of 44740
user access fees by the eligible recipient to cover costs for 44741
accessing MARCS. 44742

For purposes of this section, a MARCS Grant is a grant for 44743
systems, equipment, or services that are a part of, integrated 44744
into, or otherwise interoperable with the Multi-Agency Radio 44745
Communication System (MARCS) operated by the state. 44746

MARCS Grant awards may be up to \$50,000 in each fiscal year 44747
per eligible recipient. Each eligible recipient may apply, as a 44748
separate entity or as a part of a joint application, for only one 44749
MARCS Grant per fiscal year. The State Fire Marshal may give a 44750
preference to MARCS Grants that will enhance the overall 44751
interoperability and effectiveness of emergency communication 44752
networks in the geographic region that includes and that is 44753
adjacent to the applicant. 44754

Eligible recipients that are or were awarded fire department 44755
grants that are not MARCS Grants may also apply for and receive 44756
MARCS Grants in accordance with criteria for the awarding of grant 44757
funds established by the State Fire Marshal. 44758

(3) Grant awards for firefighting or rescue equipment or gear 44759
or for fire department costs of providing fire protection services 44760
shall be up to \$15,000 per fiscal year, or up to \$25,000 per 44761
fiscal year if an eligible entity serves a jurisdiction in which 44762
the Governor declared a natural disaster during the preceding or 44763
current fiscal year in which the grant was awarded. In addition to 44764
any grant funds awarded for rescue equipment or gear, or for fire 44765
department costs associated with the provision of fire protection 44766
services, an eligible entity may receive a grant for up to \$15,000 44767
per fiscal year for full or partial reimbursement of the 44768
documented costs of firefighter training. For each fiscal year, 44769
the State Fire Marshal shall determine the total amounts to be 44770
allocated for each eligible purpose. 44771

(C) The grants shall be administered by the State Fire 44772
Marshal in accordance with rules the State Fire Marshal adopts as 44773
part of the state fire code adopted pursuant to section 3737.82 of 44774
the Revised Code that are necessary for the administration and 44775
operation of the grant program. The rules may further define the 44776
entities eligible to receive grants and establish criteria for the 44777
awarding and expenditure of grant funds, including methods the 44778
State Fire Marshal may use to verify the proper use of grant funds 44779
or to obtain reimbursement for or the return of equipment for 44780
improperly used grant funds. To the extent consistent with this 44781
section and until the rules are updated, the existing rules in the 44782
state fire code adopted pursuant to section 3737.82 of the Revised 44783
Code for fire department grants under this section apply to MARCS 44784
Grants. Any amounts in appropriation item 800639, Fire Department 44785
Grants, in excess of the amount allocated for these grants may be 44786

used for the administration of the grant program. 44787

Section 243.30. CASH TRANSFERS TO DIVISION OF REAL ESTATE 44788
OPERATING FUND 44789

Upon the written request of the Director of Commerce, the 44790
Director of Budget and Management may transfer up to \$500,000 in 44791
cash from the Real Estate Education and Research Fund (Fund 5470) 44792
to the Division of Real Estate Operating Fund (Fund 5490) during 44793
the biennium ending June 30, 2021. 44794

If the Real Estate Recovery Fund (Fund 5480) cash balance 44795
exceeds \$250,000 during the biennium ending June 30, 2021, the 44796
Director of Budget and Management, upon the written request of the 44797
Director of Commerce, may transfer cash from Fund 5480 to the 44798
Division of Real Estate Operating Fund (Fund 5490), such that the 44799
amount available in Fund 5480 is not less than \$250,000. 44800

CASH TRANSFERS TO REAL ESTATE APPRAISER OPERATING FUND 44801

If the Real Estate Appraiser Recovery Fund (Fund 4B20) cash 44802
balance exceeds \$200,000 during the biennium ending June 30, 2021, 44803
the Director of Budget and Management, upon the written request of 44804
the Director of Commerce, may transfer cash from Fund 4B20 to the 44805
Real Estate Appraiser Operating Fund (Fund 6A40), such that the 44806
amount available in Fund 4B20 is not less than \$200,000. 44807

CASH TRANSFERS TO SMALL GOVERNMENT FIRE DEPARTMENT SERVICES 44808
REVOLVING LOAN FUND 44809

Upon the written request of the Director of Commerce, the 44810
Director of Budget and Management may transfer up to \$300,000 in 44811
cash from the State Fire Marshal Fund (Fund 5460) to the Small 44812
Government Fire Department Services Revolving Loan Fund (Fund 44813
5F10) during the biennium ending June 30, 2021. 44814

CASH TRANSFERS TO THE HOME INSPECTOR OPERATING FUND AND THE 44815
HOME INSPECTOR RECOVERY FUND 44816

During the biennium beginning July 1, 2019, and ending June 30, 2021, and upon written request from the Director of Commerce, the Director of Budget and Management may transfer up to \$500,000 in cash from the Division of Securities Fund (Fund 5500) as follows: up to \$490,000 in cash to the Home Inspector Operating Fund (Fund 5VC0) and up to \$10,000 in cash to the Home Inspector Recovery Fund (Fund 5VD0). When revenue deposited into Fund 5VC0 and Fund 5VD0 are deemed sufficient to sustain operations, the Director of Budget and Management, in consultation with the Director of Commerce, shall establish a repayment schedule to fully repay the cash transferred from Fund 5500 to Fund 5VC0 and Fund 5VD0.

Section 245.10. OCC OFFICE OF CONSUMERS' COUNSEL				44829	
Dedicated Purpose Fund Group				44830	
5F50 053601 Operating Expenses	\$	5,541,093	\$	5,541,093	44831
TOTAL DPF Dedicated Purpose Fund Group	\$	5,541,093	\$	5,541,093	44832
TOTAL ALL BUDGET FUND GROUPS	\$	5,541,093	\$	5,541,093	44833

Section 247.10. CEB CONTROLLING BOARD				44835	
Internal Service Activity Fund Group				44836	
5KM0 911614 Controlling Board	\$	7,500,000	\$	7,500,000	44837
Emergency Purposes/Contingencies					
TOTAL ISA Internal Service Activity Fund Group	\$	7,500,000	\$	7,500,000	44838
TOTAL ALL BUDGET FUND GROUPS	\$	7,500,000	\$	7,500,000	44839

Section 247.20. FEDERAL SHARE				44841
In transferring appropriations to or from appropriation items that have federal shares identified in this act, the Controlling				44842
				44843

Board shall add or subtract corresponding amounts of federal 44844
matching funds at the percentages indicated by the state and 44845
federal division of the appropriations in this act. Such changes 44846
are hereby appropriated. 44847

DISASTER SERVICES 44848

The Disaster Services Fund (Fund 5E20) shall be used by the 44849
Controlling Board, pursuant to requests submitted by state 44850
agencies, to transfer cash used for the payment of state agency 44851
disaster relief program expenses for disasters that have a written 44852
Governor's authorization, if the Director of Budget and Management 44853
determines that sufficient funds exist. 44854

Pursuant to requests submitted by the Department of Public 44855
Safety, the Controlling Board may approve cash transfers from Fund 44856
5E20 to any fund used by the Department of Public Safety to 44857
provide for assistance to political subdivisions made necessary by 44858
natural disasters or emergencies. These cash transfers may be 44859
requested and approved prior to the occurrence of any specific 44860
natural disasters or emergencies in order to facilitate the 44861
provision of timely assistance. The Emergency Management Agency of 44862
the Department of Public Safety shall use the cash to fund the 44863
State Disaster Relief Program for disasters that qualify for the 44864
program by written authorization of the Governor, and the State 44865
Individual Assistance Program for disasters that been declared by 44866
the federal Small Business Administration and that qualify for the 44867
program by written authorization from the Governor. The Ohio 44868
Emergency Management Agency shall publish and make available 44869
application packets outlining procedures for the State Disaster 44870
Relief Program and the State Individual Assistance Program. 44871

Section 249.10. COS COSMETOLOGY AND BARBER BOARD 44872

Dedicated Purpose Fund Group 44873

4K90 879609	Operating Expenses	\$	5,425,748	\$	5,716,944	44874
TOTAL DPF Dedicated Purpose Fund Group		\$	5,425,748	\$	5,716,944	44875
TOTAL ALL BUDGET FUND GROUPS		\$	5,425,748	\$	5,716,944	44876

Section 251.10. CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE 44878

AND FAMILY THERAPIST BOARD 44879

Dedicated Purpose Fund Group 44880

4K90 899609	Operating Expenses	\$	1,739,538	\$	1,854,848	44881
TOTAL DPF Dedicated Purpose Fund Group		\$	1,739,538	\$	1,854,848	44882
TOTAL ALL BUDGET FUND GROUPS		\$	1,739,538	\$	1,854,848	44883

Section 253.10. CLA COURT OF CLAIMS 44885

General Revenue Fund 44886

GRF 015321	Operating Expenses	\$	2,669,835	\$	2,692,946	44887
GRF 015403	Public Records	\$	879,776	\$	886,527	44888

Adjudication

TOTAL GRF General Revenue Fund 44889

Dedicated Purpose Fund Group 44890

5K20 015603	CLA Victims of Crime	\$	529,928	\$	533,532	44891
5TE0 015604	Public Records	\$	8,000	\$	8,000	44892
TOTAL DPF Dedicated Purpose Fund Group		\$	537,928	\$	541,532	44893
TOTAL ALL BUDGET FUND GROUPS		\$	4,087,539	\$	4,121,005	44894

Section 255.10. DEN STATE DENTAL BOARD 44896

Dedicated Purpose Fund Group 44897

4K90 880609	Operating Expenses	\$	2,000,804	\$	2,124,251	44898
TOTAL DPF Dedicated Purpose Fund Group		\$	2,000,804	\$	2,124,251	44899
TOTAL ALL BUDGET FUND GROUPS		\$	2,000,804	\$	2,124,251	44900

Section 257.10. BDP BOARD OF DEPOSIT				44902
Dedicated Purpose Fund Group				44903
4M20 974601	Board of Deposit	\$ 1,876,000	\$ 1,876,000	44904
TOTAL DPF Dedicated Purpose Fund				44905
Group				
TOTAL ALL BUDGET FUND GROUPS				44906
BOARD OF DEPOSIT EXPENSE FUND				44907
Upon receiving certification of expenses from the Treasurer				44908
of State, the Director of Budget and Management shall transfer				44909
cash from the Investment Earnings Redistribution Fund (Fund 6080)				44910
to the Board of Deposit Expense Fund (Fund 4M20). The latter fund				44911
shall be used pursuant to section 135.02 of the Revised Code to				44912
pay for any and all necessary expenses of the Board of Deposit or				44913
for banking charges and fees required for the operation of the				44914
State of Ohio Regular Account.				44915
Section 259.10. DEV DEVELOPMENT SERVICES AGENCY				44916
General Revenue Fund				44917
GRF 195402	Coal Research and	\$ 227,368	\$ 227,368	44918
Development Program				
GRF 195405	Minority Business	\$ 1,696,358	\$ 1,696,358	44919
Development				
GRF 195415	Business Development	\$ 2,102,021	\$ 2,149,281	44920
Services				
GRF 195426	Redevelopment	\$ 1,067,000	\$ 1,067,000	44921
Assistance				
GRF 195453	Technology Programs	\$ 1,843,656	\$ 1,900,000	44922
and Grants				
GRF 195454	Small Business and	\$ 3,057,174	\$ 3,057,174	44923
Export Assistance				
GRF 195455	Appalachia Assistance	\$ 9,991,465	\$ 10,000,000	44924

GRF	195497	CDBG Operating Match	\$	1,092,138	\$	1,125,000	44925
GRF	195499	BSD Federal Programs Match	\$	13,148,022	\$	12,976,894	44926
GRF	195553	Industry Sector Partnerships	\$	2,500,000	\$	2,500,000	44927
GRF	195901	Coal Research and Development General Obligation Bond Debt Service	\$	8,123,100	\$	7,682,600	44928
GRF	195905	Third Frontier Research and Development General Obligation Bond Debt Service	\$	84,181,400	\$	87,403,000	44929
GRF	195912	Job Ready Site Development General Obligation Bond Debt Service	\$	15,516,000	\$	9,879,900	44930
TOTAL GRF		General Revenue Fund	\$	144,545,702	\$	141,664,575	44931
		Dedicated Purpose Fund Group					44932
4500	195624	Minority Business Bonding Program Administration	\$	74,905	\$	74,905	44933
4510	195649	Business Assistance Programs	\$	4,000,000	\$	4,000,000	44934
4F20	195639	State Special Projects	\$	102,104	\$	102,104	44935
4F20	195699	Utility Community Assistance	\$	500,000	\$	500,000	44936
4W10	195646	Minority Business Enterprise Loan	\$	4,000,000	\$	4,000,000	44937
5JR0	195635	Tax Incentives Operating	\$	800,000	\$	800,000	44938
5KP0	195645	Historic	\$	1,000,000	\$	1,000,000	44939

		Rehabilitation					
		Operating					
5M40	195659	Low Income Energy	\$	349,944,742	\$	350,000,000	44940
		Assistance (USF)					
5M50	195660	Advanced Energy Loan	\$	10,000,000	\$	10,000,000	44941
		Programs					
5MH0	195644	SiteOhio	\$	2,500	\$	2,500	44942
		Administration					
5MJ0	195683	TourismOhio	\$	10,000,000	\$	10,000,000	44943
		Administration					
5UL0	195627	Brownfields Revolving	\$	2,500,000	\$	2,500,000	44944
		Loan Program					
5VK0	195555	Industry-Recognized	\$	15,000,000	\$	15,000,000	44945
		Credentials					
5W60	195691	International Trade	\$	18,000	\$	18,000	44946
		Cooperative Projects					
6170	195654	Volume Cap	\$	32,562	\$	32,562	44947
		Administration					
6460	195638	Low- and Moderate-	\$	53,000,000	\$	53,000,000	44948
		Income Housing					
		Programs					
M087	195435	Biomedical Research	\$	500,000	\$	500,000	44949
		and Technology					
		Transfer					
TOTAL DPF		Dedicated Purpose Fund	\$	451,474,813	\$	451,530,071	44950
Group							
Internal Service Activity Fund Group							44951
1350	195684	Development Services	\$	11,686,861	\$	12,000,000	44952
		Operations					
6850	195636	Development Services	\$	125,000	\$	125,000	44953
		Reimbursable					
		Expenditures					
TOTAL ISA		Internal Service Activity	\$	11,811,861	\$	12,125,000	44954

Fund Group

Facilities Establishment Fund Group				44955
5S90	195628	Capital Access Loan Program	\$ 2,500,000 \$	2,500,000 44956
7009	195664	Innovation Ohio	\$ 5,000,000 \$	5,000,000 44957
7010	195665	Research and Development	\$ 5,000,000 \$	5,000,000 44958
7037	195615	Facilities Establishment	\$ 25,000,000 \$	25,000,000 44959
TOTAL FCE Facilities Establishment			\$ 37,500,000 \$	37,500,000 44960

Fund Group

Bond Research and Development Fund Group				44961
7011	195686	Third Frontier Tax Exempt - Operating	\$ 750,000 \$	750,000 44962
7011	195687	Third Frontier Research and Development Projects	\$ 21,000,000 \$	21,000,000 44963
7014	195620	Third Frontier Taxable - Operating	\$ 1,710,000 \$	1,710,000 44964
7014	195692	Research and Development Taxable Bond Projects	\$ 90,850,250 \$	90,850,250 44965
TOTAL BRD Bond Research and Development Fund Group			\$ 114,310,250 \$	114,310,250 44966

Federal Fund Group

Federal Fund Group				44967
3080	195603	Housing Assistance Programs	\$ 12,000,000 \$	12,000,000 44968
3080	195609	Small Business Administration Grants	\$ 5,271,381 \$	5,271,381 44969
3080	195618	Energy Grants	\$ 4,000,000 \$	4,000,000 44970
3080	195670	Home Weatherization Program	\$ 20,000,000 \$	20,000,000 44971

3080	195671	Brownfield Redevelopment	\$	2,000,000	\$	2,000,000	44972
3080	195672	Manufacturing Extension Partnership	\$	6,300,000	\$	6,300,000	44973
3080	195675	Procurement Technical Assistance	\$	750,000	\$	750,000	44974
3080	195696	State Trade and Export Promotion	\$	1,000,000	\$	1,000,000	44975
3350	195610	Energy Programs	\$	345,382	\$	350,000	44976
3AE0	195643	Workforce Development Initiatives	\$	800,000	\$	800,000	44977
3FJ0	195626	Small Business Capital Access and Collateral Enhancement Program	\$	7,996,645	\$	8,000,000	44978
3FJ0	195661	Technology Targeted Investment Program	\$	2,260,953	\$	2,260,953	44979
3K80	195613	Community Development Block Grant	\$	60,000,000	\$	60,000,000	44980
3K90	195611	Home Energy Assistance Block Grant	\$	164,914,571	\$	165,000,000	44981
3K90	195614	HEAP Weatherization	\$	34,989,189	\$	35,000,000	44982
3L00	195612	Community Services Block Grant	\$	28,000,000	\$	28,000,000	44983
3V10	195601	HOME Program	\$	34,979,280	\$	35,000,000	44984
TOTAL FED	Federal Fund Group		\$	385,607,401	\$	385,732,334	44985
TOTAL ALL BUDGET FUND GROUPS			\$	1,145,250,027	\$	1,142,862,230	44986

Section 259.20. COAL RESEARCH AND DEVELOPMENT PROGRAM 44988

The foregoing appropriation item 195402, Coal Research and 44989
Development Program, shall be used for the operating expenses of 44990
the Community Services Division in support of the Ohio Coal 44991

Development Office.	44992
MINORITY BUSINESS DEVELOPMENT	44993
The foregoing appropriation item 195405, Minority Business	44994
Development, shall be used to support the activities of the	44995
Minority Business Development Division, including providing grants	44996
to local nonprofit organizations to support economic development	44997
activities that promote minority business development, in	44998
conjunction with local organizations funded through appropriation	44999
item 195454, Small Business and Export Assistance.	45000
BUSINESS DEVELOPMENT SERVICES	45001
The foregoing appropriation item 195415, Business Development	45002
Services, shall be used for the operating expenses of the Office	45003
of Strategic Business Investments and the regional economic	45004
development offices.	45005
REDEVELOPMENT ASSISTANCE	45006
The foregoing appropriation item 195426, Redevelopment	45007
Assistance, shall be used to fund the costs of administering the	45008
energy, redevelopment, and other revitalization programs that may	45009
be implemented by the Development Services Agency, and may be used	45010
to match federal grant funding.	45011
TECHNOLOGY PROGRAMS AND GRANTS	45012
The foregoing appropriation item 195453, Technology Programs	45013
and Grants, shall be used for operating expenses incurred in	45014
administering the Ohio Third Frontier Programs and other	45015
technology focused programs that may be implemented by the	45016
Development Services Agency.	45017
SMALL BUSINESS AND EXPORT ASSISTANCE	45018
The foregoing appropriation item 195454, Small Business and	45019
Export Assistance, may be used to provide a range of business	45020
assistance, including grants to local organizations to support	45021

economic development activities that promote small business 45022
development, entrepreneurship, and exports of Ohio's goods and 45023
services, in conjunction with local organizations funded through 45024
appropriation item 195405, Minority Business Development. The 45025
foregoing appropriation item shall also be used as matching funds 45026
for grants from the United States Small Business Administration 45027
and other federal agencies, pursuant to Pub. L. No. 96-302 as 45028
amended by Pub. L. No. 98-395, and regulations and policy 45029
guidelines for the programs pursuant thereto. 45030

APPALACHIA ASSISTANCE 45031

The foregoing GRF appropriation item 195455, Appalachia 45032
Assistance, may be used for the administrative costs of planning 45033
and liaison activities for the Governor's Office of Appalachia, to 45034
provide financial assistance to projects in Ohio's Appalachian 45035
counties, to support four local development districts, and to pay 45036
dues for the Appalachian Regional Commission. These funds may be 45037
used to match federal funds from the Appalachian Regional 45038
Commission. Programs funded through the foregoing appropriation 45039
item 195455, Appalachia Assistance, shall be identified and 45040
recommended by the local development districts and approved by the 45041
Governor's Office of Appalachia. The Development Services Agency 45042
shall conduct compliance and regulatory review of the programs 45043
recommended by the local development districts. Moneys allocated 45044
under the foregoing appropriation item 195455, Appalachia 45045
Assistance, may be used to fund projects including, but not 45046
limited to, those designated by the local development districts as 45047
community investment and rapid response projects. 45048

Of the foregoing appropriation item 195455, Appalachia 45049
Assistance, in each fiscal year, \$170,000 shall be allocated to 45050
the Ohio Valley Regional Development Commission, \$170,000 shall be 45051
allocated to the Ohio Mid-Eastern Government Association, \$170,000 45052
shall be allocated to the Buckeye Hills-Hocking Valley Regional 45053

Development District, and \$70,000 shall be allocated to the 45054
Eastgate Regional Council of Governments. Local development 45055
districts receiving funding under this section shall use the funds 45056
for the implementation and administration of programs and duties 45057
under section 107.21 of the Revised Code. 45058

Of the foregoing appropriation item 195455, Appalachia 45059
Assistance, up to \$4,000,000 in each fiscal year shall be 45060
allocated to the GRIT Project for operational costs and to provide 45061
virtual job training, virtual job centers, and related training 45062
and services consistent with the mission of the GRIT Project for 45063
high school students and adults residing in Adams, Brown, 45064
Highland, Pike, or Scioto counties. 45065

CDBG OPERATING MATCH 45066

The foregoing appropriation item 195497, CDBG Operating 45067
Match, shall be used as matching funds for grants from the United 45068
States Department of Housing and Urban Development pursuant to the 45069
Housing and Community Development Act of 1974 and regulations and 45070
policy guidelines for the programs pursuant thereto. 45071

BSD FEDERAL PROGRAMS MATCH 45072

The foregoing appropriation item 195499, BSD Federal Programs 45073
Match, shall be used as matching funds for grants from the U.S. 45074
Department of Commerce, National Institute of Standards and 45075
Technology (NIST) Manufacturing Extension Partnership Program and 45076
Defense Logistics Agency Procurement Technical Assistance Program, 45077
and other federal agencies, pursuant to Pub. L. No. 96-302 as 45078
amended by Pub. L. No. 98-395, and regulations and policy 45079
guidelines for the programs pursuant thereto. The foregoing 45080
appropriation item 195499, BSD Federal Programs Match, shall also 45081
be used for operating expenses of the Business Services Division. 45082

INDUSTRY SECTOR PARTNERSHIPS 45083

The foregoing appropriation item 195553, Industry Sector 45084

Partnerships, shall be used by the Development Services Agency, in 45085
consultation with the Governor's Office of Workforce 45086
Transformation, to create and administer a grant program to 45087
support regional industry sector partnerships. The Agency, in 45088
consultation with the Office, shall establish a system for 45089
evaluating and scoring grant applications received under the 45090
program. Priority shall be given to partnerships that demonstrate 45091
a plan to coordinate regional job training efforts and workforce 45092
solutions. 45093

Section 259.25. COAL RESEARCH AND DEVELOPMENT GENERAL 45094
OBLIGATION BOND DEBT SERVICE 45095

The foregoing appropriation line item 195901, Coal Research 45096
and Development General Obligation Bond Debt Service, shall be 45097
used to pay all debt service and related financing costs during 45098
the period July 1, 2019, through June 30, 2021, on obligations 45099
issued under sections 151.01 and 151.07 of the Revised Code. 45100

THIRD FRONTIER RESEARCH AND DEVELOPMENT GENERAL OBLIGATION 45101
BOND DEBT SERVICE 45102

The foregoing appropriation item 195905, Third Frontier 45103
Research and Development General Obligation Bond Debt Service, 45104
shall be used to pay all debt service and related financing costs 45105
during the period from July 1, 2019, through June 30, 2021, on 45106
obligations issued under sections 151.01 and 151.10 of the Revised 45107
Code. 45108

JOB READY SITE DEVELOPMENT GENERAL OBLIGATION BOND DEBT 45109
SERVICE 45110

The foregoing appropriation item 195912, Job Ready Site 45111
Development General Obligation Bond Debt Service, shall be used to 45112
pay all debt service and related financing costs during the period 45113
from July 1, 2019, through June 30, 2021, on obligations issued 45114

under sections 151.01 and 151.11 of the Revised Code. 45115

Section 259.30. MINORITY BUSINESS BONDING FUND 45116

Notwithstanding Chapters 122., 169., and 175. of the Revised 45117
Code, the Director of Development Services may, upon the 45118
recommendation of the Minority Development Financing Advisory 45119
Board, pledge up to \$10,000,000 in the FY 2020-FY 2021 biennium of 45120
unclaimed funds administered by the Director of Commerce and 45121
allocated to the Minority Business Bonding Program under section 45122
169.05 of the Revised Code. 45123

If needed for the payment of losses arising from the Minority 45124
Business Bonding Program, the Director of Budget and Management 45125
may, at the request of the Director of Development Services, 45126
request that the Director of Commerce transfer unclaimed funds 45127
that have been reported by holders of unclaimed funds under 45128
section 169.05 of the Revised Code to the Minority Bonding Fund 45129
(Fund 4490). The transfer of unclaimed funds shall only occur 45130
after proceeds of the initial transfer of \$2,700,000 by the 45131
Controlling Board to the Minority Business Bonding Program have 45132
been used for that purpose. If expenditures are required for 45133
payment of losses arising from the Minority Business Bonding 45134
Program, such expenditures shall be made from appropriation item 45135
195658, Minority Business Bonding Contingency in the Minority 45136
Business Bonding Fund, and such amounts are hereby appropriated. 45137

BUSINESS ASSISTANCE PROGRAMS 45138

The foregoing appropriation item 195649, Business Assistance 45139
Programs, shall be used for administrative expenses associated 45140
with the operation of loan incentives within the Office of 45141
Strategic Business Investments. 45142

STATE SPECIAL PROJECTS 45143

The State Special Projects Fund (Fund 4F20), may be used for 45144

the deposit of private-sector funds from utility companies and for 45145
the deposit of other miscellaneous state funds. State moneys so 45146
deposited may also be used to match federal funding and to support 45147
programs of the Community Service Division. 45148

MINORITY BUSINESS ENTERPRISE LOAN 45149

The foregoing appropriation item 195646, Minority Business 45150
Enterprise Loan, shall be used for awards under the Minority 45151
Business Enterprise Loan Program and to cover operating expenses 45152
of the Minority Business Development Division. All repayments from 45153
the Minority Development Financing Advisory Board Loan Program 45154
shall be deposited in the State Treasury to the credit of the 45155
Minority Business Enterprise Loan Fund (Fund 4W10). 45156

ADVANCED ENERGY LOAN PROGRAMS 45157

The foregoing appropriation item 195660, Advanced Energy Loan 45158
Programs, shall be used to provide financial assistance to 45159
customers for eligible advanced energy projects for residential, 45160
commercial, and industrial business, local government, educational 45161
institution, nonprofit, and agriculture customers. The 45162
appropriation item may be used to match federal grant funding and 45163
to pay for the program's administrative costs as provided in 45164
sections 4928.61 to 4928.63 of the Revised Code and rules adopted 45165
by the Director of Development Services. 45166

INDUSTRY-RECOGNIZED CREDENTIALS 45167

The foregoing appropriation item 195555, Industry-Recognized 45168
Credentials, shall be used to establish a financial assistance 45169
program to support students who are enrolled in a post-secondary 45170
education or training provider program that may be completed in 45171
less than one year and for which college credit, a certificate, or 45172
an industry-recognized credential is awarded. The Director of 45173
Development Services, in consultation with the Chancellor of 45174
Higher Education, may adopt rules governing the administration and 45175

criteria for making awards under this program.	45176
VOLUME CAP ADMINISTRATION	45177
The foregoing appropriation item 195654, Volume Cap Administration, shall be used for expenses related to the administration of the Volume Cap Program. Revenues received by the Volume Cap Administration Fund (Fund 6170) shall consist of application fees, forfeited deposits, and interest earned from the custodial account held by the Treasurer of State.	45178 45179 45180 45181 45182 45183
Section 259.40. DEVELOPMENT SERVICES OPERATIONS	45184
The Director of Development Services may assess offices of the agency for the cost of central service operations. An assessment shall contain the characteristics of administrative ease and uniform application. A division's payments shall be credited to the Supportive Services Fund (Fund 1350) using an intrastate transfer voucher.	45185 45186 45187 45188 45189 45190
DEVELOPMENT SERVICES REIMBURSABLE EXPENDITURES	45191
The foregoing appropriation item 195636, Development Services Reimbursable Expenditures, shall be used for reimbursable costs incurred by the agency. Revenues to the General Reimbursement Fund (Fund 6850) shall consist of moneys charged for administrative costs that are not central service costs and repayments of loans, including the interest thereon, made from the Water and Sewer Fund (Fund 4440).	45192 45193 45194 45195 45196 45197 45198
Section 259.50. CAPITAL ACCESS LOAN PROGRAM	45199
The foregoing appropriation item 195628, Capital Access Loan Program, shall be used for operating, program, and administrative expenses of the program. Funds of the Capital Access Loan Program shall be used to assist participating financial institutions in making program loans to eligible businesses that face barriers in	45200 45201 45202 45203 45204

accessing working capital and obtaining fixed-asset financing. 45205

The Director of Budget and Management may transfer an amount 45206
not to exceed \$1,000,000 cash in each fiscal year from the 45207
Minority Business Enterprise Loan Fund (Fund 4W10) to the Capital 45208
Access Loan Fund (Fund 5S90). 45209

INNOVATION OHIO 45210

The foregoing appropriation item 195664, Innovation Ohio, 45211
shall be used to provide for Innovation Ohio purposes, including 45212
loan guarantees and loans under Chapter 166. and particularly 45213
sections 166.12 to 166.16 of the Revised Code. 45214

RESEARCH AND DEVELOPMENT 45215

The foregoing appropriation item 195665, Research and 45216
Development, shall be used to provide for research and development 45217
purposes, including loans, under Chapter 166. and particularly 45218
sections 166.17 to 166.21 of the Revised Code. 45219

FACILITIES ESTABLISHMENT 45220

The foregoing appropriation item 195615, Facilities 45221
Establishment, shall be used for the purposes of the Facilities 45222
Establishment Fund (Fund 7037) under Chapter 166. of the Revised 45223
Code. 45224

TRANSFERS FROM THE FACILITIES ESTABLISHMENT FUND 45225

Notwithstanding Chapter 166. of the Revised Code, an amount 45226
not to exceed \$3,500,000 in cash in each fiscal year may be 45227
transferred from the Facilities Establishment Fund (Fund 7037) to 45228
the Business Assistance Fund (Fund 4510). The transfer is subject 45229
to Controlling Board approval under division (B) of section 166.03 45230
of the Revised Code. 45231

Notwithstanding Chapter 166. of the Revised Code, the 45232
Director of Budget and Management may transfer an amount not to 45233
exceed \$2,000,000 in cash in each fiscal year from the Facilities 45234

Establishment Fund (Fund 7037) to the Minority Business Enterprise 45235
Loan Fund (Fund 4W10). 45236

Notwithstanding Chapter 166. of the Revised Code, the 45237
Director of Budget and Management may transfer an amount not to 45238
exceed \$2,000,000 in cash in each fiscal year from the Facilities 45239
Establishment Fund (Fund 7037) to the Capital Access Loan Fund 45240
(Fund 5S90). 45241

Section 259.60. THIRD FRONTIER OPERATING COSTS 45242

The foregoing appropriation items 195686, Third Frontier Tax 45243
Exempt - Operating, and 195620, Third Frontier Taxable - 45244
Operating, shall be used for operating expenses incurred by the 45245
Development Services Agency in administering projects pursuant to 45246
sections 184.10 to 184.20 of the Revised Code. Operating expenses 45247
paid from appropriation item 195686 shall be limited to the 45248
administration of projects funded from the Third Frontier Research 45249
& Development Fund (Fund 7011) and operating expenses paid from 45250
appropriation item 195620 shall be limited to the administration 45251
of projects funded from the Third Frontier Research & Development 45252
Taxable Bond Project Fund (Fund 7014). 45253

**THIRD FRONTIER RESEARCH & DEVELOPMENT TAXABLE AND TAX EXEMPT 45254
PROJECTS** 45255

The foregoing appropriation items 195687, Third Frontier 45256
Research & Development Projects, and 195692, Research & 45257
Development Taxable Bond Projects, shall be used by the 45258
Development Services Agency to fund selected projects which may 45259
include internship programs. Eligible costs are those costs of 45260
research and development projects to which the proceeds of the 45261
Third Frontier Research & Development Fund (Fund 7011) and the 45262
Research & Development Taxable Bond Project Fund (Fund 7014) are 45263
to be applied. 45264

TRANSFERS OF THIRD FRONTIER APPROPRIATIONS	45265
The Director of Budget and Management may approve written requests from the Director of Development Services for the transfer of appropriations between appropriation items 195687, Third Frontier Research & Development Projects, and 195692, Research & Development Taxable Bond Projects, based upon awards recommended by the Third Frontier Commission.	45266 45267 45268 45269 45270 45271
In fiscal year 2021, the Director of Development Services may request that the Director of Budget and Management reappropriate any unexpended, unencumbered balances of the prior fiscal year's appropriation to the foregoing appropriation items 195687, Third Frontier Research & Development Projects, and 195692, Research & Development Taxable Bond Projects, for fiscal year 2021. The Director of Budget and Management may request additional information necessary for evaluating these requests, and the Director of Development Services shall provide the requested information to the Director of Budget and Management. Based on the information provided by the Director of Development Services, the Director of Budget and Management shall determine the amounts to be reappropriated, and those amounts are hereby reappropriated for fiscal year 2021.	45272 45273 45274 45275 45276 45277 45278 45279 45280 45281 45282 45283 45284 45285
Section 259.70. HEAP WEATHERIZATION	45286
Up to twenty per cent of the federal funds deposited to the credit of the Home Energy Assistance Block Grant Fund (Fund 3K90) may be expended from appropriation item 195614, HEAP Weatherization, to provide home weatherization services in the state as determined by the Director of Development Services.	45287 45288 45289 45290 45291
Section 261.10. DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES	45292
General Revenue Fund	45293
GRF 320412 Protective Services \$ 2,381,923 \$ 2,381,923	45294

GRF	320415	Developmental Disabilities Facilities Lease Rental Bond Payments	\$	19,695,400	\$	20,369,000	45295
GRF	322420	Screening and Early Identification	\$	300,000	\$	300,000	45296
GRF	322421	Part C Early Intervention	\$	23,236,369	\$	23,302,224	45297
GRF	322422	Multi System Youth	\$	1,000,000	\$	1,000,000	45298
GRF	322451	Family Support Services	\$	5,843,767	\$	5,843,767	45299
GRF	322508	Employment First Initiative	\$	2,747,327	\$	2,730,015	45300
GRF	322509	Community Supports & Rental Assistance	\$	727,500	\$	727,500	45301
GRF	653321	Medicaid Program Support - State	\$	7,076,877	\$	7,078,860	45302
GRF	653407	Medicaid Services	\$	654,394,484	\$	655,368,800	45303
TOTAL GRF		General Revenue Fund	\$	717,403,647	\$	719,102,089	45304
		Dedicated Purpose Fund Group					45305
2210	322620	Supplement Service Trust	\$	500,000	\$	500,000	45306
4890	653632	Developmental Centers Direct Care Services	\$	7,000,000	\$	7,000,000	45307
5DK0	322629	Capital Replacement Facilities	\$	750,000	\$	750,000	45308
5EV0	653627	Medicaid Program Support	\$	1,750,000	\$	1,750,000	45309
5GE0	320606	Central Office Operating Expenses	\$	18,501,132	\$	20,501,132	45310
5GE0	653606	ICF/IID and Waiver Match	\$	42,000,000	\$	56,000,000	45311
5H00	322619	Medicaid Repayment	\$	900,000	\$	900,000	45312

5QM0 320607	System Transformation Supports	\$ 250,000	\$ 100,000	45313
5S20 653622	Medicaid Administration & Oversight	\$ 25,220,326	\$ 27,237,952	45314
5Z10 653624	County Board Waiver Match	\$ 362,680,330	\$ 426,668,369	45315
TOTAL DPF Dedicated Purpose Fund Group		\$ 459,551,788	\$ 541,407,453	45316
Internal Service Activity Fund Group				45317
1520 653609	DC and Residential Facilities Operating Services	\$ 8,719,347	\$ 9,000,000	45318
TOTAL ISA Internal Service Activity Fund Group		\$ 8,719,347	\$ 9,000,000	45319
Federal Fund Group				45320
3250 322612	Community Social Service Programs	\$ 26,997,635	\$ 26,997,635	45321
3A40 653654	Medicaid Services	\$ 1,984,344,342	\$ 2,073,755,049	45322
3A40 653655	Medicaid Support	\$ 66,915,330	\$ 69,657,028	45323
3A50 320613	Developmental Disabilities Council	\$ 3,200,000	\$ 3,200,000	45324
TOTAL FED Federal Fund Group		\$ 2,081,457,307	\$ 2,173,609,712	45325
TOTAL ALL BUDGET FUND GROUPS		\$ 3,267,132,089	\$ 3,443,119,254	45326

Section 261.20. DEVELOPMENTAL DISABILITIES FACILITIES 45328

LEASE-RENTAL BOND PAYMENTS 45329

The foregoing appropriation item 320415, Developmental Disabilities Facilities Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2019, through June 30, 2021, by the Department of Developmental Disabilities pursuant to leases and agreements made under section 154.20 of the

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Revised Code. These appropriations are the source of funds pledged 45335
for bond service charges on related obligations issued under 45336
Chapter 154. of the Revised Code. 45337

Section 261.30. SCREENING AND EARLY IDENTIFICATION 45338

At the discretion of the Director of Developmental 45339
Disabilities, the foregoing appropriation item 322420, Screening 45340
and Early Identification, shall be used for professional and 45341
program development related to early identification/screening and 45342
intervention for children with autism and other complex 45343
developmental disabilities and their families. 45344

Section 261.40. FAMILY SUPPORT SERVICES SUBSIDY 45345

The foregoing appropriation item 322451, Family Support 45346
Services, may be used as follows in fiscal year 2020 and fiscal 45347
year 2021: 45348

(A) The appropriation item may be used to provide a subsidy 45349
to county boards of developmental disabilities for family support 45350
services provided under section 5126.11 of the Revised Code. The 45351
subsidy shall be paid in quarterly installments and allocated to 45352
county boards according to a formula the Director of Developmental 45353
Disabilities shall develop in consultation with representatives of 45354
county boards. A county board shall use not more than seven per 45355
cent of its subsidy for administrative costs. 45356

(B) The appropriation item may be used to distribute funds to 45357
county boards for the purpose of addressing economic hardships and 45358
to promote efficiency of operations. In consultation with 45359
representatives of county boards, the Director shall determine the 45360
amount of funds to distribute for these purposes and the criteria 45361
for distributing the funds. 45362

Section 261.60. EMPLOYMENT FIRST INITIATIVE 45363

The foregoing appropriation item 322508, Employment First Initiative, shall be used to increase employment opportunities for individuals with developmental disabilities through the Employment First Initiative in accordance with section 5123.022 of the Revised Code.

Of the foregoing appropriation item, 322508, Employment First Initiative, the Director of Developmental Disabilities shall transfer, in each fiscal year, to the Opportunities for Ohioans with Disabilities Agency an amount agreed upon by the Director of Developmental Disabilities and the Executive Director of the Opportunities for Ohioans with Disabilities Agency. The transfer shall be made via an intrastate transfer voucher. The transferred funds shall be used to support the Employment First Initiative. The Opportunities for Ohioans with Disabilities Agency shall use the funds transferred as state matching funds to obtain available federal grant dollars for vocational rehabilitation services. Any federal match dollars received by the Opportunities for Ohioans with Disabilities Agency shall be used for the initiative. The Director of Developmental Disabilities and the Executive Director of the Opportunities for Ohioans with Disabilities Agency shall enter into an interagency agreement in accordance with section 3304.181 of the Revised Code that will specify the responsibilities of each agency under the initiative. Under the interagency agreement, the Opportunities for Ohioans with Disabilities Agency shall retain responsibility for eligibility determination, order of selection, plan approval, plan amendment, and release of vendor payments.

The remainder of appropriation item 322508, Employment First Initiative, shall be used to develop a long-term, sustainable system that places individuals with developmental disabilities in community employment, as defined in section 5123.022 of the Revised Code.

Section 261.70. COMMUNITY SUPPORTS AND RENTAL ASSISTANCE 45396

The foregoing appropriation item 322509, Community Supports 45397
and Rental Assistance, may be used by the Director of 45398
Developmental Disabilities to provide funding to county boards of 45399
developmental disabilities for rental assistance to individuals 45400
with developmental disabilities receiving home and community-based 45401
services as defined in section 5123.01 of the Revised Code 45402
pursuant to section 5124.60 of the Revised Code or section 5124.69 45403
of the Revised Code and individuals with developmental 45404
disabilities who enroll in a Medicaid waiver component providing 45405
home and community-based services after receiving preadmission 45406
counseling pursuant to section 5124.68 of the Revised Code. The 45407
Director shall establish the methodology for determining the 45408
amount and distribution of such funding. 45409

Section 261.80. MEDICAID SERVICES 45410

(A) As used in this section: 45411

(1) "Home and community-based services" has the same meaning 45412
as in section 5123.01 of the Revised Code. 45413

(2) "ICF/IID services" has the same meaning as in section 45414
5124.01 of the Revised Code. 45415

(B) Except as provided in section 5123.0416 of the Revised 45416
Code, the purposes for which the foregoing appropriation item 45417
653407, Medicaid Services, shall be used include the following: 45418

(1) Home and community-based services; 45419

(2) Implementation of the requirements of the agreement 45420
settling the consent decree in Sermak v. Manuel, Case No. 45421
C-2-80-220, United States District Court for the Southern District 45422
of Ohio, Eastern Division; 45423

(3) Implementation of the requirements of the agreement 45424

settling the consent decree in the Martin v. Strickland, Case No.	45425
89-CV-00362, United States District Court for the Southern	45426
District of Ohio, Eastern Division;	45427
(4) ICF/IID services; and	45428
(5) Other programs as identified by the Director of	45429
Developmental Disabilities.	45430
Section 261.90. OPERATING AND SERVICES	45431
Of the foregoing appropriation item 320606, Operating and	45432
Services, \$100,000 in each fiscal year shall be provided to the	45433
Ohio Center for Autism and Low Incidence to establish a lifespan	45434
autism hub to support families and professionals.	45435
Section 261.100. NONFEDERAL MATCH FOR ACTIVE TREATMENT	45436
SERVICES	45437
Any county funds received by the Department of Developmental	45438
Disabilities from county boards of developmental disabilities for	45439
active treatment shall be deposited in the Developmental	45440
Disabilities Operating Fund (Fund 4890).	45441
Section 261.110. SYSTEM TRANSFORMATION SUPPORTS	45442
The foregoing appropriation item 320607, System	45443
Transformation Supports, may be used by the Director of	45444
Developmental Disabilities as follows:	45445
(A) To make purchases under Section 261.111 of this act;	45446
(B) To fund other system transformation initiatives	45447
identified by the Director.	45448
Section 261.111. REDUCTION OF CERTIFIED RESIDENTIAL FACILITY	45449
BEDS	45450
(A) As used in this section:	45451

(1) "ICF/IID" has the same meaning as in section 5124.01 of the Revised Code. 45452
45453

(2) "Nursing facility" has the same meaning as in section 5165.01 of the Revised Code. 45454
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(3) "Residential facility" has the same meaning as in section 5123.19 of the Revised Code. 45456
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(B) The Director of Developmental Disabilities may purchase one or more residential facility beds for the purpose of reducing the number of beds that are certified for participation in Medicaid as ICF/IID beds in this state. The Director shall establish priorities for the purchase of beds which may include beds located in a building in which a nursing facility is also located and beds located in a residential facility that has a licensed capacity of sixteen or more beds. The purchase price of a bed shall be the price the Director determines is reasonable based on the established priorities. Division (B) of section 127.16 of the Revised Code shall not apply to a purchase made under this section. 45458
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Section 261.120. COMMUNITY SOCIAL SERVICE PROGRAMS 45470

A portion of the foregoing appropriation item 322612, Community Social Service Programs, may be used by the Early Intervention Services Advisory Council for the following purposes: 45471
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(A) In addition to other necessary and allowed uses of funds and in accordance with 20 U.S.C. 1441(d), the Early Intervention Services Advisory Council established pursuant to section 5123.0422 of the Revised Code, may, in its discretion, use budgeted funds to do all of the following: 45474
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(1) Conduct forums and hearings; 45479

(2) Reimburse council members for reasonable and necessary expenses, including child care expenses for parent 45480
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representatives, for attending council meetings and performing 45482
council duties; 45483

(3) Pay compensation to a council member if the member is not 45484
employed or must forfeit wages from other employment when 45485
performing official council business; 45486

(4) Hire staff; 45487

(5) Obtain the services of professional, technical, and 45488
clerical personnel as necessary to carry out the performance of 45489
its lawful functions. 45490

(B) Except as provided in division (A) of this section, 45491
council members shall serve without compensation or reimbursement. 45492

Section 261.130. COUNTY BOARD SHARE OF WAIVER SERVICES 45493

As used in this section, "home and community-based services" 45494
has the same meaning as in section 5123.01 of the Revised Code. 45495

The Director of Developmental Disabilities shall establish a 45496
methodology to be used in fiscal year 2020 and fiscal year 2021 to 45497
estimate the quarterly amount each county board of developmental 45498
disabilities is to pay of the nonfederal share of home and 45499
community-based services that section 5126.0510 of the Revised 45500
Code requires county boards to pay. Each quarter, the Director 45501
shall submit to a county board written notice of the amount the 45502
county board is to pay for that quarter. The notice shall specify 45503
when the payment is due. 45504

Section 261.140. WITHHOLDING OF FUNDS OWED THE DEPARTMENT 45505

If a county board of developmental disabilities does not 45506
fully pay any amount owed to the Department of Developmental 45507
Disabilities by the due date established by the Department, the 45508
Director of Developmental Disabilities may withhold the amount the 45509
county board did not pay from any amounts due to the county board. 45510

The Director may use any appropriation item or fund used by the 45511
Department to transfer cash to any other fund used by the 45512
Department in an amount equal to the amount owed the Department 45513
that the county board did not pay. Transfers under this section 45514
shall be made using an intrastate transfer voucher. 45515

Section 261.150. DEVELOPMENTAL CENTER BILLING FOR SERVICES 45516

Developmental centers of the Department of Developmental 45517
Disabilities may provide services to persons with developmental 45518
disabilities living in the community or to providers of services 45519
to these persons. The Department may develop a method for recovery 45520
of all costs associated with the provision of these services. 45521

Section 261.160. ODODD INNOVATIVE PILOT PROJECTS 45522

(A) In fiscal year 2020 and fiscal year 2021, the Director of 45523
Developmental Disabilities may authorize the continuation or 45524
implementation of one or more innovative pilot projects that, in 45525
the judgment of the Director, are likely to assist in promoting 45526
the objectives of Chapter 5123. or 5126. of the Revised Code. 45527
Subject to division (B) of this section and notwithstanding any 45528
provision of Chapters 5123. and 5126. of the Revised Code and any 45529
rule adopted under either chapter, a pilot project authorized by 45530
the Director may be continued or implemented in a manner 45531
inconsistent with one or more provisions of either chapter or one 45532
or more rules adopted under either chapter. Before authorizing a 45533
pilot program, the Director shall consult with entities interested 45534
in the issue of developmental disabilities, including the Ohio 45535
Provider Resource Association, Ohio Association of County Boards 45536
of Developmental Disabilities, Ohio Health Care Association/Ohio 45537
Centers for Intellectual Disabilities, the Values and Faith 45538
Alliance, and ARC of Ohio. 45539

(B) The Director may not authorize a pilot project to be 45540

implemented in a manner that would cause the state to be out of 45541
compliance with any requirements for a program funded in whole or 45542
in part with federal funds. 45543

Section 261.200. NONFEDERAL SHARE OF ICF/IID SERVICES 45544

(A) As used in this section, "ICF/IID," "ICF/IID services," 45545
and "Medicaid-certified capacity" have the same meanings as in 45546
section 5124.01 of the Revised Code. 45547

(B) The Director of Developmental Disabilities shall pay the 45548
nonfederal share of a claim for ICF/IID services using funds 45549
specified in division (C) of this section if all of the following 45550
apply: 45551

(1) Medicaid covers the ICF/IID services. 45552

(2) The ICF/IID services are provided to a Medicaid recipient 45553
to whom both of the following apply: 45554

(a) The Medicaid recipient is eligible for the ICF/IID 45555
services; 45556

(b) The Medicaid recipient does not occupy a bed in the 45557
ICF/IID that used to be included in the Medicaid-certified 45558
capacity of another ICF/IID certified by the Director of Health 45559
before June 1, 2003. 45560

(3) The ICF/IID services are provided by an ICF/IID whose 45561
Medicaid certification by the Director of Health was initiated or 45562
supported by a county board of developmental disabilities. 45563

(4) The provider of the ICF/IID services has a valid Medicaid 45564
provider agreement for the services for the time that the services 45565
are provided. 45566

(C) When required by division (B) of this section to pay the 45567
nonfederal share of a claim, the Director of Developmental 45568
Disabilities shall use the following funds to pay the claim: 45569

(1) Funds available from appropriation item 653407, Medicaid 45570
Services, that the Director allocates to the county board that 45571
initiated or supported the Medicaid certification of the ICF/IID 45572
that provided the ICF/IID services for which the claim is made; 45573

(2) If the amount of funds used pursuant to division (C)(1) 45574
of this section is insufficient to pay the claim in full, an 45575
amount of funds that are needed to make up the difference and 45576
available from amounts the Director allocates to other county 45577
boards from appropriation item 653407, Medicaid Services. 45578

Section 261.210. PAYMENT RATES FOR HOMEMAKER/PERSONAL CARE 45579
SERVICES PROVIDED TO QUALIFYING IO ENROLLEES 45580

(A) As used in this section: 45581

(1) "Converted facility" means an ICF/IID, or former ICF/IID, 45582
that converted some or all of its beds to providing home and 45583
community-based services under the IO Waiver pursuant to section 45584
5124.60 of the Revised Code. 45585

(2) "Developmental center" and "ICF/IID" have the same 45586
meanings as in section 5124.01 of the Revised Code. 45587

(3) "IO Waiver" means the Medicaid waiver component, as 45588
defined in section 5166.01 of the Revised Code, known as 45589
Individual Options. 45590

(4) "Medicaid provider" has the same meaning as in section 45591
5164.01 of the Revised Code. 45592

(5) "Public hospital" has the same meaning as in section 45593
5122.01 of the Revised Code. 45594

(6) "Qualifying IO enrollee" means an IO Waiver enrollee to 45595
whom all of the following apply: 45596

(a) The enrollee resided in a developmental center, converted 45597
facility, or public hospital immediately before enrolling in the 45598

IO Wavier. 45599

(b) The enrollee did not receive before July 1, 2011, routine 45600
homemaker/personal care services from the Medicaid provider that 45601
is to be paid the Medicaid rate authorized by this section for 45602
providing such services to the enrollee during the period 45603
specified in division (C) of this section. 45604

(c) The Director of Developmental Disabilities has determined 45605
that the enrollee's special circumstances (including the 45606
enrollee's diagnosis, service needs, or length of stay at the 45607
developmental center, converted facility, or public hospital) 45608
warrants paying the Medicaid rate authorized by this section. 45609

(B) The total Medicaid payment rate for each fifteen minutes 45610
of routine homemaker/personal care services that a Medicaid 45611
provider provides to a qualifying IO enrollee during the period 45612
specified in division (C) of this section shall be fifty-two cents 45613
higher than the Medicaid payment rate in effect on the day the 45614
services are provided for each fifteen minutes of routine 45615
homemaker/personal care services that a Medicaid provider provides 45616
to an IO enrollee who is not a qualifying IO enrollee. 45617

(C) Division (B) of this section applies to the first twelve 45618
months, consecutive or otherwise, that a Medicaid provider, during 45619
the period beginning July 1, 2019, and ending July 1, 2021, 45620
provides routine homemaker/personal care services to a qualifying 45621
IO enrollee. 45622

(D) Of the foregoing appropriation items 653407, Medicaid 45623
Services, and 653654, Medicaid Services, portions shall be used to 45624
pay the Medicaid payment rate determined in accordance with this 45625
section for routine homemaker/personal care services provided to 45626
qualifying IO enrollees. 45627

Section 265.10. EDU DEPARTMENT OF EDUCATION 45628

	General Revenue Fund					45629
GRF 200321	Operating Expenses	\$	15,078,032	\$	16,490,951	45630
GRF 200408	Early Childhood Education	\$	68,116,789	\$	68,116,789	45631
GRF 200420	Information Technology Development and Support	\$	4,004,299	\$	4,026,960	45632
GRF 200422	School Management Assistance	\$	2,385,580	\$	2,408,711	45633
GRF 200424	Policy Analysis	\$	458,232	\$	457,676	45634
GRF 200426	Ohio Educational Computer Network	\$	15,457,000	\$	15,457,000	45635
GRF 200427	Academic Standards	\$	4,434,215	\$	4,483,525	45636
GRF 200437	Student Assessment	\$	56,363,725	\$	56,405,197	45637
GRF 200439	Accountability/Report Cards	\$	7,517,406	\$	7,565,320	45638
GRF 200442	Child Care Licensing	\$	2,156,322	\$	2,227,153	45639
GRF 200446	Education Management Information System	\$	8,112,987	\$	8,174,415	45640
GRF 200448	Educator Preparation	\$	12,260,384	\$	7,760,384	45641
GRF 200455	Community Schools and Choice Programs	\$	4,867,763	\$	4,912,546	45642
GRF 200465	Education Technology Resources	\$	5,179,664	\$	5,179,664	45643
GRF 200478	Industry-Recognized Credentials High School Students	\$	25,000,000	\$	25,000,000	45644
GRF 200502	Pupil Transportation	\$	527,129,809	\$	527,129,809	45645
GRF 200505	School Lunch Match	\$	8,963,500	\$	8,963,500	45646
GRF 200511	Auxiliary Services	\$	150,594,178	\$	150,594,178	45647
GRF 200532	Nonpublic Administrative Cost Reimbursement	\$	68,034,790	\$	68,034,790	45648

GRF 200540	Special Education Enhancements	\$ 152,600,000	\$ 152,850,000	45649
GRF 200545	Career-Technical Education Enhancements	\$ 9,400,892	\$ 9,400,892	45650
GRF 200550	Foundation Funding	\$ 7,196,280,845	\$ 7,195,518,845	45651
GRF 200566	Literacy Improvement	\$ 1,352,876	\$ 1,352,172	45652
GRF 200572	Adult Education Programs	\$ 8,707,674	\$ 8,707,674	45653
GRF 200573	EdChoice Expansion	\$ 57,223,340	\$ 71,017,418	45654
GRF 200574	Half-Mill Maintenance Equalization	\$ 18,849,207	\$ 18,128,526	45655
GRF 200598	Innovative Shared Services at Schools	\$ 1,000,000	\$ 1,000,000	45656
GRF 657401	Medicaid in Schools	\$ 297,978	\$ 297,978	45657
TOTAL GRF General Revenue Fund		\$ 8,431,827,487	\$ 8,441,662,073	45658
Dedicated Purpose Fund Group				45659
4520 200638	Charges and Reimbursements	\$ 1,000,000	\$ 1,000,000	45660
4550 200608	Commodity Foods	\$ 1,000,000	\$ 1,000,000	45661
4L20 200681	Teacher Certification and Licensure	\$ 13,795,827	\$ 14,000,000	45662
5980 200659	Auxiliary Services Reimbursement	\$ 1,300,000	\$ 1,300,000	45663
5H30 200687	School District Solvency Assistance	\$ 2,000,000	\$ 2,000,000	45664
5KX0 200691	Ohio School Sponsorship Program	\$ 1,250,000	\$ 1,250,000	45665
5MM0 200677	Child Nutrition Refunds	\$ 550,000	\$ 550,000	45666
5U20 200685	National Education Statistics	\$ 170,675	\$ 175,000	45667
6200 200615	Educational Improvement Grants	\$ 594,443	\$ 600,000	45668

TOTAL DPF Dedicated Purpose Fund Group	\$	21,660,945	\$	21,875,000	45669
Internal Service Activity Fund Group					45670
1380 200606 Information Technology Development and Support	\$	7,939,104	\$	8,047,645	45671
4R70 200695 Indirect Operational Support	\$	7,856,766	\$	7,856,766	45672
4V70 200633 Interagency Program Support	\$	5,497,938	\$	5,500,000	45673
TOTAL ISA Internal Service Activity Fund Group	\$	21,293,808	\$	21,404,411	45674
State Lottery Fund Group					45675
7017 200602 School Climate Grants	\$	2,000,000	\$	2,000,000	45676
7017 200612 Foundation Funding	\$	1,077,400,000	\$	1,128,400,000	45677
7017 200631 Quality Community Schools Support	\$	30,000,000	\$	30,000,000	45678
7017 200684 Community School Facilities	\$	16,600,000	\$	16,600,000	45679
TOTAL SLF State Lottery Fund Group	\$	1,126,000,000	\$	1,177,000,000	45680
Federal Fund Group					45681
3670 200607 School Food Services	\$	11,469,730	\$	11,897,473	45682
3700 200624 Education of Exceptional Children	\$	2,000,000	\$	2,000,000	45683
3AF0 657601 Schools Medicaid Administrative Claims	\$	295,500	\$	295,500	45684
3AN0 200671 School Improvement Grants	\$	17,000,000	\$	17,000,000	45685
3C50 200661 Early Childhood Education	\$	12,555,000	\$	12,555,000	45686
3EH0 200620 Migrant Education	\$	2,700,000	\$	2,700,000	45687

3EJ0	200622	Homeless Children Education	\$	3,295,203	\$	3,300,000	45688
3FE0	200669	Striving Readers	\$	12,507,905	\$	12,511,000	45689
3GE0	200674	Summer Food Service Program	\$	15,599,467	\$	16,342,299	45690
3GG0	200676	Fresh Fruit and Vegetable Program	\$	4,911,207	\$	5,145,074	45691
3HF0	200649	Federal Education Grants	\$	7,049,677	\$	7,056,327	45692
3HI0	200634	Student Support and Academic Enrichment	\$	40,042,720	\$	40,042,720	45693
3L60	200617	Federal School Lunch	\$	418,643,500	\$	430,837,000	45694
3L70	200618	Federal School Breakfast	\$	158,726,966	\$	163,350,081	45695
3L80	200619	Child/Adult Food Programs	\$	110,121,168	\$	113,328,580	45696
3L90	200621	Career-Technical Education Basic Grant	\$	45,946,927	\$	46,000,000	45697
3M00	200623	ESEA Title 1A	\$	600,000,000	\$	600,000,000	45698
3M20	200680	Individuals with Disabilities Education Act	\$	454,770,591	\$	455,000,000	45699
3T40	200613	Public Charter Schools	\$	7,000,000	\$	7,000,000	45700
3Y20	200688	21st Century Community Learning Centers	\$	47,500,000	\$	47,500,000	45701
3Y60	200635	Improving Teacher Quality	\$	85,000,000	\$	85,000,000	45702
3Y70	200689	English Language Acquisition	\$	10,500,000	\$	10,500,000	45703
3Y80	200639	Rural and Low Income Technical Assistance	\$	3,600,000	\$	3,600,000	45704

3Z20	200690	State Assessments	\$	12,000,000	\$	12,000,000	45705
3Z30	200645	Consolidated Federal	\$	10,701,635	\$	10,900,000	45706
		Grant Administration					
TOTAL FED		Federal Fund Group	\$	2,093,937,196	\$	2,115,861,054	45707
TOTAL ALL BUDGET FUND GROUPS			\$	11,694,719,436	\$	11,777,802,538	45708

Section 265.20. OPERATING EXPENSES 45710

A portion of the foregoing appropriation item 200321, 45711
Operating Expenses, shall be used by the Department of Education 45712
to provide matching funds related to career-technical education 45713
under 20 U.S.C. 2321. 45714

EARLY CHILDHOOD EDUCATION 45715

The Department of Education shall distribute the foregoing 45716
appropriation item 200408, Early Childhood Education, to pay the 45717
costs of early childhood education programs. The Department shall 45718
distribute such funds directly to qualifying providers. 45719

(A) As used in this section: 45720

(1) "Provider" means a city, local, exempted village, or 45721
joint vocational school district; an educational service center; a 45722
community school sponsored by an exemplary sponsor; a chartered 45723
nonpublic school; an early childhood education child care provider 45724
licensed under Chapter 5104. of the Revised Code that participates 45725
in and meets at least the third highest tier of the Step Up to 45726
Quality program established pursuant to section 5104.29 of the 45727
Revised Code; or a combination of entities described in this 45728
paragraph. 45729

(2) In the case of a city, local, or exempted village school 45730
district or early childhood education child care provider licensed 45731
under Chapter 5104. of the Revised Code, "new eligible provider" 45732
means a provider that did not receive state funding for Early 45733
Childhood Education in the previous fiscal year or demonstrates a 45734

need for early childhood programs as defined in division (D) of 45735
this section. 45736

(3) In the case of a community school, "new eligible 45737
provider" means any of the following: 45738

(a) A community school established under Chapter 3314. of the 45739
Revised Code that is sponsored by a sponsor rated "exemplary" in 45740
accordance with section 3314.016 of the Revised Code that offers a 45741
child care program in accordance with sections 3301.50 to 3301.59 45742
of the Revised Code that did not receive state funding for Early 45743
Childhood Education in the previous fiscal year; 45744

(b) A community school established under Chapter 3314. of the 45745
Revised Code that satisfies all of the following criteria: 45746

(i) It has received, on its most recent report card, either 45747
of the following: 45748

(I) If the school offers any of grade levels four through 45749
twelve, a grade of "C" or better for the overall value-added 45750
progress dimension under division (C)(1)(e) of section 3302.03 of 45751
the Revised Code and for the performance index score under 45752
division (C)(1)(b) of section 3302.03 of the Revised Code; 45753

(II) If the school does not offer a grade level higher than 45754
three, a grade of "C" or better for making progress in improving 45755
literacy in grades kindergarten through three under division 45756
(C)(1)(g) of section 3302.03 of the Revised Code. 45757

(ii) It offers a child care program in accordance with 45758
sections 3301.50 to 3301.59 of the Revised Code. 45759

(iii) It did not receive state funding for Early Childhood 45760
Education in the previous fiscal year. 45761

(c) A community school established under Chapter 3314. of the 45762
Revised Code that is sponsored by a municipal school district and 45763
operates a program that uses the Montessori method endorsed by the 45764

American Montessori Society, the Montessori Accreditation Council 45765
for Teacher Education, or the Association Montessori 45766
Internationale as its primary method of instruction, as authorized 45767
by division (A) of section 3314.06 of the Revised Code, that did 45768
not receive state funding for Early Childhood Education in the 45769
previous year or demonstrates a need for early childhood programs 45770
as defined in division (D) of this section. 45771

(4)(a) "Eligible child" means a child who is at least four 45772
years of age, is not of the age to be eligible for kindergarten, 45773
and whose family earns not more than two hundred per cent of the 45774
federal poverty guidelines as defined in division (A)(3) of 45775
section 5101.46 of the Revised Code. Children with an 45776
Individualized Education Program and where the Early Childhood 45777
Education program is the least restrictive environment may be 45778
enrolled on their fourth birthday. 45779

(b) If, on the first day of October of each fiscal year, a 45780
provider has remaining award funds after enrolling eligible 45781
children under division (A)(4)(a) of this section, the provider 45782
may seek approval from the Department to consider a child who is 45783
at least three years of age, is not of age to be eligible for 45784
kindergarten, and whose family earns not more than two hundred per 45785
cent of the federal poverty guidelines as an eligible child. Upon 45786
approval from the Department, the provider may use the remaining 45787
award funds to serve such three-year-old children as eligible 45788
children. 45789

(5) "Early learning program standards" means early learning 45790
program standards for school readiness developed by the Department 45791
to assess the operation of early learning and development 45792
programs. 45793

(6) "Early learning and development programs" has the same 45794
meaning as section 5104.29 of the Revised Code. 45795

(B) In each fiscal year, up to two per cent of the total 45796
appropriation may be used by the Department for program support 45797
and technical assistance. The Department shall distribute the 45798
remainder of the appropriation in each fiscal year to serve 45799
eligible children. 45800

(C) The Department shall provide an annual report to the 45801
Governor, the Speaker of the House of Representatives, and the 45802
President of the Senate and post the report to the Department's 45803
web site, regarding early childhood education programs operated 45804
under this section and the early learning program standards. 45805

(D) After setting aside the amounts to make payments due from 45806
the previous fiscal year, in fiscal year 2020, the Department 45807
shall distribute funds first to recipients of funds for early 45808
childhood education programs under Section 265.20 of Am. Sub. H.B. 45809
49 of the 132nd General Assembly in the previous fiscal year and 45810
the balance to new eligible providers of early childhood education 45811
programs or to existing providers to serve more eligible children 45812
pursuant to division (E) of this section or for purposes of 45813
program expansion, improvement, or special projects to promote 45814
quality and innovation. 45815

After setting aside the amounts to make payments due from the 45816
previous fiscal year, in fiscal year 2021, the Department shall 45817
distribute funds first to providers of early childhood education 45818
programs under this section in the previous fiscal year and the 45819
balance to new eligible providers or to existing providers to 45820
serve more eligible children as outlined under division (E) of 45821
this section or for purposes of program expansion, improvement, or 45822
special projects to promote quality and innovation. 45823

(E)(1) The Department shall distribute any new or remaining 45824
funding to existing providers of early childhood education 45825
programs or any new eligible providers in an effort to invest in 45826
high quality early childhood programs where there is a need as 45827

determined by the Department. The Department shall distribute the 45828
new or remaining funds to existing providers of early childhood 45829
education programs or any new eligible providers to serve 45830
additional eligible children based on community economic 45831
disadvantage, limited access to high quality preschool or 45832
childcare services, and demonstration of high quality preschool 45833
services as determined by the Department using new metrics 45834
developed pursuant to Ohio's Race to the Top-Early Learning 45835
Challenge Grant, awarded to the Department in December 2011. 45836

(2) Awards under divisions (D) and (E) of this section shall 45837
be distributed on a per-pupil basis, and in accordance with 45838
division (I) of this section. The Department may adjust the 45839
per-pupil amount so that the per-pupil amount multiplied by the 45840
number of eligible children enrolled and receiving services on the 45841
first day of December or the business day closest to that date 45842
equals the amount allocated under this section. 45843

(F) Costs for developing and administering an early childhood 45844
education program may not exceed fifteen per cent of the total 45845
approved costs of the program. 45846

All providers shall maintain such fiscal control and 45847
accounting procedures as may be necessary to ensure the 45848
disbursement of, and accounting for, these funds. The control of 45849
funds provided in this program, and title to property obtained, 45850
shall be under the authority of the approved provider for purposes 45851
provided in the program unless, as described in division (K) of 45852
this section, the program waives its right for funding or a 45853
program's funding is eliminated or reduced due to its inability to 45854
meet financial or early learning program standards. The approved 45855
provider shall administer and use such property and funds for the 45856
purposes specified. 45857

(G) The Department may examine a provider's financial and 45858
program records. If the financial practices of the program are not 45859

in accordance with standard accounting principles or do not meet 45860
financial standards outlined under division (F) of this section, 45861
or if the program fails to substantially meet the early learning 45862
program standards, meet a quality rating level in the Step Up to 45863
Quality program established pursuant to section 5104.29 of the 45864
Revised Code as prescribed by the Department, or exhibits below 45865
average performance as measured against the standards, the early 45866
childhood education program shall propose and implement a 45867
corrective action plan that has been approved by the Department. 45868
The approved corrective action plan shall be signed by the chief 45869
executive officer and the executive of the official governing body 45870
of the provider. The corrective action plan shall include a 45871
schedule for monitoring by the Department. Such monitoring may 45872
include monthly reports, inspections, a timeline for correction of 45873
deficiencies, and technical assistance to be provided by the 45874
Department or obtained by the early childhood education program. 45875
The Department may withhold funding pending corrective action. If 45876
an early childhood education program fails to satisfactorily 45877
complete a corrective action plan, the Department may deny 45878
expansion funding to the program or withdraw all or part of the 45879
funding to the program and establish a new eligible provider 45880
through a selection process established by the Department. 45881

(H)(1) If the early childhood education program is licensed 45882
by the Department of Education and is not highly rated, as 45883
determined by the Director of Job and Family Services, under the 45884
Step Up to Quality program established pursuant to section 5104.29 45885
of the Revised Code, the program shall do all of the following: 45886

(a) Meet teacher qualification requirements prescribed by 45887
section 3301.311 of the Revised Code; 45888

(b) Align curriculum to the early learning content standards 45889
developed by the Department; 45890

(c) Meet any child or program assessment requirements 45891

prescribed by the Department; 45892

(d) Require teachers, except teachers enrolled and working to 45893
obtain a degree pursuant to section 3301.311 of the Revised Code, 45894
to attend a minimum of twenty hours every two years of 45895
professional development as prescribed by the Department; 45896

(e) Document and report child progress as prescribed by the 45897
Department; 45898

(f) Meet and report compliance with the early learning 45899
program standards as prescribed by the Department; 45900

(g) Participate in the Step Up to Quality program established 45901
pursuant to section 5104.29 of the Revised Code. 45902

(2) If the program is highly rated, as determined by the 45903
Director of Job and Family Services, under the Step Up to Quality 45904
program established pursuant to section 5104.29 of the Revised 45905
Code, the program shall comply with the requirements of that 45906
program. 45907

(I) Per-pupil funding for programs subject to this section 45908
shall be sufficient to provide eligible children with services for 45909
a standard early childhood schedule which shall be defined in this 45910
section as a minimum of twelve and one-half hours per school week 45911
as defined in section 3313.62 of the Revised Code for the minimum 45912
school year as defined in sections 3313.48, 3313.481, and 3313.482 45913
of the Revised Code. Nothing in this section shall be construed to 45914
prohibit program providers from utilizing other funds to serve 45915
eligible children in programs that exceed the twelve and one-half 45916
hours per week or that exceed the minimum school year. For any 45917
provider for which a standard early childhood education schedule 45918
creates a hardship or for which the provider shows evidence that 45919
the provider is working in collaboration with a preschool special 45920
education program, the provider may submit a waiver to the 45921
Department requesting an alternate schedule. If the Department 45922

approves a waiver for an alternate schedule that provides services 45923
for less time than the standard early childhood education 45924
schedule, the Department may reduce the provider's annual 45925
allocation proportionately. Under no circumstances shall an annual 45926
allocation be increased because of the approval of an alternate 45927
schedule. 45928

(J) Each provider shall develop a sliding fee scale based on 45929
family incomes and shall charge families who earn more than two 45930
hundred per cent of the federal poverty guidelines, as defined in 45931
division (A)(3) of section 5101.46 of the Revised Code, for the 45932
early childhood education program. 45933

The Department shall conduct an annual survey of each 45934
provider to determine whether the provider charges families 45935
tuition or fees, the amount families are charged relative to 45936
family income levels, and the number of families and students 45937
charged tuition and fees for the early childhood program. 45938

(K) If an early childhood education program voluntarily 45939
waives its right for funding, or has its funding eliminated for 45940
not meeting financial standards or the early learning program 45941
standards, the provider shall transfer control of title to 45942
property, equipment, and remaining supplies obtained through the 45943
program to providers designated by the Department and return any 45944
unexpended funds to the Department along with any reports 45945
prescribed by the Department. The funding made available from a 45946
program that waives its right for funding or has its funding 45947
eliminated or reduced may be used by the Department for new grant 45948
awards or expansion grants. The Department may award new grants or 45949
expansion grants to eligible providers who apply. The eligible 45950
providers who apply must do so in accordance with the selection 45951
process established by the Department. 45952

(L) Eligible expenditures for the Early Childhood Education 45953
Program shall be claimed each fiscal year to help meet the state's 45954

TANF maintenance of effort requirement. The Superintendent of Public Instruction and the Director of Job and Family Services shall enter into an interagency agreement to carry out the requirements under this division, which shall include developing reporting guidelines for these expenditures.

(M)(1) The Department of Education and the Department of Job and Family Services shall continue to work toward establishing the following in common between early childhood education programs and publicly funded child care:

- (a) An application;
- (b) Program eligibility;
- (c) Funding;
- (d) An attendance policy;
- (e) An attendance tracking system.

(2) In accordance with section 5104.34 of the Revised Code, eligible families may receive publicly funded child care beyond the standard early childhood schedule defined in division (I) of this section.

(3) All providers, agencies, and school districts participating in the early childhood education program or providing care to eligible families beyond the standard early childhood schedule shall follow the common policies established under this division.

Section 265.30. INFORMATION TECHNOLOGY DEVELOPMENT AND SUPPORT

The foregoing appropriation item 200420, Information Technology Development and Support, shall be used to support the development and implementation of information technology solutions designed to improve the performance and services of the Department

of Education. Funds may be used for personnel, maintenance, and 45984
equipment costs related to the development and implementation of 45985
these technical system projects. Implementation of these systems 45986
shall allow the Department to provide greater levels of assistance 45987
to school districts and to provide more timely information to the 45988
public, including school districts, administrators, and 45989
legislators. Funds may also be used to support data-driven 45990
decision-making and differentiated instruction, as well as to 45991
communicate academic content standards and curriculum models to 45992
schools through web-based applications. 45993

Section 265.50. SCHOOL MANAGEMENT ASSISTANCE 45994

The foregoing appropriation item 200422, School Management 45995
Assistance, shall be used by the Department of Education to 45996
provide fiscal technical assistance and inservice education for 45997
school district management personnel and to administer, monitor, 45998
and implement the fiscal caution, fiscal watch, and fiscal 45999
emergency provisions under Chapter 3316. of the Revised Code. 46000

Section 265.60. POLICY ANALYSIS 46001

The foregoing appropriation item 200424, Policy Analysis, 46002
shall be used by the Department of Education to support a system 46003
of administrative, statistical, and legislative education 46004
information to be used for policy analysis. Staff supported by 46005
this appropriation shall administer the development of reports, 46006
analyses, and briefings to inform education policymakers of 46007
current trends in education practice, efficient and effective use 46008
of resources, and evaluation of programs to improve education 46009
results. A portion of these funds shall be used to maintain a 46010
longitudinal database to support the assessment of the impact of 46011
policies and programs on Ohio's education and workforce 46012
development systems. The research efforts supported by this 46013

appropriation item shall be used to supply information and 46014
analysis of data to and in consultation with the General Assembly 46015
and other state policymakers, including the Office of Budget and 46016
Management and the Legislative Service Commission. 46017

A portion of the foregoing appropriation item, 200424, Policy 46018
Analysis, may be used by the Department to support the development 46019
and implementation of an evidence-based clearinghouse to support 46020
school improvement strategies as part of the Every Student 46021
Succeeds Act. 46022

The Department may use funding from this appropriation item 46023
to purchase or contract for the development of software systems or 46024
contract for policy studies that will assist in the provision and 46025
analysis of policy-related information. Funding from this 46026
appropriation item also may be used to monitor and enhance quality 46027
assurance for research-based policy analysis and program 46028
evaluation to enhance the effective use of education information 46029
to inform education policymakers. 46030

Section 265.70. OHIO EDUCATIONAL COMPUTER NETWORK 46031

The foregoing appropriation item 200426, Ohio Educational 46032
Computer Network, shall be used by the Department of Education to 46033
maintain a system of information technology throughout Ohio and to 46034
provide technical assistance for such a system. 46035

Of the foregoing appropriation item 200426, Ohio Educational 46036
Computer Network, up to \$9,686,658 in each fiscal year shall be 46037
used by the Department to support connection of all public school 46038
buildings and participating chartered nonpublic schools to the 46039
state's education network, to each other, and to the Internet. In 46040
each fiscal year, the Department shall use these funds to assist 46041
information technology centers or school districts with the 46042
operational costs associated with this connectivity. The 46043
Department shall develop a formula and guidelines for the 46044

distribution of these funds to information technology centers or 46045
individual school districts. As used in this section, "public 46046
school building" means a school building of any city, local, 46047
exempted village, or joint vocational school district, any 46048
community school established under Chapter 3314. of the Revised 46049
Code, any college preparatory boarding school established under 46050
Chapter 3328. of the Revised Code, any STEM school established 46051
under Chapter 3326. of the Revised Code, any educational service 46052
center building used for instructional purposes, the Ohio School 46053
for the Deaf and the Ohio School for the Blind, high schools 46054
chartered by the Ohio Department of Youth Services, or high 46055
schools operated by Ohio Department of Rehabilitation and 46056
Corrections' Ohio Central School System. 46057

Of the foregoing appropriation item 200426, Ohio Educational 46058
Computer Network, up to \$4,843,329 in each fiscal year shall be 46059
used, through a formula and guidelines devised by the Department, 46060
to support the activities of designated information technology 46061
centers, as defined by State Board of Education rules, to provide 46062
school districts and chartered nonpublic schools with 46063
computer-based student and teacher instructional and 46064
administrative information services, including approved 46065
computerized financial accounting, to ensure the effective 46066
operation of local automated administrative and instructional 46067
systems, and to monitor and support the quality of data submitted 46068
to the Department. 46069

The remainder of appropriation item 200426, Ohio Educational 46070
Computer Network, shall be used to support the work of the 46071
development, maintenance, and operation of a network of uniform 46072
and compatible computer-based information systems as well as the 46073
teacher student linkage/roster verification process and systems to 46074
support electronic sharing of student records and transcripts 46075
between entities. This technical assistance shall include, but not 46076

be restricted to, development and maintenance of adequate computer 46077
software systems to support network activities. In order to 46078
improve the efficiency of network activities, the Department and 46079
information technology centers may jointly purchase equipment, 46080
materials, and services from funds provided under this 46081
appropriation for use by the network and, when considered 46082
practical by the Department, may utilize the services of 46083
appropriate state purchasing agencies. 46084

Section 265.80. ACADEMIC STANDARDS 46085

The foregoing appropriation item 200427, Academic Standards, 46086
shall be used by the Department of Education to develop and 46087
communicate to school districts academic content standards and 46088
curriculum models and to develop professional development programs 46089
and other tools on the new content standards and model curriculum. 46090
The Department shall utilize educational service centers, 46091
consistent with requirements of section 3312.01 of the Revised 46092
Code, in the development and delivery of professional development 46093
programs supported under this section. 46094

Section 265.90. STUDENT ASSESSMENT 46095

Of the foregoing appropriation item 200437, Student 46096
Assessment, up to \$2,760,000 in each fiscal year may be used to 46097
support the state's early learning assessment work and the 46098
assessments required under section 3301.0715 of the Revised Code. 46099

The remainder of appropriation item 200437, Student 46100
Assessment, shall be used to develop, field test, print, 46101
distribute, score, report results, and support other associated 46102
costs for the tests required under sections 3301.0710, 3301.0711, 46103
and 3301.0712 of the Revised Code and for similar purposes as 46104
required by section 3301.27 of the Revised Code. The funds may 46105
also be used to update and develop diagnostic assessments 46106

administered under sections 3301.079, 3301.0715, and 3313.608 of
the Revised Code. 46107
46108

DEPARTMENT OF EDUCATION APPROPRIATION TRANSFERS FOR STUDENT
ASSESSMENT 46109
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In fiscal year 2020 and fiscal year 2021, if the 46111
Superintendent of Public Instruction determines that additional 46112
funds are needed to fully fund the requirements of sections 46113
3301.0710, 3301.0711, 3301.0712, and 3301.27 of the Revised Code 46114
and this act for assessments of student performance, the 46115
Superintendent may recommend the reallocation of unexpended and 46116
unencumbered General Revenue Fund appropriations within the 46117
Department of Education to appropriation item 200437, Student 46118
Assessment, to the Director of Budget and Management. If the 46119
Director determines that such a reallocation is required, the 46120
Director may transfer unexpended and unencumbered appropriations 46121
within the Department of Education as necessary to appropriation 46122
item 200437, Student Assessment. 46123

Section 265.100. ACCOUNTABILITY/REPORT CARDS 46124

Of the foregoing appropriation item 200439, 46125
Accountability/Report Cards, a portion in each fiscal year may be 46126
used to train district and regional specialists and district 46127
educators in the use of the value-added progress dimension and in 46128
the use of data as it relates to improving student achievement. 46129
This training may include teacher and administrator professional 46130
development in the use of data to improve instruction and student 46131
learning, and teacher and administrator training in understanding 46132
teacher value-added reports and how they can be used as a 46133
component in measuring teacher and administrator effectiveness. A 46134
portion of this funding shall be provided to educational service 46135
centers to support training and professional development under 46136
this section consistent with section 3312.01 of the Revised Code. 46137

The remainder of appropriation item 200439, 46138
Accountability/Report Cards, shall be used by the Department of 46139
Education to incorporate a statewide value-added progress 46140
dimension into performance ratings for school districts and for 46141
the development of an accountability system that includes the 46142
preparation and distribution of school report cards, funding and 46143
expenditure accountability reports under sections 3302.03 and 46144
3302.031 of the Revised Code, the development and maintenance of 46145
teacher value-added reports, the teacher student linkage/roster 46146
verification process, and the performance management section of 46147
the Department's web site required by section 3302.26 of the 46148
Revised Code. 46149

CHILD CARE LICENSING 46150

The foregoing appropriation item 200442, Child Care 46151
Licensing, shall be used by the Department of Education to license 46152
and to inspect preschool and school-age child care programs under 46153
sections 3301.52 to 3301.59 of the Revised Code. 46154

Section 265.110. EDUCATION MANAGEMENT INFORMATION SYSTEM 46155

The foregoing appropriation item 200446, Education Management 46156
Information System, shall be used by the Department of Education 46157
to improve the Education Management Information System (EMIS). 46158

Of the foregoing appropriation item 200446, Education 46159
Management Information System, up to \$400,000 in each fiscal year 46160
shall be used to support grants to information technology centers 46161
to provide professional development opportunities to district and 46162
school personnel related to the EMIS, with a focus placed on data 46163
submission and data quality. 46164

Of the foregoing appropriation item 200446, Education 46165
Management Information System, up to \$725,000 in each fiscal year 46166
shall be distributed to designated information technology centers 46167

for costs relating to processing, storing, and transferring data 46168
for the effective operation of the EMIS. These costs may include, 46169
but are not limited to, personnel, hardware, software development, 46170
communications connectivity, professional development, and support 46171
services. 46172

The remainder of appropriation item 200446, Education 46173
Management Information System, shall be used to develop and 46174
support the data definitions and standards outlined in the EMIS 46175
guidelines adopted under section 3301.0714 of the Revised Code, to 46176
implement recommendations of the EMIS Advisory Council and the 46177
Superintendent of Public Instruction, to enhance data quality 46178
assurance practices, and to support responsibilities related to 46179
the school report cards prescribed by section 3302.03 of the 46180
Revised Code and value-added progress dimension calculations. 46181

Section 265.120. EDUCATOR PREPARATION 46182

(A) Of the foregoing appropriation item 200448, Educator 46183
Preparation, up to \$339,783 in each fiscal year may be used by the 46184
Department of Education to monitor and support Ohio's State System 46185
of Support, as defined by the Every Student Succeeds Act. 46186

(B) Of the foregoing appropriation item 200448, Educator 46187
Preparation, up to \$67,957 in each fiscal year may be used by the 46188
Department to support the Educator Standards Board under section 46189
3319.61 of the Revised Code and reforms under sections 3302.042, 46190
3302.06 to 3302.068, 3302.12, and 3302.20 to 3302.22 of the 46191
Revised Code. 46192

(C) Of the foregoing appropriation item 200448, Educator 46193
Preparation, \$2,000,000 in each fiscal year shall be distributed 46194
to Teach For America to increase recruitment of potential corps 46195
members at select Ohio universities, to train and develop 46196
first-year and second-year teachers in the Teach for America 46197
program in Ohio, and to expand the number of teaching corps 46198

members to not fewer than 350 teaching corps members per year and 46199
the number of school districts served in Ohio by not fewer than 46200
five additional school districts by fiscal year 2021. 46201

(D) Of the foregoing appropriation item 200448, Educator 46202
Preparation, \$2,500,000 in each fiscal year shall be used for the 46203
Bright New Leaders for Ohio Schools Program created and 46204
implemented by the nonprofit corporation incorporated pursuant to 46205
section 3319.271 of the Revised Code to provide an alternative 46206
path for individuals to receive training and development in the 46207
administration of primary and secondary education and leadership, 46208
enable those individuals to earn degrees and obtain licenses in 46209
public school administration, and promote the placement of those 46210
individuals in public schools that have a poverty percentage 46211
greater than fifty per cent. 46212

(E) Of the foregoing appropriation item 200448, Educator 46213
Preparation, \$200,000 in each fiscal year shall be used to support 46214
training for selected school staff through the FASTER Saves Lives 46215
Program for the purpose of stopping active shooters and treating 46216
casualties. 46217

(F) Of the foregoing appropriation item 200448, Educator 46218
Preparation, \$1,000,000 in each fiscal year shall be used by the 46219
Department of Education, in consultation with the Department of 46220
Mental Health and Addiction Services, to award professional 46221
development grants to educational service centers to train 46222
educators and related school personnel in the model and tenants of 46223
prevention of risky behaviors, including substance abuse, suicide, 46224
bullying, and other harmful behaviors. 46225

(G) Of the foregoing appropriation item 200448, Educator 46226
Preparation, up to \$1,500,000 in fiscal year 2020 shall be used by 46227
the Department of Education, in consultation with the Department 46228
of Higher Education, to provide awards to support coursework and 46229
content testing fees for currently licensed teachers to receive 46230

credentialing to teach computer science in accordance with 46231
division (B) of section 3319.236 of the Revised Code. 46232

Awards made by the Department of Education shall be in the 46233
form of reimbursements paid directly to educators for the cost of 46234
the content examination or pedagogy courses required under 46235
division (B) of section 3319.236 of the Revised Code that are 46236
completed by the summer term of 2021. First priority shall be 46237
given to educators who agree to teach at least one remote computer 46238
science course at schools that lack access to computer science 46239
educators. Second priority shall be given to educators assigned to 46240
schools with greater than fifty per cent of students classified as 46241
economically disadvantaged and with limited or no teachers 46242
currently credentialed to teach computer science, both as 46243
determined by the Department. 46244

Upon the request of the Superintendent of Public Instruction 46245
and the approval of the Director of Budget and Management, an 46246
amount equal to the unexpended, unencumbered balance of the amount 46247
set aside in this division at the end of fiscal year 2020 is 46248
hereby reappropriated to the Department for the same purpose for 46249
fiscal year 2021. 46250

(H) Of the foregoing appropriation item 200448, Educator 46251
Preparation, up to \$3,000,000 in fiscal year 2020 shall be used by 46252
the Department of Education, in consultation with the Department 46253
of Higher Education, to provide awards to support graduate 46254
coursework for high school teachers to receive credentialing to 46255
teach College Credit Plus courses in a high school setting. 46256

The Department of Education, in consultation with the 46257
Department of Higher Education, shall develop an application 46258
process and criteria for awards. Priority shall be given to 46259
education consortia that include economically disadvantaged high 46260
schools in which there are limited or no teachers currently 46261
credentialed to teach College Credit Plus courses, as determined 46262

by the Department of Education, and a public or private college or university in Ohio.

Awards made by the Department of Education may support graduate coursework for high school teachers at a public or private college or university in Ohio leading to credentialing to teach college courses, as well as employment of teachers credentialed to teach college courses as a bridging strategy until a sufficient number of teachers at the high school hold the required credentials.

Upon the request of the Superintendent of Public Instruction and the approval of the Director of Budget and Management, an amount equal to the unexpended, unencumbered balance of the amount set aside in this division at the end of fiscal year 2020 is hereby reappropriated for the same purpose for fiscal year 2021.

(I) Notwithstanding any provision of law to the contrary, awards under this section may be used by recipients for award-related expenses incurred for a period not to exceed two years from the date of the award according to guidelines established by the Department of Education.

(J) The remainder of the foregoing appropriation item 200448, Educator Preparation, may be used for implementation of teacher and principal evaluation systems, including incorporation of student growth as a metric in those systems, and teacher value-added reports.

Section 265.130. COMMUNITY SCHOOLS AND CHOICE PROGRAMS

The foregoing appropriation item 200455, Community Schools and Choice Programs, may be used by the Department of Education for operation of the school choice programs.

Of the foregoing appropriation item 200455, Community Schools and Choice Programs, a portion in each fiscal year may be used by

the Department for developing and conducting training sessions for 46293
community schools and sponsors and prospective sponsors of 46294
community schools as prescribed in division (A)(1) of section 46295
3314.015 of the Revised Code, and other schools participating in 46296
school choice programs. 46297

Section 265.140. EDUCATION TECHNOLOGY RESOURCES 46298

Of the foregoing appropriation item 200465, Education 46299
Technology Resources, up to \$2,500,000 in each fiscal year shall 46300
be used for the Union Catalog and InfoOhio Network and to support 46301
the provision of electronic resources with priority given to 46302
resources that support the teaching of state academic content 46303
standards in all public schools. Consideration shall be given by 46304
the Department of Education to coordinating the allocation of 46305
these moneys with the efforts of Libraries Connect Ohio, whose 46306
members include OhioLINK, the Ohio Public Information Network, and 46307
the State Library of Ohio. 46308

Of the foregoing appropriation item 200465, Education 46309
Technology Resources, up to \$1,778,879 in each fiscal year shall 46310
be used by the Department to provide grants to educational 46311
television stations working with partner education technology 46312
centers to provide Ohio public schools with instructional 46313
resources and services, with priority given to resources and 46314
services aligned with state academic content standards. Such 46315
resources and services shall be based upon the advice and approval 46316
of the Department, based on a formula developed in consultation 46317
with Ohio's educational television stations and educational 46318
technology centers. 46319

The remainder of the foregoing appropriation item 200465, 46320
Education Technology Resources, may be used to support training, 46321
technical support, guidance, and assistance with compliance 46322
reporting to school districts and public libraries applying for 46323

federal E-Rate funds; for oversight and guidance of school 46324
district technology plans; for support to district technology 46325
personnel; and for support of the development, maintenance, and 46326
operation of a network of uniform and compatible computer-based 46327
information and instructional systems. 46328

**Section 265.145. INDUSTRY-RECOGNIZED CREDENTIALS HIGH SCHOOL 46329
STUDENTS 46330**

Of the foregoing appropriation item 200478, 46331
Industry-Recognized Credentials High School Students, up to 46332
\$8,000,000 in each fiscal year may be used by the Department of 46333
Education to support payments to city, local, and exempted village 46334
school districts, community schools, STEM schools, and joint 46335
vocational school districts whose students earn an 46336
industry-recognized credential or receive a journeyman 46337
certification recognized by the United States Department of Labor. 46338
The educating entity shall be required to inform students enrolled 46339
in career-technical education courses that lead to an 46340
industry-recognized credential about the opportunity to earn these 46341
credentials. The Department of Education shall work with the 46342
Department of Higher Education and the Governor's Office of 46343
Workforce Transformation to develop a schedule for reimbursement 46344
based on the Department of Education's list of industry-recognized 46345
credentials, the time it takes to earn the credential, and the 46346
cost to obtain the credential. The educating entity shall pay for 46347
the cost of the credential and may claim and receive 46348
reimbursement. The educating entity may claim reimbursement based 46349
on the Department of Education's reimbursement schedule up to six 46350
months after the student has graduated from high school. If the 46351
amount appropriated is not sufficient, the Department shall 46352
prorate the amounts so that the aggregate amount appropriated is 46353
not exceeded. 46354

Of the foregoing appropriation item 200478, 46355
Industry-Recognized Credentials High School Students, up to 46356
\$12,500,000 in each fiscal year may be used by the Department of 46357
Education and the Governor's Office of Workforce Transformation to 46358
establish and operate the Innovative Workforce Incentive Program. 46359
In establishing the program, the Office of Workforce 46360
Transformation shall maintain a list of credentials that qualify 46361
for the program. The Department of Education shall pay each city, 46362
local, and exempted village school district, community school, 46363
STEM school, and joint vocational school district an amount equal 46364
to \$1,250 for each qualifying credential earned by a student 46365
attending the district or school during each fiscal year. If the 46366
amount appropriated is not sufficient, the Department shall 46367
prorate the amounts so that the aggregate amount appropriated is 46368
not exceeded. 46369

Of the foregoing appropriation item 200478, 46370
Industry-Recognized Credentials High School Students, up to 46371
\$4,500,000 in each fiscal year may be used by the Department of 46372
Education to establish a program to assist city, local, and 46373
exempted village school districts, community schools, STEM 46374
schools, and joint vocational school districts in establishing 46375
credentialing programs that qualify for the Innovative Workforce 46376
Incentive Program. The Department shall prioritize senior-only 46377
credentialing programs in schools that currently do not operate 46378
such programs. 46379

Section 265.150. PUPIL TRANSPORTATION 46380

Of the foregoing appropriation item 200502, Pupil 46381
Transportation, up to \$838,930 in each fiscal year may be used by 46382
the Department of Education for training prospective and 46383
experienced school bus drivers in accordance with training 46384
programs prescribed by the Department. A portion of these funds 46385

may also be used to pay for costs associated with the enrollment of bus drivers in the retained applicant fingerprint database. 46386
46387

Of the foregoing appropriation item 200502, Pupil Transportation, up to \$60,469,220 in each fiscal year may be used by the Department for special education transportation reimbursements to school districts and county DD boards for transportation operating costs as provided in divisions (C) and (F) of section 3317.024 of the Revised Code, in accordance with the section of this act entitled "OPERATING FUNDING FOR FISCAL YEARS 2020 and 2021." 46388
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The remainder of the foregoing appropriation item 200502, Pupil Transportation, shall be used to fund the transportation payments included in the state funding allocation under division (B) of the section of this act entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 46396
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PAYMENTS IN LIEU OF TRANSPORTATION 46401

For purposes of division (D) of section 3327.02 of the Revised Code, if a parent, guardian, or other person in charge of a pupil accepts an offer from a school district of payment in lieu of providing transportation for the pupil, the school district shall pay that parent, guardian, or other person an amount that shall be not less than \$250 and not more than the amount determined by the Department as the average cost of pupil transportation for the previous school year. Payment may be prorated if the time period involved is only a part of the school year. 46402
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Section 265.160. SCHOOL LUNCH MATCH 46412

The foregoing appropriation item 200505, School Lunch Match, shall be used to provide matching funds to obtain federal funds for the school lunch program. 46413
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Any remaining appropriation after providing matching funds 46416
for the school lunch program may be used to partially reimburse 46417
school buildings within school districts that are required to have 46418
a school breakfast program under section 3313.813 of the Revised 46419
Code, at a rate decided by the Department. 46420

Section 265.170. AUXILIARY SERVICES 46421

Of the foregoing appropriation item 200511, Auxiliary 46422
Services, up to \$2,600,000 in each fiscal year may be used for 46423
payment of the College Credit Plus Program for nonpublic secondary 46424
school participants. The Department of Education shall distribute 46425
these funds according to rule 3333-1-65.8 of the Administrative 46426
Code, adopted by the Department of Higher Education pursuant to 46427
division (A) of section 3365.071 of the Revised Code. 46428

The remainder of the foregoing appropriation item 200511, 46429
Auxiliary Services, shall be used by the Department for the 46430
purpose of implementing sections 3317.06 and 3317.062 of the 46431
Revised Code. 46432

Section 265.180. NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT 46433

The foregoing appropriation item 200532, Nonpublic 46434
Administrative Cost Reimbursement, shall be used by the Department 46435
of Education for the purpose of implementing section 3317.063 of 46436
the Revised Code. Notwithstanding section 3317.063 of the Revised 46437
Code, payments made by the Department for this purpose shall not 46438
exceed four hundred five dollars per student for each school year. 46439

Section 265.190. SPECIAL EDUCATION ENHANCEMENTS 46440

Of the foregoing appropriation item 200540, Special Education 46441
Enhancements, up to \$33,000,000 in each fiscal year shall be used 46442
to fund special education and related services at county boards of 46443
developmental disabilities for eligible students under section 46444

3317.20 of the Revised Code, in accordance with the section of 46445
this act entitled "OPERATING FUNDING FOR FISCAL YEARS 2020 and 46446
2021," and at institutions for eligible students under section 46447
3317.201 of the Revised Code. If necessary, the Department of 46448
Education shall proportionately reduce the amount calculated for 46449
each county board of developmental disabilities and institution so 46450
as not to exceed the amount appropriated in each fiscal year. 46451

Of the foregoing appropriation item 200540, Special Education 46452
Enhancements, up to \$1,350,000 in each fiscal year shall be used 46453
for parent mentoring programs. 46454

Of the foregoing appropriation item 200540, Special Education 46455
Enhancements, up to \$3,000,000 in each fiscal year may be used for 46456
school psychology interns. 46457

Of the foregoing appropriation item 200540, Special Education 46458
Enhancements, the Department shall transfer \$3,250,000 in fiscal 46459
year 2020 and \$3,500,000 in fiscal year 2021 to the Opportunities 46460
for Ohioans with Disabilities Agency. The transfer shall be made 46461
via an intrastate transfer voucher. The transferred funds shall be 46462
used by the Opportunities for Ohioans with Disabilities Agency as 46463
state matching funds to draw down available federal funding for 46464
vocational rehabilitation services. Total project funding shall be 46465
used to hire dedicated vocational rehabilitation counselors who 46466
shall work directly with school districts to provide transition 46467
services for students with disabilities. Services shall include 46468
vocational rehabilitation services such as person-centered career 46469
planning, summer work experiences, job placement, and retention 46470
services for mutually eligible students with disabilities. 46471

The Superintendent of Public Instruction and the Executive 46472
Director of the Opportunities for Ohioans with Disabilities Agency 46473
shall enter into an interagency agreement that shall specify the 46474
responsibilities of each agency under the program. Under the 46475
interagency agreement, the Opportunities for Ohioans with 46476

Disabilities Agency shall retain responsibility for all 46477
nondelegable functions, including eligibility and order of 46478
selection determination, individualized plan for employment (IPE) 46479
approval, IPE amendments, case closure, and release of vendor 46480
payments. 46481

Of the foregoing appropriation item 200540, Special Education 46482
Enhancements, up to \$2,000,000 in each fiscal year shall be used 46483
by the Department of Education to build capacity to deliver a 46484
regional system of training, support, coordination, and direct 46485
service for secondary transition services for students with 46486
disabilities beginning at fourteen years of age. These special 46487
education enhancements shall support all students with 46488
disabilities, regardless of partner agency eligibility 46489
requirements, to provide stand-alone direct secondary transition 46490
services by school districts. Secondary transition services shall 46491
include, but not be limited to, job exploration counseling, 46492
work-based learning experiences, counseling on opportunities for 46493
enrollment in comprehensive transition or post-secondary 46494
educational programs at institutions of higher education, 46495
workplace readiness training to develop occupational skills, 46496
social skills and independent living skills, and instruction in 46497
self-advocacy. Regional training shall support the expansion of 46498
transition to work endorsement opportunities for middle school and 46499
secondary level special education intervention specialists in 46500
order to develop the necessary skills and competencies to meet the 46501
secondary transition needs of students with disabilities beginning 46502
at fourteen years of age. 46503

The remainder of appropriation item 200540, Special Education 46504
Enhancements, shall be distributed by the Department of Education 46505
to school districts and institutions, as defined in section 46506
3323.091 of the Revised Code, for preschool special education 46507
funding under section 3317.0213 of the Revised Code, in accordance 46508

with the section of this act entitled "OPERATING FUNDING FOR 46509
FISCAL YEARS 2020 and 2021." 46510

The Department may reimburse school districts and 46511
institutions for services provided by instructional assistants, 46512
related services, as defined in rule 3301-51-11 of the 46513
Administrative Code, physical therapy services provided by a 46514
licensed physical therapist or physical therapist assistant under 46515
the supervision of a licensed physical therapist, as required 46516
under Chapter 4755. of the Revised Code and Chapter 4755-27 of the 46517
Administrative Code, and occupational therapy services provided by 46518
a licensed occupational therapist or occupational therapy 46519
assistant under the supervision of a licensed occupational 46520
therapist, as required under Chapter 4755. of the Revised Code and 46521
Chapter 4755-7 of the Administrative Code. Nothing in this section 46522
authorizes occupational therapy assistants or physical therapist 46523
assistants to generate or manage their own caseloads. 46524

The Department shall require school districts, educational 46525
service centers, county DD boards, and institutions serving 46526
preschool children with disabilities to adhere to Ohio's early 46527
learning program standards, participate in the Step Up to Quality 46528
program established pursuant to section 5104.29 of the Revised 46529
Code, and document child progress using research-based indicators 46530
prescribed by the Department and report results annually. The 46531
reporting dates and method shall be determined by the Department. 46532
All programs shall be rated through the Step Up to Quality 46533
program. 46534

Section 265.200. CAREER-TECHNICAL EDUCATION ENHANCEMENTS 46535

Of the foregoing appropriation item 200545, Career-Technical 46536
Education Enhancements, up to \$2,563,568 in each fiscal year shall 46537
be used to fund secondary career-technical education at 46538
institutions, the Ohio School for the Deaf, and the Ohio State 46539

School for the Blind using a grant-based methodology, 46540
notwithstanding section 3317.05 of the Revised Code. 46541

Of the foregoing appropriation item 200545, Career-Technical 46542
Education Enhancements, up to \$2,686,474 in each fiscal year shall 46543
be used by the Department of Education to fund competitive grants 46544
to tech prep consortia that expand the number of students enrolled 46545
in tech prep programs. These grant funds shall be used to directly 46546
support expanded tech prep programs provided to students enrolled 46547
in school districts, including joint vocational school districts, 46548
and affiliated higher education institutions. This support may 46549
include the purchase of equipment. 46550

Of the foregoing appropriation item 200545, Career-Technical 46551
Education Enhancements, up to \$3,000,850 in each fiscal year shall 46552
be used by the Department to support existing High Schools That 46553
Work (HSTW) sites, develop and support new sites, fund technical 46554
assistance, and support regional centers and middle school 46555
programs. The purpose of HSTW is to combine challenging academic 46556
courses and modern career-technical studies to raise the academic 46557
achievement of students. HSTW provides intensive technical 46558
assistance, focused staff development, targeted assessment 46559
services, and ongoing communications and networking opportunities. 46560

Of the foregoing appropriation item 200545, Career-Technical 46561
Education Enhancements, up to \$600,000 in each fiscal year shall 46562
be used by the Department to enable students in agricultural 46563
programs to enroll in a fifth quarter of instruction based on the 46564
agricultural education model of delivering work-based learning 46565
through supervised agricultural experience. The Department shall 46566
determine eligibility criteria and the reporting process for the 46567
Agriculture 5th Quarter Project and shall fund as many programs as 46568
possible given the set-aside. The eligibility criteria developed 46569
by the Department shall allow these funds to support supervised 46570
agricultural experience that occurs anytime outside of the regular 46571

school day. 46572

Of the foregoing appropriation item 200545, Career-Technical 46573
Education Enhancements, up to \$550,000 in each fiscal year may be 46574
used to support career planning and reporting through the 46575
OhioMeansJobs web site. 46576

Section 265.210. FOUNDATION FUNDING 46577

Of the foregoing appropriation item 200550, Foundation 46578
Funding, up to \$40,000,000 in each fiscal year shall be used to 46579
provide additional state aid to school districts, joint vocational 46580
school districts, community schools, and STEM schools for special 46581
education students under division (C)(3) of section 3314.08, 46582
section 3317.0214 and division (B) of section 3317.16 in 46583
accordance with the section of this act entitled "OPERATING 46584
FUNDING FOR FISCAL YEARS 2020 and 2021," and section 3326.34 of 46585
the Revised Code, except that the Controlling Board may increase 46586
these amounts if presented with such a request from the Department 46587
of Education at the final meeting of the fiscal year. 46588

Of the foregoing appropriation item 200550, Foundation 46589
Funding, up to \$3,800,000 in each fiscal year shall be used to 46590
fund gifted education at educational service centers. The 46591
Department shall distribute the funding through the unit-based 46592
funding methodology in place under division (L) of section 46593
3317.024, division (E) of section 3317.05, and divisions (A), (B), 46594
and (C) of section 3317.053 of the Revised Code as they existed 46595
prior to fiscal year 2010. 46596

Of the foregoing appropriation item 200550, Foundation 46597
Funding, up to \$40,000,000 in each fiscal year shall be reserved 46598
to fund the state reimbursement of educational service centers 46599
under the section of this act entitled "EDUCATIONAL SERVICE 46600
CENTERS FUNDING." 46601

Of the foregoing appropriation item 200550, Foundation 46602
Funding, up to \$3,500,000 in each fiscal year shall be distributed 46603
to educational service centers for School Improvement Initiatives 46604
and for the provision of technical assistance to schools and 46605
districts. The Department may distribute these funds through a 46606
competitive grant process. 46607

Of the foregoing appropriation item 200550, Foundation 46608
Funding, up to \$7,000,000 in each fiscal year shall be reserved 46609
for payments under section 3317.029 of the Revised Code, in 46610
accordance with the section of this act entitled "OPERATING 46611
FUNDING FOR FISCAL YEARS 2020 and 2021." If this amount is not 46612
sufficient, the Superintendent of Public Instruction may 46613
reallocate excess funds for other purposes supported by this 46614
appropriation item in order to fully pay the amounts required by 46615
that section, provided that the aggregate amount appropriated in 46616
appropriation item 200550, Foundation Funding, is not exceeded. 46617

Of the foregoing appropriation item 200550, Foundation 46618
Funding, up to \$26,400,000 in each fiscal year shall be used to 46619
support school choice programs. 46620

Of the portion of the funds distributed to the Cleveland 46621
Municipal School District under this section, up to \$17,600,000 in 46622
each fiscal year shall be used to operate the school choice 46623
program in the Cleveland Municipal School District under sections 46624
3313.974 to 3313.979 of the Revised Code. Notwithstanding 46625
divisions (B) and (C) of section 3313.978 and division (C) of 46626
section 3313.979 of the Revised Code, up to \$1,000,000 in each 46627
fiscal year of this amount shall be used by the Cleveland 46628
Municipal School District to provide tutorial assistance as 46629
provided in division (H) of section 3313.974 of the Revised Code. 46630
The Cleveland Municipal School District shall report the use of 46631
these funds in the district's three-year continuous improvement 46632
plan as described in section 3302.04 of the Revised Code in a 46633

manner approved by the Department. 46634

Of the foregoing appropriation item 200550, Foundation 46635
Funding, up to \$1,500,000 in each fiscal year may be used for 46636
payment of the College Credit Plus Program for students instructed 46637
at home pursuant to section 3321.04 of the Revised Code. 46638

Of the foregoing appropriation item 200550, Foundation 46639
Funding, an amount shall be available in each fiscal year to be 46640
paid to joint vocational school districts in accordance with the 46641
section of this act entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL 46642
DISTRICTS." 46643

Of the foregoing appropriation item 200550, Foundation 46644
Funding, up to \$700,000 in each fiscal year shall be used by the 46645
Department for a program to pay for educational services for youth 46646
who have been assigned by a juvenile court or other authorized 46647
agency to any of the facilities described in division (A) of the 46648
section of this act entitled "PRIVATE TREATMENT FACILITY PROJECT." 46649

Of the foregoing appropriation item 200550, Foundation 46650
Funding, a portion may be used to pay college-preparatory boarding 46651
schools the per pupil boarding amount pursuant to section 3328.34 46652
of the Revised Code. 46653

Of the foregoing appropriation item 200550, Foundation 46654
Funding, a portion in each fiscal year shall be used to pay 46655
community schools and STEM schools the amounts calculated for the 46656
graduation and third-grade reading bonuses under sections 3314.085 46657
and 3326.41 of the Revised Code, in accordance with the sections 46658
of this act entitled "FUNDING FOR COMMUNITY SCHOOLS" and "FUNDING 46659
FOR STEM SCHOOLS." 46660

Of the foregoing appropriation item 200550, Foundation 46661
Funding, up to \$1,172,000 in fiscal year 2020 and up to \$1,760,000 46662
in fiscal year 2021 may be used by the Department for duties and 46663
activities related to the establishment of academic distress 46664

commissions under section 3302.10 of the Revised Code, to provide 46665
support and assistance to academic distress commissions to further 46666
their duties under Chapter 3302. of the Revised Code, and to 46667
provide technical assistance and tools to support districts 46668
subject to academic distress commissions. 46669

Of the foregoing appropriation item 200550, Foundation 46670
Funding, up to \$250,000,000 in fiscal year 2020 and up to 46671
\$300,000,000 in fiscal year 2021 shall be used to distribute the 46672
amounts calculated for student wellness and success funds under 46673
sections 3314.088, 3317.0219, 3317.163, and 3326.42 of the Revised 46674
Code. 46675

Of the foregoing appropriation item 200550, Foundation 46676
Funding, up to \$350,000 in fiscal year 2020 shall be used by the 46677
Department of Education to conduct return on investment studies 46678
for programming funded through student success and wellness funds 46679
and to provide technical assistance to school districts on 46680
implementing these strategies. 46681

The remainder of the foregoing appropriation item 200550, 46682
Foundation Funding, shall be used to fund the payments included in 46683
the state funding allocation under division (A) of the section of 46684
this act entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE 46685
SCHOOL DISTRICTS." 46686

Appropriation items 200502, Pupil Transportation, 200540, 46687
Special Education Enhancements, and 200550, Foundation Funding, 46688
other than specific set-asides, are collectively used in each 46689
fiscal year to pay state formula aid obligations for school 46690
districts, community schools, STEM schools, college preparatory 46691
boarding schools, and joint vocational school districts under this 46692
act. The first priority of these appropriation items, with the 46693
exception of specific set-asides, is to fund state formula aid 46694
obligations. It may be necessary to reallocate funds among these 46695
appropriation items or use excess funds from other general revenue 46696

fund appropriation items in the Department of Education's budget 46697
in each fiscal year in order to meet state formula aid 46698
obligations. If it is determined that it is necessary to transfer 46699
funds among these appropriation items or to transfer funds from 46700
other General Revenue Fund appropriations in the Department's 46701
budget to meet state formula aid obligations, the Superintendent 46702
of Public Instruction shall seek approval from the Director of 46703
Budget and Management to transfer funds as needed. 46704

The Superintendent of Public Instruction shall make payments, 46705
transfers, and deductions, as authorized by Title XXXIII of the 46706
Revised Code in amounts substantially equal to those made in the 46707
prior year, or otherwise, at the discretion of the Superintendent, 46708
until at least the effective date of the amendments and enactments 46709
made to Title XXXIII by this act. Any funds paid to districts or 46710
schools under this section shall be credited toward the annual 46711
funds calculated for the district or school after the changes made 46712
to Title XXXIII in this act are effective. Upon the effective date 46713
of changes made to Title XXXIII in this act, funds shall be 46714
calculated as an annual amount. 46715

Section 265.215. OPERATING FUNDING FOR FISCAL YEARS 2020 and 46716
2021 46717

(A) Notwithstanding anything to the contrary in Chapter 3317. 46718
of the Revised Code, the Department of Education shall make no 46719
payments under that chapter for fiscal years 2020 and 2021 except 46720
as prescribed in this section and the sections of this act 46721
entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL 46722
DISTRICTS" and "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS." 46723

(B) Each school district and educational service center shall 46724
report student enrollment data as prescribed by section 3317.03 of 46725
the Revised Code, which data the Department shall use to make 46726
payments under Chapter 3317. of the Revised Code and the sections 46727

of this act entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS" and "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS."

(C) The tax commissioner shall report data regarding tax valuation and receipts for school districts as prescribed by sections 3317.015, 3317.021, 3317.025, 3317.028, 3317.029, 3317.0210, 3317.0211, and 3317.08, which data the Department shall use to make payments under Chapter 3317. of the Revised Code and the sections of this act entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS" and "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS."

(D) Unless otherwise specified by another provision of law, in addition to the payments prescribed by the sections of this act entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS" and "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS," the Department shall continue to make payments or adjustments for each of fiscal years 2020 and 2021 under the following provisions of Chapter 3317. of the Revised Code:

(1) All payments or adjustments under section 3317.023 of the Revised Code;

(2) All payments or adjustments under section 3317.024 of the Revised Code;

(3) Payments under section 3317.029 of the Revised Code. Notwithstanding division (A)(2)(d) of section 3317.029, for purposes of these payments, a city, local, or exempted village school district's "state education aid" for fiscal years 2020 and 2021 shall be the payment made to the district under the section of this act entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS."

(4) Preschool special education payments under section 3317.0213 of the Revised Code;

(5) The catastrophic cost reimbursement under section 3317.0214 of the Revised Code;	46759 46760
(6) Payments under sections 3317.06, 3317.062, 3317.063, and 3317.064 of the Revised Code;	46761 46762
(7) The catastrophic cost reimbursement under division (B) of section 3317.16 of the Revised Code and excess cost reimbursements under division (C) of that section. No other payments shall be made under that section.	46763 46764 46765 46766
(8) Adjustments under section 3317.18 of the Revised Code;	46767
(9) Payments to cooperative education school districts under section 3317.19 of the Revised Code;	46768 46769
(10) Payments to county boards of developmental disabilities under section 3317.20 of the Revised Code;	46770 46771
(11) Payments to state institutions for special education funding under section 3317.201 of the Revised Code.	46772 46773
(E) Notwithstanding anything to the contrary in Chapter 3317. of the Revised Code, for purposes of computing the payments under that chapter for fiscal years 2020 and 2021 authorized under this section for which the "state share index" or "state share percentage" is a factor, the Department shall use the state share index or state share percentage, as applicable, computed for each district for fiscal year 2019.	46774 46775 46776 46777 46778 46779 46780
(F) For fiscal years 2020 and 2021, when calculating payments under Chapter 3317. of the Revised Code as authorized under this section, and for purposes of sections 3310.09, 3313.98, 3313.981, 3314.08, 3315.18, 3326.31, 3326.33, and 3365.01 of the Revised Code and any other provision of law with respect to education financing:	46781 46782 46783 46784 46785 46786
(1) The "formula amount" equals \$6,020 for fiscal years 2020 and 2021.	46787 46788

(2) The special education catastrophic cost threshold for 46789
fiscal years 2020 and 2021 is \$27,375 for students in categories 46790
two through five special education ADM and \$32,850 for students in 46791
category six special education ADM. 46792

(G) This section does not affect the provisions of sections 46793
3317.0219, 3317.031, 3317.032, 3317.033, 3317.034, 3317.035, 46794
3317.036, 3317.061, 3317.07, 3317.08, 3317.081, 3317.082, 3317.09, 46795
3317.10, 3317.12, 3317.13, 3317.14, 3317.141, 3317.15, 3317.161, 46796
3317.163, 3317.23, 3317.231, 3317.24, 3317.25, 3317.26, 3317.27, 46797
3317.30, 3317.40, 3317.50, and 3317.51 of the Revised Code. 46798

Section 265.220. FUNDING FOR CITY, LOCAL, AND EXEMPTED 46799
VILLAGE SCHOOL DISTRICTS 46800

For each of fiscal years 2020 and 2021, the Department of 46801
Education shall pay each city, local, and exempted village school 46802
district an amount equal to the sum of the following: 46803

(A) The district's aggregate annualized payments for fiscal 46804
year 2019 under section 3317.022 of the Revised Code and Section 46805
265.220 of Am. Sub. H.B. 49 of the 132nd General Assembly, as of 46806
the second payment in June 2019; 46807

(B) The district's aggregate annualized payments for fiscal 46808
year 2019 under section 3317.0212 and division (D)(2) of section 46809
3314.091 of the Revised Code, as of the second payment in June 46810
2019. 46811

Section 265.225. FUNDING FOR JOINT VOCATIONAL SCHOOL 46812
DISTRICTS 46813

For each of fiscal years 2020 and 2021, the Department of 46814
Education shall pay each joint vocational school district an 46815
amount equal to the district's aggregate annualized payments for 46816
fiscal year 2019 under section 3317.16 of the Revised Code and 46817
Section 265.230 of Am. Sub. H.B. 49 of the 132nd General Assembly, 46818

as of the second payment in June 2019. 46819

Section 265.230. FUNDING FOR COMMUNITY SCHOOLS 46820

(A) For each of fiscal years 2020 and 2021, the Department of 46821
Education shall make the deductions and payments for each student 46822
enrolled in a community school, established under Chapter 3314. of 46823
the Revised Code, in the manner prescribed by division (C) of 46824
section 3314.08 of the Revised Code, except that, for each of 46825
those fiscal years: 46826

(1) The "formula amount" shall equal the amount specified in 46827
division (F)(1) of the section of this act entitled "OPERATING 46828
FUNDING FOR FISCAL YEARS 2020 and 2021." 46829

(2) "State education aid" for a school district from which a 46830
deduction is made shall mean the amount paid to the district for 46831
that fiscal year under the section of this act entitled "FUNDING 46832
FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 46833

(3) The per pupil amount deducted from a district and paid to 46834
a community school under divisions (C)(1)(b) and (e) of section 46835
3314.08 of the Revised Code shall be the same respective per pupil 46836
amounts deducted and paid under those divisions for fiscal year 46837
2019. 46838

(B) Notwithstanding section 3314.085 of the Revised Code, for 46839
each of fiscal years 2020 and 2021, the Department shall pay each 46840
community school an amount equal to the school's payment under 46841
section 3314.085 of the Revised Code for fiscal year 2019. 46842

Section 265.235. FUNDING FOR STEM SCHOOLS 46843

(A) For each of fiscal years 2020 and 2021, the Department of 46844
Education shall make the deductions and payments for each student 46845
enrolled in a STEM school, established under Chapter 3326. of the 46846
Revised Code, in the manner prescribed by section 3326.33 of the 46847

Revised Code, except that, for each of those fiscal years: 46848

(1) The "formula amount" shall equal the amount specified in 46849
division (F)(1) of the section of this act entitled "OPERATING 46850
FUNDING FOR FISCAL YEARS 2020 and 2021." 46851

(2) "State education aid" for a school district from which a 46852
deduction is made shall mean the amount paid to the district for 46853
that fiscal year under the section of this act entitled "FUNDING 46854
FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 46855

(3) The per pupil amount deducted from a district and paid to 46856
a STEM school under divisions (B) and (E) of section 3326.33 of 46857
the Revised Code shall be the same respective per pupil amount 46858
deducted and paid under those divisions for fiscal year 2019. 46859

(B) Notwithstanding section 3326.41 of the Revised Code, for 46860
each of fiscal years 2020 and 2021, the Department shall pay each 46861
STEM school an amount equal to the school's payment under section 46862
3326.41 of the Revised Code for fiscal year 2019. 46863

Section 265.240. LITERACY IMPROVEMENT 46864

The foregoing appropriation item 200566, Literacy 46865
Improvement, shall be used by the Department of Education to 46866
support early literacy activities to align state, local, and 46867
federal efforts in order to bolster all students' reading success. 46868
Funds shall be distributed to educational service centers to 46869
establish and support regional literacy professional development 46870
teams. A portion of the funds may be used by the Department for 46871
program administration, monitoring, technical assistance, support, 46872
research, and evaluation. 46873

Section 265.250. ADULT EDUCATION PROGRAMS 46874

The foregoing appropriation item 200572, Adult Education 46875
Programs, shall be used in each fiscal year to make payments to 46876

institutions participating in the Adult Diploma Pilot Program 46877
under section 3313.902 of the Revised Code; to make payments under 46878
sections 3314.38, 3317.23, 3317.24, and 3345.86 of the Revised 46879
Code; and to pay career-technical planning districts for the 46880
amounts reimbursed to students, as prescribed in this section. 46881

Each career-technical planning district shall reimburse 46882
individuals taking a nationally recognized high school equivalency 46883
examination approved by the Department of Education for the first 46884
time for application fees, examination fees, or both, in excess of 46885
\$40, up to a maximum reimbursement per individual of \$80. Each 46886
career-technical planning district shall designate a site or sites 46887
where individuals may register and take an approved examination. 46888
For each individual who registers for an approved examination, the 46889
career-technical planning district shall make available and offer 46890
career counseling services, including information on adult 46891
education programs that are available. A portion of the 46892
appropriation item may be reimbursed to the Department of Youth 46893
Services and the Department of Rehabilitation and Correction for 46894
individuals in these facilities who have taken an approved 46895
examination for the first time. The amounts reimbursed shall not 46896
exceed the per-individual amounts reimbursed to other individuals 46897
under this section for an approved examination. 46898

Notwithstanding any provision of law to the contrary, the 46899
unexpended balance of appropriations for payments under sections 46900
3313.902, 3314.38, 3317.23, 3317.24, and 3345.86 of the Revised 46901
Code at the end of each fiscal year may be encumbered by the 46902
Department of Education and remain available for payment for a 46903
period not to exceed two years from the end of each fiscal year in 46904
which the funds were originally appropriated, in accordance with 46905
guidelines established by the Superintendent of Public 46906
Instruction. 46907

A portion of the foregoing appropriation item 200572, Adult 46908

Education Programs, may be used for program administration, 46909
technical assistance, support, research, and evaluation of adult 46910
education programs, including high school equivalency examinations 46911
approved by the Department of Education. 46912

Section 265.260. EDCHOICE EXPANSION 46913

The foregoing appropriation item 200573, EdChoice Expansion, 46914
shall be used to provide for the scholarships awarded under the 46915
expansion of the educational choice program established under 46916
section 3310.032 of the Revised Code. The number of scholarships 46917
awarded under the expansion of the educational choice program 46918
shall not exceed the number that can be funded with the 46919
appropriations made by the General Assembly for this purpose. 46920

HALF-MILL MAINTENANCE EQUALIZATION 46921

The foregoing appropriation item 200574, Half-Mill 46922
Maintenance Equalization, shall be used to make payments pursuant 46923
to section 3318.18 of the Revised Code. 46924

INNOVATIVE SHARED SERVICES AT SCHOOLS 46925

The foregoing appropriation item 200598, Innovative Shared 46926
Services at Schools, shall be used to provide competitive grants 46927
in accordance with the section of this act entitled "INNOVATIVE 46928
SHARED SERVICES AT SCHOOLS PROGRAM." 46929

Section 265.270. INNOVATIVE SHARED SERVICES AT SCHOOLS 46930
PROGRAM 46931

(A) There is hereby created the Innovative Shared Services at 46932
Schools Program to provide grants to city, local, and exempted 46933
village school districts, joint vocational school districts, 46934
community schools, STEM schools, education consortia (which may 46935
represent a partnership among school districts, community schools, 46936
STEM schools, or educational service centers), and private or 46937

governmental entities partnering with one or more of the 46938
educational entities identified in this division for projects that 46939
aim to achieve significant advancement in the use of a shared 46940
services delivery model that demonstrates increased efficiency and 46941
effectiveness, long-term sustainability, and scalability. 46942

(B)(1) Grants shall be awarded by a five-member governing 46943
board consisting of the Superintendent of Public Instruction, or 46944
the Superintendent's designee, two members appointed by the 46945
Governor, one member appointed by the Speaker of the House of 46946
Representatives, and one member appointed by the President of the 46947
Senate. The Department of Education shall provide administrative 46948
support to the board. No member shall be compensated for the 46949
member's service on the board. 46950

(2) The board shall select grant advisors with fiscal 46951
expertise and education expertise. These advisors shall evaluate 46952
proposals from grant applicants and advise the staff administering 46953
the program. No advisor shall be compensated for this service. 46954

(3) The board shall issue an annual report to the Governor, 46955
the Speaker of the House of Representatives, the President of the 46956
Senate, and the chairpersons of the House and Senate committees 46957
that primarily deal with education regarding the types of grants 46958
awarded, the grant recipients, and the effectiveness of the grant 46959
program. 46960

(4) The board shall create a grant application and publish on 46961
the Department's web site the application and timeline for the 46962
submission, review, notification, and awarding of grant proposals. 46963

(5) With the approval of the board, the Department shall 46964
establish a system for evaluating and scoring the grant 46965
applications received under this section. 46966

(C) Each grant applicant shall submit a proposal that 46967
includes all of the following: 46968

(1) A description of the project for which the applicant is seeking a grant, including a description of how the project will have substantial value and lasting impact;

(2) A description of quantifiable results of the project that can be benchmarked;

(3) A description of administrative efficiencies created by the project.

If an education consortium described in division (A) of this section applies for a grant, the lead applicant shall be the school district, community school, or STEM school that is a member of the consortium and shall so indicate on the grant application.

(D)(1) The board shall issue a timely decision of "yes," "no," "hold," or "edit" for each application. A grant awarded under this section shall not exceed \$100,000 in each fiscal year. The Superintendent of Public Instruction may make recommendations to the Controlling Board that these maximum amounts be exceeded. Upon Controlling Board approval, grants may be awarded in excess of these amounts.

(2) If the board issues a "hold" or "edit" decision for an application, it shall, upon returning the application to the applicant, specify the process for reconsideration of the application. An applicant may work with the grant advisors and staff to modify or improve a grant application.

(E) Upon deciding to award a grant to an applicant, the board shall enter into a grant agreement with the applicant that includes all of the following:

(1) The content of the applicant's proposal as outlined under division (C) of this section;

(2) The project's deliverables and a timetable for their completion;

(3) Conditions for receiving grant funding;	46999
(4) Conditions for receiving funding in future years if the contract is a multi-year contract;	47000 47001
(5) A provision specifying that funding will be returned to the board if the applicant fails to implement the agreement;	47002 47003
(6) A provision specifying that the agreement may be amended by mutual agreement between the board and the applicant.	47004 47005
(F) Each grant awarded under this section shall be subject to approval by the Controlling Board prior to execution of the grant agreement.	47006 47007 47008
(G) At the discretion of the board, a portion of appropriation item 200598, Innovative Shared Services at Schools, may be used by the Department of Education to administer the program.	47009 47010 47011 47012
(H) Notwithstanding any provision of law to the contrary, grants awarded under this section may be used by grant recipients for grant-related expenses incurred for a period not to exceed two years from the date of the award according to guidelines established by the governing board.	47013 47014 47015 47016 47017
Section 265.280. MEDICAID IN SCHOOLS PROGRAM	47018
The foregoing appropriation item, 657401, Medicaid in Schools Program, shall be used by the Department of Education to support the Medicaid in Schools Program.	47019 47020 47021
Section 265.300. TEACHER CERTIFICATION AND LICENSURE	47022
The foregoing appropriation item 200681, Teacher Certification and Licensure, shall be used by the Department of Education in each year of the biennium to administer and support teacher certification and licensure activities. Notwithstanding section 3319.51 of the Revised Code, a portion of the foregoing	47023 47024 47025 47026 47027

appropriation may also be used for implementation of teacher and 47028
principal evaluation systems, including incorporation of student 47029
growth as a metric in those systems, and teacher value-added 47030
reports. 47031

Section 265.320. SCHOOL DISTRICT SOLVENCY ASSISTANCE 47032

(A) The foregoing appropriation item 200687, School District 47033
Solvency Assistance, shall be allocated to the School District 47034
Shared Resource Account and the Catastrophic Expenditures Account 47035
in amounts determined by the Superintendent of Public Instruction. 47036
These funds shall be used to provide assistance and grants to 47037
school districts to enable them to remain solvent under section 47038
3316.20 of the Revised Code. Assistance and grants shall be 47039
subject to approval by the Controlling Board. Except as provided 47040
under division (C) of this section, any required reimbursements 47041
from school districts for solvency assistance shall be made to the 47042
appropriate account in the School District Solvency Assistance 47043
Fund (Fund 5H30). 47044

(B) Notwithstanding any provision of law to the contrary, 47045
upon the request of the Superintendent of Public Instruction, the 47046
Director of Budget and Management may make transfers to the School 47047
District Solvency Assistance Fund (Fund 5H30) from any fund used 47048
by the Department of Education or the General Revenue Fund to 47049
maintain sufficient cash balances in Fund 5H30 in fiscal years 47050
2020 and 2021. Any cash transferred is hereby appropriated. The 47051
transferred cash may be used by the Department to provide 47052
assistance and grants to school districts to enable them to remain 47053
solvent and to pay unforeseeable expenses of a temporary or 47054
emergency nature that the school district is unable to pay from 47055
existing resources. The Director shall notify the members of the 47056
Controlling Board of any such transfers. 47057

(C) If the cash balance of the School District Solvency 47058

Assistance Fund (Fund 5H30) is insufficient to pay solvency 47059
assistance in fiscal years 2020 and 2021, at the request of the 47060
Superintendent of Public Instruction, and with the approval of the 47061
Controlling Board, the Director of Budget and Management may 47062
transfer cash from the Lottery Profits Education Reserve Fund 47063
(Fund 7018) to Fund 5H30 to provide assistance and grants to 47064
school districts to enable them to remain solvent and to pay 47065
unforeseeable expenses of a temporary nature that they are unable 47066
to pay from existing resources under section 3316.20 of the 47067
Revised Code. Such transfers are hereby appropriated to 47068
appropriation item 200670, School District Solvency Assistance - 47069
Lottery. Any required reimbursements from school districts for 47070
solvency assistance granted from appropriation item 200670, School 47071
District Solvency Assistance - Lottery, shall be made to Fund 47072
7018. 47073

Section 265.325. SCHOOL CLIMATE GRANTS 47074

(A) The foregoing appropriation item 200602, School Climate 47075
Grants, shall be used to provide competitive grants to eligible 47076
applicants to implement positive behavior intervention and 47077
supports frameworks, evidence- or research-based social and 47078
emotional learning initiatives, or both, in eligible school 47079
buildings. 47080

(B) The Superintendent of Public Instruction shall administer 47081
and award the grants. The Superintendent shall prescribe an 47082
application form, establish procedures for the consideration and 47083
approval of grant applications, and determine the amount of the 47084
grant awards. 47085

(C)(1) Subject to division (C)(2) of this section, the 47086
Superintendent shall award the grants in the following order of 47087
priority: 47088

(a) First, to eligible applicants whose grant proposal serves 47089

one or more eligible school buildings whose percentage of students 47090
who are identified as economically disadvantaged is greater than 47091
the statewide average percentage of students who are identified as 47092
economically disadvantaged, as determined by the Superintendent; 47093

(b) Second, to eligible applicants whose grant proposal 47094
serves one or more eligible school buildings with high suspension 47095
rates, as determined by the Superintendent; 47096

(c) Third, to eligible applicants who were not awarded a 47097
grant under either division (C)(1)(a) or (b) of this section in 47098
the order in which the applications were received. 47099

(2) If, for a fiscal year, the amount appropriated for the 47100
grants awarded under this section is insufficient to provide 47101
grants to all eligible applicants within a priority level 47102
specified in division (C)(1) of this section, the Superintendent 47103
shall first award grants within that priority level to eligible 47104
applicants whose grant proposal serves one or more eligible school 47105
buildings that previously have not been served through a grant 47106
disbursed from the foregoing appropriation item 200602, School 47107
Climate Grants. 47108

(D) The Superintendent may enter into a written grant 47109
agreement with each eligible applicant awarded a grant under this 47110
section that includes the terms and conditions governing the use 47111
of the funds. The Superintendent may monitor a recipient's use of 47112
the funds to ensure that the funds are used in accordance with the 47113
grant agreement. 47114

(E) A grant awarded to an eligible applicant under this 47115
section shall not exceed \$5,000 per eligible school building 47116
served in the eligible applicant's grant proposal, up to a maximum 47117
of \$50,000. 47118

(F) Notwithstanding any provision of law to the contrary, 47119
grants awarded under this section may be used by grant recipients 47120

for grant-related expenses for a period not to exceed two years 47121
from the date of the award, according to guidelines established by 47122
the Superintendent. 47123

(G) As used in this section: 47124

(1) "Eligible applicant" means a city, local, or exempted 47125
village school district or a community school established under 47126
Chapter 3314. of the Revised Code. 47127

(2) "Eligible school building" means a building of an 47128
eligible applicant that serves any of grades kindergarten through 47129
three. 47130

Section 265.330. LOTTERY PROFITS EDUCATION FUND 47131

The foregoing appropriation item 200612, Foundation Funding, 47132
shall be used in conjunction with appropriation item 200550, 47133
Foundation Funding, to provide state foundation payments to school 47134
districts. 47135

The Department of Education, with the approval of the 47136
Director of Budget and Management, shall determine the monthly 47137
distribution schedules of appropriation item 200550, Foundation 47138
Funding, and appropriation item 200612, Foundation Funding. If 47139
adjustments to the monthly distribution schedule are necessary, 47140
the Department shall make such adjustments with the approval of 47141
the Director. 47142

Section 265.335. QUALITY COMMUNITY SCHOOLS SUPPORT 47143

(A) The foregoing appropriation item 200631, Quality 47144
Community Schools Support, shall be used for the Quality Community 47145
School Support Program. Under the program, the Department of 47146
Education shall pay each community school established under 47147
Chapter 3314. of the Revised Code and designated as a Community 47148
School of Quality under this section an amount equal to \$1,750 in 47149

each fiscal year for each pupil identified as economically 47150
disadvantaged and \$1,000 in each fiscal year for each pupil that 47151
is not identified as economically disadvantaged. The payment for 47152
the current fiscal year shall be calculated using the final 47153
adjusted full-time equivalent number of students enrolled in a 47154
community school for the prior fiscal year, except that if a 47155
school is in its first year of operation the payment for the 47156
current fiscal year shall be calculated using the adjusted 47157
full-time equivalent number of students enrolled in the school for 47158
the current fiscal year as of the date the payment is made, as 47159
reported by the school under section 3314.08 of the Revised Code. 47160
The Department shall make the payment to each Community School of 47161
Quality not later than January 31 of each fiscal year. 47162

(B) To be designated as a Community School of Quality, a 47163
community school shall satisfy at least one of the following 47164
conditions: 47165

(1) The community school meets all of the following criteria: 47166

(a) The school's sponsor was rated "exemplary" or "effective" 47167
on the sponsor's most recent evaluation conducted under section 47168
3314.016 of the Revised Code. 47169

(b) The school received a higher performance index score than 47170
the school district in which the school is located on the two most 47171
recent report cards issued for the school under section 3302.03 of 47172
the Revised Code. 47173

(c) The school received an overall grade of "A" or "B" for 47174
the value-added progress dimension on the most recent report card 47175
issued for the school under section 3302.03 of the Revised Code or 47176
is a school described under division (A)(4) of section 3314.35 of 47177
the Revised Code and did not receive a grade for the value-added 47178
progress dimension on the most recent report card. 47179

(d) At least fifty per cent of the students enrolled in the 47180

school are economically disadvantaged, as determined by the 47181
Department. 47182

(2) The community school meets all of the following criteria: 47183

(a) The school's sponsor was rated "exemplary" or "effective" 47184
on the sponsor's most recent evaluation conducted under section 47185
3314.016 of the Revised Code. 47186

(b) The school is in its first year of operation. 47187

(c) The school is replicating an operational and 47188
instructional model used by a community school described in 47189
division (B)(1) of this section. 47190

(3) The community school meets all of the following criteria: 47191

(a) The school's sponsor was rated "exemplary" or "effective" 47192
on the sponsor's most recent evaluation conducted under section 47193
3314.016 of the Revised Code. 47194

(b) The school contracts with an operator that operates 47195
schools in other states and meets at least one of the following 47196
criteria: 47197

(i) Has operated a school that received a grant funded 47198
through the federal Charter School Program established under 20 47199
U.S.C. 7221 or received funding from the Charter School Growth 47200
Fund; 47201

(ii) Meets all of the following criteria: 47202

(I) One of the operator's schools in another state performed 47203
better than the school district in which the school is located, as 47204
determined by the Department. 47205

(II) At least fifty per cent of the total number of students 47206
enrolled in all of the operator's schools are economically 47207
disadvantaged, as determined by the Department. 47208

(III) The operator is in good standing in all states where it 47209

operates schools. 47210

(IV) The Department has determined that the operator does not 47211
have any financial viability issues that would prevent it from 47212
effectively operating a community school in Ohio. 47213

(C) A school that is designated as a Community School of 47214
Quality under division (B) of this section shall maintain that 47215
designation for the two fiscal years following the fiscal year in 47216
which the school was initially designated as a Community School of 47217
Quality. 47218

Section 265.340. COMMUNITY SCHOOL FACILITIES 47219

The foregoing appropriation item 200684, Community School 47220
Facilities, shall be used to pay each community school established 47221
under Chapter 3314. of the Revised Code and each STEM school 47222
established under Chapter 3326. of the Revised Code an amount 47223
equal to \$25 in each fiscal year for each full-time equivalent 47224
pupil in an internet- or computer-based community school and \$200 47225
in each fiscal year for each full-time equivalent pupil in all 47226
other community or STEM schools for assistance with the cost 47227
associated with facilities. If the amount appropriated is not 47228
sufficient, the Department shall prorate the amounts so that the 47229
aggregate amount appropriated is not exceeded. 47230

Section 265.350. LOTTERY PROFITS EDUCATION RESERVE FUND 47231

(A) There is hereby created the Lottery Profits Education 47232
Reserve Fund (Fund 7018) in the State Treasury. Investment 47233
earnings of the Lottery Profits Education Reserve Fund shall be 47234
credited to the fund. 47235

(B) Notwithstanding any other provision of law to the 47236
contrary, the Director of Budget and Management may transfer cash 47237
from Fund 7018 to the Lottery Profits Education Fund (Fund 7017) 47238
in fiscal year 2020 and fiscal year 2021. 47239

(C) On July 15, 2019, or as soon as possible thereafter, the 47240
Director of the Ohio Lottery Commission shall certify to the 47241
Director of Budget and Management the amount by which lottery 47242
profit transfers received by Fund 7017 exceeded \$1,093,630,000 in 47243
fiscal year 2019. 47244

(D) On July 15, 2020, or as soon as possible thereafter, the 47245
Director of the Ohio Lottery Commission shall certify to the 47246
Director of Budget and Management the amount by which lottery 47247
profit transfers received by Fund 7017 exceeded \$1,126,000,000 in 47248
fiscal year 2020. 47249

(E) Notwithstanding any provision of law to the contrary, in 47250
fiscal year 2020 and fiscal year 2021, the Director of Budget and 47251
Management may transfer cash in excess of the amounts necessary to 47252
support appropriations in Fund 7017 from that fund to Fund 7018. 47253

Section 265.360. EDUCATIONAL SERVICE CENTERS FUNDING 47254

As used in this section, "high-performing educational service 47255
center" means an educational service center designated as such 47256
pursuant to rule 3301-105-01 of the Administrative Code. 47257

As used in this section, "student count" means the count 47258
calculated under division (G)(1) of section 3313.843 of the 47259
Revised Code. 47260

In each fiscal year, the Department of Education shall pay 47261
the governing board of each high-performing educational service 47262
center state funds equal to twenty-six dollars times its student 47263
count, and to the governing board of each other center, state 47264
funds equal to twenty-four dollars times its student count. 47265

If the amount earmarked for the state reimbursement of 47266
educational service centers in appropriation item 200550, 47267
Foundation Funding, is not sufficient, the Department shall 47268
prorate the payment amounts so that the appropriation is not 47269

exceeded. 47270

Notwithstanding any provision of law to the contrary, a 47271
school district that has not entered into an agreement for 47272
services with an educational service center as of June 30, 2019, 47273
shall be prohibited from entering into such an agreement during 47274
the period from July 1, 2019, through June 30, 2021. 47275

Section 265.380. SCHOOL DISTRICT PARTICIPATION IN NATIONAL 47276
ASSESSMENT OF EDUCATION PROGRESS 47277

The General Assembly intends for the Superintendent of Public 47278
Instruction to provide for school district participation in the 47279
administration of the National Assessment of Education Progress in 47280
accordance with section 3301.27 of the Revised Code. Each school 47281
and school district selected for participation by the 47282
Superintendent shall participate. 47283

Section 265.390. COMMUNITY SCHOOL FUNDING GUARANTEE FOR SBH 47284
STUDENTS 47285

(A) As used in this section: 47286

(1) "IEP" has the same meaning as in section 3323.01 of the 47287
Revised Code. 47288

(2) "SBH student" means a student receiving special education 47289
and related services for severe behavior disabilities pursuant to 47290
an IEP. 47291

(B) This section applies only to a community school 47292
established under Chapter 3314. of the Revised Code that in each 47293
of fiscal years 2020 and 2021 enrolls a number of SBH students 47294
equal to at least fifty per cent of the total number of students 47295
enrolled in the school in the applicable fiscal year. 47296

(C) In addition to any state foundation payments made, in 47297
each of fiscal years 2020 and 2021, the Department of Education 47298

shall pay to a community school to which this section applies a 47299
subsidy equal to the difference between the aggregate amount 47300
calculated and paid in that fiscal year to the community school 47301
for special education and related services additional weighted 47302
costs for the SBH students enrolled in the school and the 47303
aggregate amount that would have been calculated for the school 47304
for special education and related services additional weighted 47305
costs for those same students in fiscal year 2001. If the 47306
difference is a negative number, the amount of the subsidy shall 47307
be zero. 47308

(D) The amount of any subsidy paid to a community school 47309
under this section shall not be deducted from the school district 47310
in which any of the students enrolled in the community school are 47311
entitled to attend school under section 3313.64 or 3313.65 of the 47312
Revised Code. The amount of any subsidy paid to a community school 47313
under this section shall be paid from funds appropriated to the 47314
Department in appropriation item 200550, Foundation Funding. 47315

Section 265.400. EARMARK ACCOUNTABILITY 47316

At the request of the Superintendent of Public Instruction, 47317
any entity that receives a budget earmark under the Department of 47318
Education shall submit annually to the chairpersons of the 47319
committees of the House of Representatives and the Senate 47320
primarily concerned with education and education funding and to 47321
the Department a report that includes a description of the 47322
services supported by the funds, a description of the results 47323
achieved by those services, an analysis of the effectiveness of 47324
the program, and an opinion as to the program's applicability to 47325
other school districts. For an earmarked entity that received 47326
state funds from an earmark in the prior fiscal year, no funds 47327
shall be provided by the Department to an earmarked entity for a 47328
fiscal year until its report for the prior fiscal year has been 47329

submitted. 47330

Section 265.410. COMMUNITY SCHOOL OPERATING FROM HOME 47331

A community school established under Chapter 3314. of the 47332
Revised Code that was open for operation as a community school as 47333
of May 1, 2005, may operate from or in any home, as defined in 47334
section 3313.64 of the Revised Code, located in the state, 47335
regardless of when the community school's operations from or in a 47336
particular home began. 47337

Section 265.420. USE OF VOLUNTEERS 47338

The Department of Education may utilize the services of 47339
volunteers to accomplish any of the purposes of the Department. 47340
The Superintendent of Public Instruction shall approve for what 47341
purposes volunteers may be used and for these purposes may 47342
recruit, train, and oversee the services of volunteers. The 47343
Superintendent may reimburse volunteers for necessary and 47344
appropriate expenses in accordance with state guidelines and may 47345
designate volunteers as state employees for the purpose of motor 47346
vehicle accident liability insurance under section 9.83 of the 47347
Revised Code, for immunity under section 9.86 of the Revised Code, 47348
and for indemnification from liability incurred in the performance 47349
of their duties under section 9.87 of the Revised Code. 47350

Section 265.430. RESTRICTION OF LIABILITY FOR CERTAIN 47351
REIMBURSEMENTS 47352

(A) Except as expressly required under a court judgment not 47353
subject to further appeals, or a settlement agreement with a 47354
school district executed on or before June 1, 2009, in the case of 47355
a school district for which the formula ADM for fiscal year 2005, 47356
as reported for that fiscal year under division (A) of section 47357
3317.03 of the Revised Code, was reduced based on enrollment 47358

reports for community schools, made under section 3314.08 of the Revised Code, regarding students entitled to attend school in the district, which reduction of formula ADM resulted in a reduction of foundation funding or transitional aid funding for fiscal year 2005, 2006, or 2007, no school district, except a district named in the court's judgment or the settlement agreement, shall have a legal claim for reimbursement of the amount of such reduction in foundation funding or transitional aid funding, and the state shall not have liability for reimbursement of the amount of such reduction in foundation funding or transitional aid funding.

(B) As used in this section:

(1) "Community school" means a community school established under Chapter 3314. of the Revised Code.

(2) "Entitled to attend school" means entitled to attend school in a school district under section 3313.64 or 3313.65 of the Revised Code.

(3) "Foundation funding" means payments calculated for the respective fiscal year under Chapter 3317. of the Revised Code.

(4) "Transitional aid funding" means payments calculated for the respective fiscal year under Section 41.37 of Am. Sub. H.B. 95 of the 125th General Assembly, as subsequently amended; Section 206.09.39 of Am. Sub. H.B. 66 of the 126th General Assembly, as subsequently amended; and Section 269.30.80 of Am. Sub. H.B. 119 of the 127th General Assembly.

Section 265.440. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN

In collaboration with the County Family and Children First Council, a city, local, or exempted village school district, community school, STEM school, joint vocational school district, educational service center, or county board of developmental disabilities that receives allocations from the Department of

Education from appropriation item 200550, Foundation Funding, or 47389
appropriation item 200540, Special Education Enhancements, may 47390
transfer portions of those allocations to a flexible funding pool 47391
authorized by the section of this act entitled "FAMILY AND 47392
CHILDREN FIRST FLEXIBLE FUNDING POOL." Allocations used for 47393
maintenance of effort or for federal or state funding matching 47394
requirements shall not be transferred unless the allocation may 47395
still be used to meet such requirements. 47396

Section 265.450. PRIVATE TREATMENT FACILITY PROJECT 47397

(A) As used in this section: 47398

(1) The following are "participating residential treatment 47399
centers": 47400

(a) Private residential treatment facilities that have 47401
entered into a contract with the Department of Youth Services to 47402
provide services to children placed at the facility by the 47403
Department and which, in fiscal year 2020 or fiscal year 2021 or 47404
both, the Department pays through appropriation item 470401, 47405
RECLAIM Ohio; 47406

(b) Abraxas, in Shelby; 47407

(c) Paint Creek, in Bainbridge; 47408

(d) F.I.R.S.T., in Mansfield. 47409

(2) "Education program" means an elementary or secondary 47410
education program or a special education program and related 47411
services. 47412

(3) "Served child" means any child receiving an education 47413
program pursuant to division (B) of this section. 47414

(4) "School district responsible for tuition" means a city, 47415
exempted village, or local school district that, if tuition 47416
payment for a child by a school district is required under law 47417

that existed in fiscal year 1998, is the school district required 47418
to pay that tuition. 47419

(5) "Residential child" means a child who resides in a 47420
participating residential treatment center and who is receiving an 47421
educational program under division (B) of this section. 47422

(B) A youth who is a resident of the state and has been 47423
assigned by a juvenile court or other authorized agency to a 47424
residential treatment facility specified in division (A) of this 47425
section shall be enrolled in an approved educational program 47426
located in or near the facility. Approval of the educational 47427
program shall be contingent upon compliance with the criteria 47428
established for such programs by the Department of Education. The 47429
educational program shall be provided by a school district or 47430
educational service center, or by the residential facility itself. 47431
Maximum flexibility shall be given to the residential treatment 47432
facility to determine the provider. In the event that a voluntary 47433
agreement cannot be reached and the residential facility does not 47434
choose to provide the educational program, the educational service 47435
center in the county in which the facility is located shall 47436
provide the educational program at the treatment center to 47437
children under twenty-two years of age residing in the treatment 47438
center. 47439

(C) Any school district responsible for tuition for a 47440
residential child shall, notwithstanding any conflicting provision 47441
of the Revised Code regarding tuition payment, pay tuition for the 47442
child for fiscal year 2020 and fiscal year 2021 to the education 47443
program provider and in the amount specified in this division. If 47444
there is no school district responsible for tuition for a 47445
residential child and if the participating residential treatment 47446
center to which the child is assigned is located in the city, 47447
exempted village, or local school district that, if the child were 47448
not a resident of that treatment center, would be the school 47449

district where the child is entitled to attend school under 47450
sections 3313.64 and 3313.65 of the Revised Code, that school 47451
district, notwithstanding any conflicting provision of the Revised 47452
Code, shall pay tuition for the child for fiscal year 2020 and 47453
fiscal year 2021 under this division unless that school district 47454
is providing the educational program to the child under division 47455
(B) of this section. 47456

A tuition payment under this division shall be made to the 47457
school district, educational service center, or residential 47458
treatment facility providing the educational program to the child. 47459

The amount of tuition paid shall be: 47460

(1) The amount of tuition determined for the district under 47461
division (A) of section 3317.08 of the Revised Code; 47462

(2) In addition, for any student receiving special education 47463
pursuant to an individualized education program as defined in 47464
section 3323.01 of the Revised Code, a payment for excess costs. 47465
This payment shall equal the actual cost to the school district, 47466
educational service center, or residential treatment facility of 47467
providing special education and related services to the student 47468
pursuant to the student's individualized education program, minus 47469
the tuition paid for the child under division (C)(1) of this 47470
section. 47471

A school district paying tuition under this division shall 47472
not include the child for whom tuition is paid in the district's 47473
average daily membership certified under division (A) of section 47474
3317.03 of the Revised Code. 47475

(D) In each of fiscal years 2020 and 2021, the Department of 47476
Education shall reimburse, from appropriations made for the 47477
purpose, a school district, educational service center, or 47478
residential treatment facility, whichever is providing the 47479
service, that has demonstrated that it is in compliance with the 47480

funding criteria for each served child for whom a school district 47481
must pay tuition under division (C) of this section. The amount of 47482
the reimbursement shall be the amount appropriated for this 47483
purpose divided by the full-time equivalent number of children for 47484
whom reimbursement is to be made. 47485

(E) Funds provided to a school district, educational service 47486
center, or residential treatment facility under this section shall 47487
be used to supplement, not supplant, funds from other public 47488
sources for which the school district, service center, or 47489
residential treatment facility is entitled or eligible. 47490

(F) The Department of Education shall track the utilization 47491
of funds provided to school districts, educational service 47492
centers, and residential treatment facilities under this section 47493
and monitor the effect of the funding on the educational programs 47494
they provide in participating residential treatment facilities. 47495
The Department shall monitor the programs for educational 47496
accountability. 47497

Section 265.460. (A) The Superintendent of Public Instruction 47498
may form partnerships with Ohio's business community, including 47499
the Ohio Business Roundtable, to create and implement initiatives 47500
that connect students with the business community in an effort to 47501
increase student engagement and job readiness through internships, 47502
work study, and site-based learning experiences. 47503

(B) If the Superintendent forms a partnership pursuant to 47504
division (A) of this section, the initiatives created and 47505
implemented through that partnership shall do all of the 47506
following: 47507

(1) Support the career connection learning strategies 47508
described in division (B)(2) of section 3301.079 of the Revised 47509
Code; 47510

(2) Provide an opportunity for students to earn high school credit toward graduation or to meet curriculum requirements in accordance with divisions (J)(1) and (2) of section 3313.603 of the Revised Code;

(3) Inform the development of student success plans pursuant to division (C) of section 3313.6020 of the Revised Code.

Section 265.470. The Department of Education shall study the feasibility of new funding models for internet- or computer-based community schools. In conducting the study, the department shall do all of the following:

(A) Consider models of funding based on competency and course completion;

(B) Consider models of funding used in other states, including Florida and New Hampshire;

(C) Make recommendations on the feasibility of new funding models for internet- or computer-based community schools.

Upon completion of the study, and not later than December 31, 2019, the department shall submit copies of the study to the Governor, the President and Minority Leader of the Senate, the Speaker and Minority Leader of the House of Representatives, and the chairpersons of the standing committees on education of the Senate and the House of Representatives.

Section 265.490. Upon receipt of federal funds under Title IV, Part A, Student Support and Academic Enrichment Grants, and after payments are made pursuant to education programs included in this block grant program, the Department shall direct any unused funds to cover all or part of the cost of Advanced Placement tests and International Baccalaureate registration and exam fees for low-income students.

Section 267.10. ELC OHIO ELECTIONS COMMISSION				47540
General Revenue Fund				47541
GRF 051321	Operating Expenses	\$ 435,221	\$ 435,221	47542
TOTAL GRF General Revenue Fund				47543
Dedicated Purpose Fund Group				47544
4P20 051601	Operating Support	\$ 199,460	\$ 199,460	47545
TOTAL DPF Dedicated Purpose Fund				47546
Group				
TOTAL ALL BUDGET FUND GROUPS				47547
 Section 269.10. FUN STATE BOARD OF EMBALMERS AND FUNERAL				47549
DIRECTORS				47550
Dedicated Purpose Fund Group				47551
4K90 881609	Operating Expenses	\$ 949,667	\$ 1,033,281	47552
TOTAL DPF Dedicated Purpose Fund				47553
Group				
TOTAL ALL BUDGET FUND GROUPS				47554
 Section 271.10. PAY EMPLOYEE BENEFITS FUNDS				47556
Fiduciary Fund Group				47557
1240 995673	Payroll Deductions	\$ 832,466,424	\$ 824,291,520	47558
8060 995666	Accrued Leave Fund	\$ 88,203,046	\$ 90,830,634	47559
8070 995667	Disability Fund	\$ 24,790,268	\$ 25,839,844	47560
8080 995668	State Employee Health	\$ 926,211,020	\$ 989,360,953	47561
Benefit Fund				
8090 995669	Dependent Care	\$ 4,100,000	\$ 4,477,000	47562
Spending Account				
8100 995670	Life Insurance	\$ 1,757,422	\$ 1,810,144	47563
Investment Fund				
8110 995671	Parental Leave	\$ 4,867,791	\$ 5,308,830	47564
Benefit Fund				

8130	995672	Health Care Spending	\$	15,206,162	\$	16,806,372	47565
		Account					
		TOTAL FID Fiduciary Fund Group		\$ 1,897,602,133	\$ 1,958,725,297		47566
		TOTAL ALL BUDGET FUND GROUPS		\$ 1,897,602,133	\$ 1,958,725,297		47567

Section 271.20. PAYROLL DEDUCTION FUND 47569

The foregoing appropriation item 995673, Payroll Deductions, 47570
shall be used to make payments from the Payroll Deduction Fund 47571
(Fund 1240) pursuant to section 125.21 of the Revised Code. If it 47572
is determined by the Director of Budget and Management that 47573
additional amounts are necessary, the amounts are hereby 47574
appropriated. 47575

ACCRUED LEAVE LIABILITY FUND 47576

The foregoing appropriation item 995666, Accrued Leave Fund, 47577
shall be used to make payments from the Accrued Leave Liability 47578
Fund (Fund 8060) pursuant to section 125.211 of the Revised Code. 47579
If it is determined by the Director of Budget and Management that 47580
additional amounts are necessary, the amounts are hereby 47581
appropriated. 47582

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND 47583

The foregoing appropriation item 995667, Disability Fund, 47584
shall be used to make payments from the State Employee Disability 47585
Leave Benefit Fund (Fund 8070) pursuant to section 124.83 of the 47586
Revised Code. If it is determined by the Director of Budget and 47587
Management that additional amounts are necessary, the amounts are 47588
hereby appropriated. 47589

STATE EMPLOYEE HEALTH BENEFIT FUND 47590

The foregoing appropriation item 995668, State Employee 47591
Health Benefit Fund, shall be used to make payments from the State 47592
Employee Health Benefit Fund (Fund 8080) pursuant to section 47593
124.87 of the Revised Code. If it is determined by the Director of 47594

Budget and Management that additional amounts are necessary, the 47595
amounts are hereby appropriated. 47596

DEPENDENT CARE SPENDING FUND 47597

The foregoing appropriation item 995669, Dependent Care 47598
Spending Account, shall be used to make payments from the 47599
Dependent Care Spending Fund (Fund 8090) to employees eligible for 47600
dependent care expenses pursuant to section 124.822 of the Revised 47601
Code. If it is determined by the Director of Budget and Management 47602
that additional amounts are necessary, the amounts are hereby 47603
appropriated. 47604

LIFE INSURANCE INVESTMENT FUND 47605

The foregoing appropriation item 995670, Life Insurance 47606
Investment Fund, shall be used to make payments from the Life 47607
Insurance Investment Fund (Fund 8100) for the costs and expenses 47608
of the state's life insurance benefit program pursuant to section 47609
125.212 of the Revised Code. If it is determined by the Director 47610
of Budget and Management that additional amounts are necessary, 47611
the amounts are hereby appropriated. 47612

PARENTAL LEAVE BENEFIT FUND 47613

The foregoing appropriation item 995671, Parental Leave 47614
Benefit Fund, shall be used to make payments from the Parental 47615
Leave Benefit Fund (Fund 8110) to employees eligible for parental 47616
leave benefits pursuant to section 124.137 of the Revised Code. If 47617
it is determined by the Director of Budget and Management that 47618
additional amounts are necessary, the amounts are hereby 47619
appropriated. 47620

HEALTH CARE SPENDING ACCOUNT FUND 47621

The foregoing appropriation item 995672, Health Care Spending 47622
Account, shall be used to make payments from the Health Care 47623
Spending Account Fund (Fund 8130) for payments pursuant to state 47624

employees' participation in a flexible spending account for 47625
 non-reimbursed health care expenses and section 124.821 of the 47626
 Revised Code. If it is determined by the Director of Budget and 47627
 Management that additional amounts are necessary, the amounts are 47628
 hereby appropriated. 47629

Section 273.10. ERB STATE EMPLOYMENT RELATIONS BOARD 47630

General Revenue Fund 47631

GRF 125321 Operating Expenses \$ 3,998,046 \$ 4,136,626 47632

TOTAL GRF General Revenue Fund \$ 3,998,046 \$ 4,136,626 47633

Dedicated Purpose Fund Group 47634

5720 125603 Training and \$ 227,193 \$ 227,760 47635

Publications

TOTAL DPF Dedicated Purpose Fund \$ 227,193 \$ 227,760 47636

Group

TOTAL ALL BUDGET FUND GROUPS \$ 4,225,239 \$ 4,364,386 47637

Section 275.10. ENG STATE BOARD OF ENGINEERS AND SURVEYORS 47639

Dedicated Purpose Fund Group 47640

4K90 892609 Operating Expenses \$ 1,263,151 \$ 1,312,259 47641

TOTAL DPF Dedicated Purpose Fund \$ 1,263,151 \$ 1,312,259 47642

Group

TOTAL ALL BUDGET FUND GROUPS \$ 1,263,151 \$ 1,312,259 47643

Section 277.10. EPA ENVIRONMENTAL PROTECTION AGENCY 47645

General Revenue Fund 47646

GRF 715502 Auto Emissions \$ 11,186,610 \$ 11,046,610 47647

E-Check Program

TOTAL GRF General Revenue Fund \$ 11,186,610 \$ 11,046,610 47648

Dedicated Purpose Fund Group 47649

4D50 715618 Recycled State \$ 50,000 \$ 50,000 47650

		Materials					
4J00	715638	Underground Injection Control	\$	429,000	\$	429,000	47651
4K20	715648	Clean Air - Non Title V	\$	5,101,448	\$	5,317,000	47652
4K30	715649	Solid Waste	\$	14,747,770	\$	15,449,000	47653
4K40	715650	Surface Water Protection	\$	10,114,999	\$	10,742,000	47654
4K50	715651	Drinking Water Protection	\$	8,062,598	\$	8,370,000	47655
4P50	715654	Cozart Landfill	\$	10,000	\$	10,000	47656
4R50	715656	Scrap Tire Management	\$	3,276,485	\$	3,251,500	47657
4R90	715658	Voluntary Action Program	\$	979,348	\$	1,094,800	47658
4T30	715659	Clean Air - Title V Permit Program	\$	9,687,591	\$	9,944,000	47659
5000	715608	Immediate Removal Special Account	\$	718,000	\$	722,000	47660
5030	715621	Hazardous Waste Facility Management	\$	4,780,000	\$	5,118,000	47661
5050	715623	Hazardous Waste Cleanup	\$	11,540,322	\$	12,087,200	47662
5050	715698	Response and Investigations	\$	3,186,244	\$	3,264,500	47663
5320	715646	Recycling and Litter Control	\$	4,541,440	\$	4,598,000	47664
5410	715670	Site Specific Cleanup	\$	779,296	\$	779,400	47665
5420	715671	Risk Management Reporting	\$	201,626	\$	210,000	47666
5860	715637	Scrap Tire Market Development	\$	1,000,000	\$	1,000,000	47667
5BC0	715622	Local Air Pollution Control	\$	2,000,000	\$	2,000,000	47668

5BC0	715624	Surface Water	\$	6,043,557	\$	6,292,000	47669
5BC0	715672	Air Pollution Control	\$	7,959,855	\$	8,236,000	47670
5BC0	715673	Drinking and Ground Water	\$	3,453,543	\$	3,590,300	47671
5BC0	715676	Assistance and Prevention	\$	1,824,471	\$	1,875,000	47672
5BC0	715677	Laboratory	\$	3,256,184	\$	3,329,000	47673
5BC0	715678	Corrective Actions	\$	1,073,590	\$	1,120,000	47674
5BC0	715687	Areawide Planning Agencies	\$	450,000	\$	450,000	47675
5BC0	715692	Administration	\$	14,742,915	\$	15,165,000	47676
5BC0	715694	Environmental Resource Coordination	\$	106,642	\$	115,000	47677
5BT0	715679	C&DD Groundwater Monitoring	\$	225,000	\$	225,000	47678
5H40	715664	Groundwater Support	\$	323,121	\$	332,000	47679
5PZ0	715696	Drinking Water Loan Fee	\$	1,106,285	\$	1,146,250	47680
5VA0	715601	Marsh Restoration	\$	1,000,000	\$	1,000,000	47681
5Y30	715685	Surface Water Improvement	\$	500,000	\$	500,000	47682
6440	715631	Emergency Response Radiological Safety	\$	276,500	\$	278,500	47683
6760	715642	Water Pollution Control Loan Administration	\$	4,606,024	\$	4,675,000	47684
6760	715699	Water Quality Administration	\$	3,837,987	\$	3,975,000	47685
6780	715635	Air Toxic Release	\$	47,984	\$	35,000	47686
6790	715636	Emergency Planning	\$	2,844,024	\$	2,864,000	47687
6960	715643	Air Pollution Control Administration	\$	987,855	\$	1,002,000	47688
6990	715644	Water Pollution	\$	287,060	\$	300,000	47689

		Control					
		Administration					
6A10	715645	Environmental	\$	1,087,749	\$	1,100,000	47690
		Education					
6H20	715695	H2Ohio	\$	8,675,000	\$	0	47691
TOTAL	DPF	Dedicated Purpose Fund	\$	145,921,513	\$	142,041,450	47692
Group							
Internal Service Activity Fund Group							47693
1990	715602	Laboratory Services	\$	519,950	\$	533,000	47694
2190	715604	Central Support	\$	7,663,284	\$	8,055,000	47695
		Indirect					
4A10	715640	Operating Expenses	\$	1,307,000	\$	1,309,000	47696
TOTAL	ISA	Internal Service Activity	\$	9,490,234	\$	9,897,000	47697
Fund Group							
Federal Fund Group							47698
3530	715612	Public Water Supply	\$	1,963,760	\$	2,015,000	47699
3570	715619	Air Pollution Control	\$	6,008,988	\$	6,115,000	47700
		- Federal					
3620	715605	Underground Injection	\$	131,262	\$	133,000	47701
		Control - Federal					
3BU0	715684	Water Quality	\$	15,159,951	\$	15,259,000	47702
		Protection					
3CS0	715688	Federal NRD	\$	201,000	\$	201,000	47703
		Settlements					
3F30	715632	Federally Supported	\$	6,771,522	\$	7,143,300	47704
		Cleanup and Response					
3HE0	715697	Volkswagen Clean Air	\$	19,095,000	\$	22,845,000	47705
		Act Settlement					
3T30	715669	Drinking Water State	\$	3,072,853	\$	3,155,000	47706
		Revolving Fund					
3V70	715606	Agencywide Grants	\$	700,000	\$	700,000	47707
TOTAL	FED	Federal Fund Group	\$	53,104,336	\$	57,566,300	47708

Director of Environmental Protection may certify to the Director 47740
of Budget and Management an amount up to the unexpended, 47741
unencumbered balance of the foregoing appropriation item, 715695, 47742
H2Ohio, at the end of fiscal year 2020 to be reappropriated in 47743
fiscal year 2021. The amount certified is hereby reappropriated to 47744
the same appropriation item for fiscal year 2021. 47745

Section 279.10. EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION 47746

General Revenue Fund 47747
GRF 172321 Operating Expenses \$ 634,000 \$ 651,000 47748
TOTAL GRF General Revenue Fund \$ 634,000 \$ 651,000 47749
TOTAL ALL BUDGET FUND GROUPS \$ 634,000 \$ 651,000 47750

Section 281.10. ETC BROADCAST EDUCATIONAL MEDIA COMMISSION 47752

General Revenue Fund 47753
GRF 935401 Statehouse News \$ 314,797 \$ 314,797 47754
Bureau
GRF 935402 Ohio Government \$ 1,408,526 \$ 1,408,526 47755
Telecommunications
Services
GRF 935410 Content Development, \$ 3,838,381 \$ 3,838,381 47756
Acquisition, and
Distribution
GRF 935430 Broadcast Education \$ 3,699,224 \$ 3,699,224 47757
Operating
TOTAL GRF General Revenue Fund \$ 9,260,928 \$ 9,260,928 47758
Dedicated Purpose Fund Group 47759
5FK0 935608 Media Services \$ 95,000 \$ 95,000 47760
5VB0 935650 Facility Rental \$ 30,000 \$ 32,000 47761
TOTAL DPF Dedicated Purpose Fund \$ 125,000 \$ 127,000 47762
Group
Internal Service Activity Fund Group 47763

4F30 935603	Affiliate Services	\$	4,000	\$	4,000	47764
TOTAL ISA	Internal Service Activity					47765
Fund Group		\$	4,000	\$	4,000	47766
TOTAL ALL BUDGET FUND GROUPS		\$	9,389,928	\$	9,391,928	47767

Section 281.20. STATEHOUSE NEWS BUREAU 47769

The foregoing appropriation item 935401, Statehouse News Bureau, shall be used solely to support the operations of the Ohio Statehouse News Bureau. 47770
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OHIO GOVERNMENT TELECOMMUNICATIONS SERVICES 47773

The foregoing appropriation item 935402, Ohio Government Telecommunications Services, shall be used solely to support the operations of Ohio Government Telecommunications Services which include providing multimedia support to the state government and its affiliated organizations and broadcasting the activities of the legislative, judicial, and executive branches of state government, among its other functions. 47774
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CONTENT DEVELOPMENT, ACQUISITION, AND DISTRIBUTION 47781

The foregoing appropriation item 935410, Content Development, Acquisition, and Distribution, shall be used for the development, acquisition, and distribution of information resources by public media and radio reading services and for educational use in the classroom and online. 47782
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Of the foregoing appropriation item 935410, Content Development, Acquisition, and Distribution, up to \$977,856 in each fiscal year shall be allocated equally among the Ohio educational television stations. Funds shall be used for the production of interactive instructional programming series with priority given to resources aligned with state academic content standards. The programming shall be targeted to the needs of the one-third lowest capacity school districts as determined by the district's state 47787
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share index calculated by the Department of Education. 47795

Of the foregoing appropriation item 935410, Content 47796
 Development, Acquisition, and Distribution, up to \$2,574,472 in 47797
 each fiscal year shall be distributed by the Broadcast Educational 47798
 Media Commission to Ohio's qualified public educational television 47799
 stations and educational radio stations to support their 47800
 operations. The funds shall be distributed pursuant to an 47801
 allocation formula used by the Ohio Educational Telecommunications 47802
 Network Commission unless a substitute formula is developed by the 47803
 Broadcast Educational Media Commission in consultation with Ohio's 47804
 qualified public educational television stations and educational 47805
 radio stations. 47806

Of the foregoing appropriation item 935410, Content 47807
 Development, Acquisition, and Distribution, up to \$286,053 in each 47808
 fiscal year shall be distributed by the Broadcast Educational 47809
 Media Commission to Ohio's qualified radio reading services to 47810
 support their operations. The funds shall be distributed pursuant 47811
 to an allocation formula used by the Ohio Educational 47812
 Telecommunications Network Commission unless a substitute formula 47813
 is developed by the Broadcast Educational Media Commission in 47814
 consultation with Ohio's qualified radio reading services. 47815

Section 283.10. ETH OHIO ETHICS COMMISSION 47816

General Revenue Fund 47817

GRF 146321	Operating Expenses	\$	1,821,515	\$	2,068,492	47818
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TOTAL GRF	General Revenue Fund	\$	1,821,515	\$	2,068,492	47819
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Dedicated Purpose Fund Group 47820

4M60 146601	Operating Support	\$	652,578	\$	536,516	47821
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TOTAL DPF	Dedicated Purpose Fund	\$	652,578	\$	536,516	47822
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Group

TOTAL ALL BUDGET FUND GROUPS		\$	2,474,093	\$	2,605,008	47823
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Section 285.10. EXP OHIO EXPOSITIONS COMMISSION				47825
General Revenue Fund				47826
GRF 723403	Junior Fair Subsidy	\$ 363,750	\$ 363,750	47827
TOTAL GRF General Revenue Fund				47828
Dedicated Purpose Fund Group				47829
4N20 723602	Ohio State Fair	\$ 375,000	\$ 375,000	47830
Harness Racing				
5060 723601	Operating Expenses	\$ 15,100,897	\$ 15,363,166	47831
5060 723604	Grounds Maintenance	\$ 300,000	\$ 300,000	47832
and Repairs				
TOTAL DPF Dedicated Purpose Fund				47833
Group				
TOTAL ALL BUDGET FUND GROUPS				47834
STATE FAIR RESERVE				47835
The General Manager of the Expositions Commission, in				47836
consultation with the Director of Budget and Management, may				47837
submit a request to the Controlling Board to use available amounts				47838
in the State Fair Reserve Fund (Fund 6400) if revenues from either				47839
the 2019 or the 2020 Ohio State Fair are unexpectedly low.				47840
On July 1 of each fiscal year, or as soon as possible				47841
thereafter, the Director of Budget and Management, in consultation				47842
with the General Manager of the Expositions Commission, may				47843
determine that the Ohio Expositions Fund (Fund 5060) has a cash				47844
balance in excess of the anticipated operating costs of the				47845
Exposition Commission in that fiscal year. Notwithstanding section				47846
991.04 of the Revised Code, the Director of Budget and Management				47847
may transfer an amount up to the excess cash from Fund 5060 to				47848
Fund 6400 in each fiscal year.				47849
Section 287.10. FCC OHIO FACILITIES CONSTRUCTION COMMISSION				47850
General Revenue Fund				47851

GRF	230321	Operating Expenses	\$	6,662,729	\$	6,660,461	47852
GRF	230401	Cultural Facilities	\$	33,102,800	\$	28,670,300	47853
		Lease Rental Bond					
		Payments					
GRF	230458	State Construction	\$	1,773,454	\$	1,922,473	47854
		Management Services					
GRF	230908	Common Schools	\$	410,259,800	\$	424,825,900	47855
		General Obligation					
		Bond Debt Service					
TOTAL GRF		General Revenue Fund	\$	451,798,783	\$	462,079,134	47856
		Internal Service Activity Fund Group					47857
1310	230639	State Construction	\$	16,152,778	\$	16,356,157	47858
		Management Operations					
TOTAL ISA		Internal Service Activity	\$	16,152,778	\$	16,356,157	47859
		Fund Group					
TOTAL ALL BUDGET FUND GROUPS			\$	467,951,561	\$	478,435,291	47860

Section 287.20. CULTURAL FACILITIES LEASE RENTAL BOND 47862

PAYMENTS 47863

The foregoing appropriation item 230401, Cultural Facilities 47864
 Lease Rental Bond Payments, shall be used to meet all payments 47865
 during the period from July 1, 2019, through June 30, 2021, by the 47866
 Ohio Facilities Construction Commission pursuant to leases and 47867
 agreements for cultural and sports facilities made under section 47868
 154.23 of the Revised Code. These appropriations are the source of 47869
 funds pledged for bond service charges on related obligations 47870
 issued under Chapter 154. of the Revised Code. 47871

COMMON SCHOOLS GENERAL OBLIGATION BOND DEBT SERVICE 47872

The foregoing appropriation item 230908, Common Schools 47873
 General Obligation Bond Debt Service, shall be used to pay all 47874
 debt service and related financing costs during the period from 47875
 July 1, 2019, through June 30, 2021, on obligations issued under 47876

sections 151.01 and 151.03 of the Revised Code. 47877

Section 287.30. COMMUNITY PROJECT ADMINISTRATION 47878

The foregoing appropriation item 230458, State Construction 47879
Management Services, shall be used by the Ohio Facilities 47880
Construction Commission in administering Cultural and Sports 47881
Facilities Building Fund (Fund 7030) projects pursuant to section 47882
123.201 of the Revised Code. 47883

SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION 47884

At the request of the Executive Director of the Ohio 47885
Facilities Construction Commission, the Director of Budget and 47886
Management may cancel encumbrances for school district projects 47887
from a previous biennium if the district has not raised its local 47888
share of project costs within thirteen months of receiving 47889
Controlling Board approval under section 3318.05 or 3318.41 of the 47890
Revised Code. The Executive Director of the Ohio Facilities 47891
Construction Commission shall certify the amounts of the canceled 47892
encumbrances to the Director of Budget and Management on a 47893
quarterly basis. The amounts of the canceled encumbrances are 47894
hereby appropriated. 47895

Section 287.40. CAPITAL DONATIONS FUND CERTIFICATIONS AND 47896
APPROPRIATIONS 47897

On July 1, 2019, or as soon as possible thereafter, the 47898
Executive Director of the Ohio Facilities Construction Commission 47899
shall certify to the Director of Budget and Management the amount 47900
of cash receipts and related investment income, irrevocable 47901
letters of credit from a bank, or certification of the 47902
availability of funds that have been received from a county or a 47903
municipal corporation for deposit into the Capital Donations Fund 47904
(Fund 5A10) and that are related to an anticipated project. These 47905
amounts are hereby appropriated to appropriation item C37146, 47906

Capital Donations. Prior to certifying these amounts to the 47907
Director, the Executive Director shall make a written agreement 47908
with the participating entity on the necessary cash flows required 47909
for the anticipated construction or equipment acquisition project. 47910

Section 287.50. AMENDMENT TO PROJECT AGREEMENT FOR 47911
MAINTENANCE LEVY 47912

The Ohio Facilities Construction Commission shall amend the 47913
project agreement between the Commission and a school district 47914
that is participating in the Accelerated Urban School Building 47915
Assistance Program on the effective date of this section, if the 47916
Commission determines that it is necessary to do so in order to 47917
comply with division (B)(3)(c) of section 3318.38 of the Revised 47918
Code. 47919

Section 287.60. Notwithstanding any other provision of law to 47920
the contrary, the Ohio Facilities Construction Commission may 47921
determine the amount of funding available for disbursement in a 47922
given fiscal year for any project approved under sections 3318.01 47923
to 3318.20 of the Revised Code in order to keep aggregate state 47924
capital spending within approved limits and may take actions 47925
including, but not limited to, determining the schedule for design 47926
or bidding of approved projects, to ensure appropriate and 47927
supportable cash flow. 47928

Section 287.70. ASSISTANCE TO JOINT VOCATIONAL SCHOOL 47929
DISTRICT 47930

Notwithstanding division (B) of section 3318.40 of the 47931
Revised Code, the Ohio Facilities Construction Commission shall 47932
provide assistance to at least one joint vocational school 47933
district each fiscal year for the acquisition or improvement of 47934
classroom facilities in accordance with sections 3318.40 to 47935
3318.45 of the Revised Code. 47936

Section 287.80. RETURNED OR RECOVERED FUNDS 47937

Notwithstanding any provision of law to the contrary, any 47938
moneys a school district transfers to the Ohio Facilities 47939
Construction Commission under division (C)(2) or (3) of section 47940
3318.12 of the Revised Code as well as any moneys recovered from 47941
settlements with or judgments against parties relating to their 47942
involvement in a classroom facilities project shall be deposited 47943
into the fund from which the capital appropriation for the project 47944
was made. In fiscal year 2020, the Executive Director of the Ohio 47945
Facilities Construction Commission may request the Director of 47946
Budget and Management to authorize expenditures from those funds 47947
and specified appropriation items in excess of the amounts 47948
appropriated in an amount equal to the amount of the funds 47949
deposited under this section. The additional amounts, if 47950
authorized, shall be used in accordance with the purposes of 47951
Chapter 3318. of the Revised Code for projects pursuant to 47952
sections 3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the 47953
Revised Code. Upon approval of the Director of Budget and 47954
Management, the additional amounts are hereby appropriated. 47955

Section 289.10. GOV OFFICE OF THE GOVERNOR 47956

General Revenue Fund 47957
GRF 040321 Operating Expenses \$ 2,914,740 \$ 2,973,034 47958
TOTAL GRF General Revenue Fund \$ 2,914,740 \$ 2,973,034 47959
Internal Service Activity Fund Group 47960
5AK0 040607 Government Relations \$ 613,870 \$ 619,988 47961
TOTAL ISA Internal Service Activity 47962
Fund Group \$ 613,870 \$ 619,988 47963
TOTAL ALL BUDGET FUND GROUPS \$ 3,528,610 \$ 3,593,022 47964

GOVERNMENT RELATIONS 47965

The Office of the Governor may issue an intrastate transfer 47966

voucher to charge any state agency of the executive branch such 47967
amounts necessary to represent the interests of Ohio to federal, 47968
state, and local government units and to cover the costs or 47969
membership dues related to Ohio's participation in national and 47970
regional associations. Amounts collected shall be deposited in the 47971
Government Relations Fund (Fund 5AK0). 47972

Section 291.10. DOH DEPARTMENT OF HEALTH 47973

General Revenue Fund 47974

GRF 440416 Mothers and Children \$ 4,303,612 \$ 4,303,612 47975
Safety Net Services

GRF 440438 Breast and Cervical \$ 671,131 \$ 671,131 47976
Cancer Screening

GRF 440444 AIDS Prevention and \$ 3,493,468 \$ 3,493,468 47977
Treatment

GRF 440451 Public Health \$ 3,672,005 \$ 3,672,005 47978
Laboratory

GRF 440452 Child and Family \$ 589,482 \$ 589,482 47979
Health Services Match

GRF 440453 Health Care Quality \$ 5,083,225 \$ 5,084,936 47980
Assurance

GRF 440454 Environmental \$ 2,783,438 \$ 2,779,841 47981
Health/Radiation
Protection

GRF 440459 Help Me Grow \$ 40,289,149 \$ 49,292,281 47982

GRF 440472 Alcohol Testing \$ 1,232,732 \$ 1,210,805 47983

GRF 440474 Infant Vitality \$ 6,962,292 \$ 6,962,292 47984

GRF 440477 Emergency Preparedness \$ 1,431,677 \$ 1,431,954 47985
and Response

GRF 440482 Chronic Disease, \$ 7,670,089 \$ 7,898,480 47986
Injury Prevention and
Drug Overdose

GRF 440483	Infectious Disease Prevention and Control	\$	4,522,054	\$	4,522,054	47987
GRF 440484	Public Health Technology Innovation	\$	543,369	\$	313,760	47988
GRF 440505	Medically Handicapped Children	\$	11,262,451	\$	11,262,451	47989
GRF 440507	Targeted Health Care Services-Over 21	\$	1,340,414	\$	1,340,414	47990
GRF 654453	Medicaid - Health Care Quality Assurance	\$	4,227,961	\$	4,246,250	47991
TOTAL GRF General Revenue Fund		\$	100,078,549	\$	109,075,216	47992
Highway Safety Fund Group						47993
4T40 440603	Child Highway Safety	\$	200,000	\$	200,000	47994
TOTAL HSF Highway Safety Fund Group		\$	200,000	\$	200,000	47995
Dedicated Purpose Fund Group						47996
4700 440647	Fee Supported Programs	\$	29,178,120	\$	29,178,120	47997
4710 440619	Certificate of Need	\$	878,433	\$	878,433	47998
4730 440622	Lab Operating Expenses	\$	8,826,132	\$	8,900,000	47999
4770 440627	Medically Handicapped Children Audit	\$	4,472,562	\$	4,500,000	48000
4D60 440608	Genetics Services	\$	3,311,039	\$	3,311,039	48001
4F90 440610	Sickle Cell Disease Control	\$	1,032,824	\$	1,032,824	48002
4G00 440636	Heirloom Birth Certificate	\$	15,000	\$	15,000	48003
4G00 440637	Birth Certificate Surcharge	\$	15,000	\$	15,000	48004
4L30 440609	HIV Care and Miscellaneous Expenses	\$	26,935,756	\$	27,000,000	48005

4P40	440628	Ohio Physician Loan Repayment	\$	700,000	\$	700,000	48006
4V60	440641	Save Our Sight	\$	3,482,615	\$	3,500,000	48007
5B50	440616	Quality, Monitoring, and Inspection	\$	736,194	\$	736,194	48008
5BX0	440656	Tobacco Use Prevention, Cessation, and Enforcement	\$	11,955,358	\$	12,000,000	48009
5CN0	440645	Choose Life	\$	80,000	\$	80,000	48010
5D60	440620	Second Chance Trust	\$	1,000,000	\$	1,000,000	48011
5ED0	440651	Smoke Free Indoor Air	\$	300,000	\$	300,000	48012
5G40	440639	Adoption Services	\$	150,000	\$	150,000	48013
5HB0	440470	Breast and Cervical Cancer Screening	\$	25,096	\$	0	48014
5PE0	440659	Breast and Cervical Cancer Services	\$	200,000	\$	200,000	48015
5QJ0	440662	Dental Hygienist Loan Repayments	\$	100,000	\$	100,000	48016
5SH0	440520	Children's Wish Grant Program	\$	275,000	\$	275,000	48017
5TZ0	440621	Toxicology Screenings	\$	1,000,000	\$	1,000,000	48018
5Z70	440624	Ohio Dentist Loan Repayment	\$	200,000	\$	200,000	48019
6100	440626	Radiation Emergency Response	\$	1,269,262	\$	1,300,000	48020
6660	440607	Medically Handicapped Children - County Assessments	\$	23,948,173	\$	24,000,000	48021
6980	440634	Nurse Aide Training	\$	150,000	\$	150,000	48022
L087	440669	Public Health Priorities	\$	2,000,000	\$	0	48023
TOTAL	DPF	Dedicated Purpose Fund	\$	122,236,564	\$	120,521,610	48024

Group

Internal Service Activity Fund Group				48025
1420	440646	Agency Health Services	\$ 4,984,080 \$	5,000,000 48026
2110	440613	Central Support Indirect Costs	\$ 28,897,875 \$	29,500,000 48027
TOTAL ISA Internal Service Activity				\$ 33,881,955 \$ 34,500,000 48028

Fund Group

Holding Account Fund Group				48029
R014	440631	Vital Statistics	\$ 44,986 \$	44,986 48030
R048	440625	Refunds, Grants Reconciliation, and Audit Settlements	\$ 20,000 \$	20,000 48031
TOTAL HLD Holding Account Fund				\$ 64,986 \$ 64,986 48032

Group

Federal Fund Group				48033
3200	440601	Maternal Child Health Block Grant	\$ 24,673,419 \$	25,000,000 48034
3870	440602	Preventive Health Block Grant	\$ 9,681,749 \$	9,750,000 48035
3890	440604	Women, Infants, and Children	\$ 219,839,807 \$	220,000,000 48036
3910	440606	Medicare Survey and Certification	\$ 17,049,993 \$	17,500,000 48037
3920	440618	Federal Public Health Programs	\$ 94,344,493 \$	95,000,000 48038
3GD0	654601	Medicaid Program Support	\$ 28,161,187 \$	28,540,949 48039
3GN0	440660	Public Health Emergency Preparedness	\$ 26,347,943 \$	26,500,000 48040
TOTAL FED Federal Fund Group				\$ 420,098,591 \$ 422,290,949 48041

TOTAL ALL BUDGET FUND GROUPS \$ 676,560,645 \$ 686,652,761 48042

Section 291.20. MOTHERS AND CHILDREN SAFETY NET SERVICES 48044

Of the foregoing appropriation item 440416, Mothers and 48045
Children Safety Net Services, up to \$200,000 in each fiscal year 48046
may be used to assist families with hearing impaired children 48047
under twenty-one years of age in purchasing hearing aids and 48048
hearing assistive technology. The Director of Health shall adopt 48049
rules governing the distribution of these funds, including rules 48050
that do both of the following: (1) establish eligibility criteria 48051
to include families with incomes at or below four hundred per cent 48052
of the federal poverty guidelines as defined in section 5101.46 of 48053
the Revised Code, and (2) develop a sliding scale of disbursements 48054
under this section based on family income. The Director may adopt 48055
other rules as necessary to implement this section. Rules adopted 48056
under this section shall be adopted in accordance with Chapter 48057
119. of the Revised Code. 48058

AIDS PREVENTION AND TREATMENT 48059

The foregoing appropriation item 440444, AIDS Prevention and 48060
Treatment, shall be used to administer educational and other 48061
prevention initiatives. 48062

INFANT VITALITY 48063

The foregoing appropriation item 440474, Infant Vitality, 48064
shall be used to fund a multi-pronged population health approach 48065
to address infant mortality. This approach may include the 48066
following: increasing awareness; supporting data collection; 48067
analysis and interpretation to inform decision-making and ensure 48068
accountability; targeting resources where the need is greatest; 48069
and implementing quality improvement science and programming that 48070
is evidence-based or based on emerging practices. Measurable 48071
interventions may include activities related to safe sleep, 48072
community engagement, Centering Pregnancy, newborn screening, safe 48073

birth spacing, gestational diabetes, smoking cessation, 48074
breastfeeding, care coordination, and progesterone. 48075

EMERGENCY PREPAREDNESS AND RESPONSE 48076

The foregoing appropriation item 440477, Emergency 48077
Preparedness and Response, shall be used to support public health 48078
emergency preparedness and response efforts at the state level or 48079
at a regional sub-level within the state, and may also be used to 48080
support data infrastructure projects. 48081

TARGETED HEALTH CARE SERVICES-OVER 21 48082

The foregoing appropriation item 440507, Targeted Health Care 48083
Services-Over 21, shall be used to administer the Cystic Fibrosis 48084
Program and to implement the Hemophilia Insurance Premium Payment 48085
Program. The Department of Health shall expend \$100,000 in each 48086
fiscal year to implement the Hemophilia Insurance Premium Payment 48087
Program. 48088

The foregoing appropriation item 440507, Targeted Health Care 48089
Services-Over 21, shall also be used to provide essential 48090
medications and to pay the copayments for drugs approved by the 48091
Department of Health and covered by Medicare Part D that are 48092
dispensed to Bureau for Children with Medical Handicaps (BCMH) 48093
participants for the Cystic Fibrosis Program. 48094

The Department shall expend all of these funds. 48095

PUBLIC HEALTH PRIORITIES 48096

The foregoing appropriation item 440669, Public Health 48097
Priorities, shall be used to conduct public health awareness and 48098
education campaigns, initiate innovative programming and 48099
prevention strategies, and other work related to advancing 48100
positive changes in population health in Ohio. The Department of 48101
Health may distribute grants, contracts, or subsidy for these 48102
purposes, including, but not limited to, supporting public-private 48103

partnerships to address pressing public health issues. 48104

FEE SUPPORTED PROGRAMS 48105

Of the foregoing appropriation item 440647, Fee Supported 48106
Programs, \$2,160,000 in each fiscal year shall be used to 48107
distribute subsidies to local health departments on a per capita 48108
basis. 48109

Of the foregoing appropriation item 440647, Fee Supported 48110
Programs, \$1,500,000 in each fiscal year shall be used to 48111
distribute subsidies to local health departments accredited 48112
through the Public Health Accreditation Board on a per capita 48113
basis. 48114

MEDICALLY HANDICAPPED CHILDREN AUDIT 48115

The Medically Handicapped Children Audit Fund (Fund 4770) 48116
shall receive revenue from audits of hospitals and recoveries from 48117
third-party payers. Moneys may be expended for payment of audit 48118
settlements and for costs directly related to obtaining recoveries 48119
from third-party payers and for encouraging Medically Handicapped 48120
Children's Program recipients to apply for third-party benefits. 48121
Moneys also may be expended for payments for diagnostic and 48122
treatment services on behalf of medically handicapped children, as 48123
defined in division (A) of section 3701.022 of the Revised Code, 48124
and Ohio residents who are twenty-one or more years of age and who 48125
are suffering from cystic fibrosis or hemophilia. Moneys may also 48126
be expended for administrative expenses incurred in operating the 48127
Medically Handicapped Children's Program. 48128

GENETICS SERVICES 48129

The foregoing appropriation item 440608, Genetics Services, 48130
shall be used by the Department of Health to administer programs 48131
authorized by sections 3701.501 and 3701.502 of the Revised Code. 48132
None of these funds shall be used to counsel or refer for 48133
abortion, except in the case of a medical emergency. 48134

TOBACCO USE PREVENTION, CESSATION, AND ENFORCEMENT	48135
Of the foregoing appropriation item 440656, Tobacco Use	48136
Prevention, Cessation, and Enforcement, \$750,000 in each fiscal	48137
year shall be used to award grants in accordance with the section	48138
of this act entitled "MOMS QUIT FOR TWO GRANT PROGRAM."	48139
Of the foregoing appropriation item 440656, Tobacco Use	48140
Prevention, Cessation, and Enforcement, \$250,000 in each fiscal	48141
year shall be distributed to boards of health for the Baby and Me	48142
Tobacco Free Program. The Director of Health shall determine how	48143
the funds are to be distributed, but shall prioritize awards to	48144
boards that serve women who reside in communities that have the	48145
highest infant mortality rates in this state, as identified under	48146
section 3701.142 of the Revised Code.	48147
The remainder of appropriation item 440656, Tobacco Use	48148
Prevention, Cessation, and Enforcement, shall be used to	48149
administer tobacco use prevention and cessation activities and	48150
programs and to enforce the Ohio Smoke-Free Workplace Act.	48151
TOXICOLOGY SCREENINGS	48152
The foregoing appropriation item 440621, Toxicology	48153
Screenings, shall be used to reimburse county coroners in counties	48154
in which the coroner has performed toxicology screenings on	48155
victims of a drug overdose. The Director of Health shall transfer	48156
the funds to the counties in proportion to the numbers of	48157
toxicology screenings performed per county.	48158
MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS	48159
The foregoing appropriation item 440607, Medically	48160
Handicapped Children - County Assessments, shall be used to make	48161
payments under division (E) of section 3701.023 of the Revised	48162
Code.	48163
CASH TRANSFER TO EMERGENCY PREPAREDNESS AND RESPONSE FUND	48164

If the Director of Health determines that there are 48165
insufficient funds in appropriation item 440477, Emergency 48166
Preparedness and Response, for public health emergency 48167
preparedness and response activities, the Director may certify to 48168
the Director of Budget and Management an amount necessary to 48169
address these activities. Upon certification, the Director of 48170
Budget and Management shall transfer up to \$500,000 cash in each 48171
fiscal year from the Controlling Board Emergency 48172
Purposes/Contingencies Fund (Fund 5KM0) to the Emergency 48173
Preparedness and Response Fund (Fund 5UA0). The amount transferred 48174
is hereby appropriated. 48175

Section 291.30. MOMS QUIT FOR TWO GRANT PROGRAM 48176

(A) The Department of Health shall create the Moms Quit for 48177
Two Grant Program. Recognizing the significant health risks posed 48178
to women and their children by tobacco use during and after 48179
pregnancy, the Department shall award grants to private, nonprofit 48180
entities or government entities that demonstrate the ability to 48181
deliver evidence-based tobacco cessation interventions to women 48182
who reside in communities that have the highest incidence of 48183
infant mortality, as determined by the Director of Health, and who 48184
are pregnant or live with children. Funds awarded under this 48185
section shall not be used to provide tobacco cessation 48186
interventions to women who are eligible for Medicaid. The 48187
Department may adopt any rules it considers necessary to 48188
administer the Program. 48189

(B) The Department shall create a grant application and 48190
develop a process for receiving and evaluating completed grant 48191
applications on a competitive basis. The Department shall give 48192
first preference to the entities described in division (A) of this 48193
section that are able to target the interventions to pregnant 48194
women and second preference to such entities that are able to 48195

target the interventions to women living with children. The 48196
Department's decision regarding a submitted grant application is 48197
final. 48198

(C) The Department shall establish performance objectives to 48199
be met by grant recipients. The Department shall monitor the 48200
performance of each grant recipient in meeting the objectives. 48201

Section 291.40. WIC VENDOR CONTRACTS 48202

(A) As used in this section, "WIC" means the Special 48203
Supplemental Nutrition Program for Women, Infants, and Children 48204
established under the "Child Nutrition Act of 1966," 80 Stat. 885, 48205
42 U.S.C. 1786, as amended. 48206

(B) During fiscal year 2020 and fiscal year 2021, the 48207
Department of Health shall process and review a WIC vendor 48208
contract application pursuant to Chapter 3701-42 of the 48209
Administrative Code not later than forty-five days after receipt 48210
of the application if the applicant is a WIC-contracted vendor at 48211
the time of application and meets all of the following 48212
requirements: 48213

(1) Submits a complete WIC vendor application with all 48214
required documents and information; 48215

(2) Passes the required unannounced preauthorization visit 48216
within forty-five days of submitting a complete application; 48217

(3) Completes the required in-person training within 48218
forty-five days of submitting the complete application. 48219

(C) If an applicant fails to meet any of the requirements 48220
described in division (B) of this section, the Department shall 48221
deny the application for the contract. After an application has 48222
been denied, the applicant may reapply for a contract to act as a 48223
WIC vendor during the contracting cycle that is applicable to the 48224
applicant's WIC region. 48225

Section 291.50. LUPUS AWARENESS				48226
The Director of Health shall enter into an agreement with the				48227
Commission on Minority Health to operate a Lupus Education and				48228
Awareness Program.				48229
 Section 293.10. HEF HIGHER EDUCATIONAL FACILITY COMMISSION				48230
Dedicated Purpose Fund Group				48231
4610 372601	Operating Expenses	\$ 12,500	\$ 12,500	48232
TOTAL DPF Dedicated Purpose Fund				48233
Group				
TOTAL ALL BUDGET FUND GROUPS				48234
 Section 295.10. SPA COMMISSION ON HISPANIC/LATINO AFFAIRS				48236
General Revenue Fund				48237
GRF 148321	Operating Expenses	\$ 464,888	\$ 464,047	48238
TOTAL GRF General Revenue Fund				48239
Dedicated Purpose Fund Group				48240
6010 148602	Special Initiatives	\$ 24,558	\$ 24,558	48241
TOTAL DPF Dedicated Purpose				48242
Fund Group				48243
TOTAL ALL BUDGET FUND GROUPS				48244
 Section 297.10. OHS OHIO HISTORY CONNECTION				48246
General Revenue Fund				48247
GRF 360501	Education and	\$ 5,180,712	\$ 5,151,712	48248
Collections				
GRF 360502	Site and Museum	\$ 6,707,853	\$ 6,772,853	48249
Operations				
GRF 360504	Ohio Preservation	\$ 281,300	\$ 281,300	48250
Office				
GRF 360505	National	\$ 485,000	\$ 485,000	48251

		Afro-American Museum					
GRF	360506	Hayes Presidential Center	\$	485,000	\$	485,000	48252
GRF	360509	Outreach and Partnership	\$	155,583	\$	155,583	48253
TOTAL GRF		General Revenue Fund	\$	13,295,448	\$	13,331,448	48254
		Dedicated Purpose Fund Group					48255
5KL0	360602	Ohio History Tax Check-off	\$	150,000	\$	150,000	48256
5PD0	360603	Ohio History License Plate	\$	10,000	\$	10,000	48257
TOTAL DPF		Dedicated Purpose Fund Group	\$	160,000	\$	160,000	48258
TOTAL ALL BUDGET FUND GROUPS			\$	13,455,448	\$	13,491,448	48259
		SUBSIDY APPROPRIATION					48260
		Upon approval by the Director of Budget and Management, the foregoing appropriation items shall be released to the Ohio History Connection in quarterly amounts that in total do not exceed the annual appropriations. The funds and fiscal records of the Ohio History Connection for fiscal year 2020 and fiscal year 2021 shall be examined by independent certified public accountants approved by the Auditor of State, and a copy of the audited financial statements shall be filed with the Office of Budget and Management.					48261 48262 48263 48264 48265 48266 48267 48268 48269
		The foregoing appropriations shall be considered to be the contractual consideration provided by the state to support the state's offer to contract with the Ohio History Connection under section 149.30 of the Revised Code.					48270 48271 48272 48273
		Section 299.10. REP OHIO HOUSE OF REPRESENTATIVES					48274
		General Revenue Fund					48275

GRF 025321	Operating Expenses	\$	25,917,274	\$	25,917,274	48276
TOTAL GRF	General Revenue Fund	\$	25,917,274	\$	25,917,274	48277
Internal Service Activity Fund Group						48278
1030 025601	House of	\$	1,433,664	\$	1,433,664	48279
	Representatives					
	Reimbursement					
4A40 025602	Miscellaneous Sales	\$	50,000	\$	50,000	48280
TOTAL ISA	Internal Service Activity					48281
Fund Group		\$	1,483,664	\$	1,483,664	48282
TOTAL ALL BUDGET FUND GROUPS		\$	27,400,938	\$	27,400,938	48283

OPERATING EXPENSES 48284

On July 1, 2019, or as soon as possible thereafter, the Chief 48285
 Administrative Officer of the House of Representatives may certify 48286
 to the Director of Budget and Management an amount up to the 48287
 unexpended, unencumbered balance of the foregoing appropriation 48288
 item 025321, Operating Expenses, at the end of fiscal year 2019 to 48289
 be reappropriated to fiscal year 2020. The amount certified is 48290
 hereby reappropriated to the same appropriation item for fiscal 48291
 year 2020. 48292

On July 1, 2020, or as soon as possible thereafter, the Chief 48293
 Administrative Officer of the House of Representatives may certify 48294
 to the Director of Budget and Management an amount up to the 48295
 unexpended, unencumbered balance of the foregoing appropriation 48296
 item 025321, Operating Expenses, at the end of fiscal year 2020 to 48297
 be reappropriated to fiscal year 2021. The amount certified is 48298
 hereby reappropriated to the same appropriation item for fiscal 48299
 year 2021. 48300

HOUSE REIMBURSEMENT 48301

If it is determined by the Chief Administrative Officer of 48302
 the House of Representatives that additional appropriations are 48303
 necessary for the foregoing appropriation item 025601, House 48304

Reimbursement, the amounts are hereby appropriated. 48305

Section 301.10. HFA OHIO HOUSING FINANCE AGENCY 48306

Dedicated Purpose Fund Group 48307

5AZ0 997601 Housing Finance Agency \$ 12,267,196 \$ 12,819,657 48308

Personal Services

TOTAL DPF Dedicated Purpose Fund \$ 12,267,196 \$ 12,819,657 48309

Group

TOTAL ALL BUDGET FUND GROUPS \$ 12,267,196 \$ 12,819,657 48310

Section 303.10. IGO OFFICE OF THE INSPECTOR GENERAL 48312

General Revenue Fund 48313

GRF 965321 Operating Expenses \$ 1,512,881 \$ 1,509,581 48314

TOTAL GRF General Revenue Fund \$ 1,512,881 \$ 1,509,581 48315

Internal Service Activity Fund Group 48316

5FA0 965603 Deputy Inspector \$ 400,000 \$ 400,000 48317

General for ODOT

5FT0 965604 Deputy Inspector \$ 425,000 \$ 425,000 48318

General for BWC/OIC

TOTAL ISA Internal Service Activity 48319

Fund Group \$ 825,000 \$ 825,000 48320

TOTAL ALL BUDGET FUND GROUPS \$ 2,337,881 \$ 2,334,581 48321

Section 305.10. INS DEPARTMENT OF INSURANCE 48323

Dedicated Purpose Fund Group 48324

5540 820601 Operating Expenses - \$ 180,000 \$ 180,000 48325

OSHIIP

5540 820606 Operating Expenses \$ 29,580,629 \$ 30,661,244 48326

5550 820605 Examination \$ 8,938,161 \$ 9,179,766 48327

5PT0 820613 Captive Insurance \$ 650,000 \$ 650,000 48328

Regulation and

Supervision

TOTAL DPF Dedicated Purpose				48329
Fund Group	\$	39,348,790	\$	40,671,010
Federal Fund Group				48331
3U50 820602 OSHIIP Operating Grant	\$	2,793,150	\$	2,793,150
TOTAL FED Federal Fund Group	\$	2,793,150	\$	2,793,150
TOTAL ALL BUDGET FUND GROUPS	\$	42,141,940	\$	43,464,160

MARKET CONDUCT EXAMINATION 48335

When conducting a market conduct examination of any insurer 48336
 doing business in this state, the Superintendent of Insurance may 48337
 assess the costs of the examination against the insurer. The 48338
 Superintendent may enter into consent agreements to impose 48339
 administrative assessments or fines for conduct discovered that 48340
 may be violations of statutes or rules administered by the 48341
 Superintendent. All costs, assessments, or fines collected shall 48342
 be deposited to the credit of the Department of Insurance 48343
 Operating Fund (Fund 5540). 48344

EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES 48345

The Director of Budget and Management, at the request of the 48346
 Superintendent of Insurance, may transfer cash from the Department 48347
 of Insurance Operating Fund (Fund 5540), established by section 48348
 3901.021 of the Revised Code, to the Superintendent's Examination 48349
 Fund (Fund 5550), established by section 3901.071 of the Revised 48350
 Code, only for expenses incurred in examining domestic fraternal 48351
 benefit societies as required by section 3921.28 of the Revised 48352
 Code. 48353

TRANSFER OF FUNDS FOR CAPTIVE INSURANCE COMPANY REGULATION 48354
 AND SUPERVISION 48355

When funds from captive insurance company application fees, 48356
 reimbursements from captive insurance companies for examinations, 48357
 and other sources have accrued to the Captive Insurance Regulation 48358

and Supervision Fund (Fund 5PT0) in such amounts as are deemed 48359
sufficient to sustain operations, the Director of Budget and 48360
Management, in consultation with the Superintendent of Insurance, 48361
shall establish a schedule for repaying the amounts previously 48362
transferred during fiscal years 2016 and 2017 from Fund 5PT0 to 48363
Fund 5540. 48364

Section 307.10. JFS DEPARTMENT OF JOB AND FAMILY SERVICES 48365

General Revenue Fund				48366
GRF 600410	TANF State Maintenance of Effort	\$ 144,267,326	\$ 144,267,326	48367
GRF 600413	Child Care State/Maintenance of Effort	\$ 83,461,739	\$ 83,461,739	48368
GRF 600450	Program Operations	\$ 148,394,043	\$ 148,439,778	48369
GRF 600502	Child Support - Local	\$ 23,456,891	\$ 23,456,891	48370
GRF 600521	Family Assistance - Local	\$ 44,748,768	\$ 44,748,768	48371
GRF 600523	Family and Children Services	\$ 151,107,628	\$ 151,107,628	48372
GRF 600528	Adoption Services	\$ 28,922,517	\$ 28,922,517	48373
GRF 600533	Child, Family, and Community Protection Services	\$ 13,500,000	\$ 13,500,000	48374
GRF 600534	Adult Protective Services	\$ 2,740,000	\$ 2,740,000	48375
GRF 600535	Early Care and Education	\$ 141,285,241	\$ 141,285,241	48376
GRF 600541	Kinship Permanency Incentive Program	\$ 1,000,000	\$ 1,000,000	48377
GRF 600546	Healthy Food Financing Initiative	\$ 150,000	\$ 150,000	48378

GRF 655425	Medicaid Program Support	\$	13,971,461	\$	14,084,154	48379
GRF 655522	Medicaid Program Support - Local	\$	37,119,931	\$	37,119,931	48380
GRF 655523	Medicaid Program Support - Local Transportation	\$	38,750,000	\$	38,750,000	48381
TOTAL GRF	General Revenue Fund	\$	872,875,545	\$	873,033,973	48382
Dedicated Purpose Fund Group						48383
1980 600647	Children's Trust Fund	\$	7,992,060	\$	6,000,000	48384
4A80 600658	Public Assistance Activities	\$	32,000,000	\$	32,000,000	48385
4A90 600607	Unemployment Compensation Administration Fund	\$	13,900,000	\$	12,900,000	48386
4E70 600604	Family and Children Services Collections	\$	650,000	\$	650,000	48387
4F10 600609	Family and Children Activities	\$	708,000	\$	708,000	48388
5DM0 600633	Audit Settlements and Contingency	\$	1,000,000	\$	1,000,000	48389
5ES0 600630	Food Bank Assistance	\$	500,000	\$	500,000	48390
5HC0 600695	Unemployment Compensation Interest	\$	1,000,000	\$	1,000,000	48391
5KT0 600696	Early Childhood Education	\$	20,000,000	\$	20,000,000	48392
5NG0 600660	Victims of Human Trafficking	\$	100,000	\$	100,000	48393
5RX0 600699	Workforce Development Projects	\$	300,000	\$	300,000	48394
5RY0 600698	Human Services Project	\$	14,887,449	\$	15,000,000	48395
5TZ0 600674	Children's Crisis	\$	150,000	\$	150,000	48396

		Care					
5U60	600663	Family and Children	\$	5,000,000	\$	5,000,000	48397
		Support					
5VJ0	600600	Books from Birth	\$	5,000,000	\$	0	48398
TOTAL DPF		Dedicated Purpose Fund	\$	103,187,509	\$	95,308,000	48399
		Group					
		Internal Service Activity Fund Group					48400
5HL0	600602	State and County	\$	1,500,000	\$	1,500,000	48401
		Shared Services					
TOTAL ISA		Internal Service Activity	\$	1,500,000	\$	1,500,000	48402
		Fund Group					
		Fiduciary Fund Group					48403
1920	600646	Child Support	\$	100,000,000	\$	100,000,000	48404
		Intercept - Federal					
5830	600642	Child Support	\$	13,000,000	\$	13,000,000	48405
		Intercept - State					
5B60	600601	Food Assistance	\$	4,000,000	\$	4,000,000	48406
		Intercept					
TOTAL FID		Fiduciary Fund Group	\$	117,000,000	\$	117,000,000	48407
		Holding Account Fund Group					48408
R012	600643	Refunds and Audit	\$	500,000	\$	500,000	48409
		Settlements					
TOTAL HLD		Holding Account Fund	\$	500,000	\$	500,000	48410
		Group					
		Federal Fund Group					48411
3270	600606	Child Welfare	\$	28,950,337	\$	29,000,000	48412
3310	600615	Veterans Programs	\$	7,000,000	\$	7,000,000	48413
3310	600624	Employment Services	\$	26,000,000	\$	26,000,000	48414
3310	600686	Workforce Programs	\$	3,912,923	\$	4,000,000	48415
3840	600610	Food Assistance	\$	165,544,356	\$	165,544,356	48416
		Programs					
3850	600614	Refugee Services	\$	12,000,000	\$	12,000,000	48417

3950	600616	Federal Discretionary Grants	\$	1,500,000	\$	1,500,000	48418
3960	600620	Social Services Block Grant	\$	42,000,000	\$	42,000,000	48419
3970	600626	Child Support - Federal	\$	197,479,829	\$	198,000,000	48420
3980	600627	Adoption Program - Federal	\$	175,000,000	\$	175,000,000	48421
3A20	600641	Emergency Food Distribution	\$	7,000,000	\$	7,000,000	48422
3D30	600648	Children's Trust Fund Federal	\$	2,000,000	\$	2,000,000	48423
3F01	655624	Medicaid Program Support - Federal	\$	179,231,495	\$	179,500,000	48424
3H70	600617	Child Care Federal	\$	331,249,291	\$	331,980,000	48425
3N00	600628	Foster Care Program - Federal	\$	280,732,702	\$	281,000,000	48426
3S50	600622	Child Support Projects	\$	534,050	\$	534,050	48427
3V00	600688	Workforce Innovation and Opportunity Act Programs	\$	142,092,211	\$	142,450,000	48428
3V40	600632	Trade Programs	\$	19,755,884	\$	20,000,000	48429
3V40	600678	Federal Unemployment Programs	\$	73,436,024	\$	73,436,024	48430
3V40	600679	Unemployment Compensation Review Commission - Federal	\$	4,800,000	\$	4,800,000	48431
3V60	600689	TANF Block Grant	\$	873,602,794	\$	935,000,000	48432
TOTAL	FED	Federal Fund Group	\$	2,573,821,896	\$	2,637,744,430	48433
TOTAL	ALL BUDGET FUND GROUPS		\$	3,668,884,950	\$	3,725,086,403	48434

Section 307.20. COUNTY ADMINISTRATIVE FUNDS 48436

(A) The foregoing appropriation item 600521, Family 48437

Assistance - Local, may be provided to county departments of job and family services to administer food assistance and disability assistance programs. 48438
48439
48440

(B) The foregoing appropriation item 655522, Medicaid Program Support - Local, may be provided to county departments of job and family services to administer the Medicaid program and the State Children's Health Insurance program. 48441
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48444

(C) At the request of the Director of Job and Family Services, the Director of Budget and Management may transfer appropriations between the following appropriation items to ensure county administrative funds are expended from the proper appropriation item: 48445
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48449

(1) Appropriation item 600521, Family Assistance - Local, and appropriation item 655522, Medicaid Program Support - Local; and 48450
48451

(2) Appropriation item 655523, Medicaid Program Support - Local Transportation, and appropriation item 655522, Medicaid Program Support - Local. 48452
48453
48454

(D) If receipts credited to the Medicaid Program Support Fund (Fund 3F01) and the Supplemental Nutrition Assistance Program Fund (Fund 3840) exceed the amounts appropriated, the Director of Job and Family Services shall request the Director of Budget and Management to authorize expenditures from those funds in excess of the amounts appropriated. Upon approval of the Director of Budget and Management, the additional amounts are hereby appropriated. 48455
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Section 307.30. NAME OF FOOD STAMP PROGRAM 48462

The Director of Job and Family Services is not required to amend rules regarding the Food Stamp Program to change the name of the program to the Supplemental Nutrition Assistance Program. The Director may refer to the program as the Food Stamp Program, the Supplemental Nutrition Assistance Program, or the Food Assistance 48463
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Program in rules and documents of the Department of Job and Family Services. 48468
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Section 307.40. OHIO ASSOCIATION OF FOOD BANKS 48470

Of the foregoing appropriation items 600410, TANF State Maintenance of Effort, 600658, Public Assistance Activities, and 600689, TANF Block Grant, a total of \$17,050,000 in each fiscal year shall be used to provide funds to the Ohio Association of Food Banks to purchase and distribute food products. 48471
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Notwithstanding section 5101.46 of the Revised Code and any other provision in this bill, including funds designated for the Ohio Association of Food Banks in this section, in fiscal year 2020 and fiscal year 2021, the Director of Job and Family Services shall provide assistance from eligible funds to the Ohio Association of Food Banks in an amount not less than \$19,550,000 in each fiscal year. 48476
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Eligible nonfederal expenditures made by member food banks of the Association shall be counted by the Department of Job and Family Services toward the TANF maintenance of effort requirements of 42 U.S.C. 609(a)(7). The Director of Job and Family Services shall enter into an agreement with the Ohio Association of Food Banks, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to carry out the requirements under this section. 48483
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Section 307.45. FOOD STAMPS TRANSFER 48490

On July 1, 2019, or as soon as possible thereafter, and upon request of the Director of Job and Family Services, the Director of Budget and Management may transfer up to \$1,000,000 cash from the Supplemental Nutrition Assistance Program Fund (Fund 3840), to the Food Assistance Fund (Fund 5ES0). 48491
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Section 307.50. PUBLIC ASSISTANCE ACTIVITIES/TANF MOE 48496

The foregoing appropriation item 600658, Public Assistance Activities, shall be used by the Department of Job and Family Services to meet the TANF maintenance of effort requirements of 42 U.S.C. 609(a)(7). When the state is assured that it will meet the maintenance of effort requirement, the Department of Job and Family Services may use funds from appropriation item 600658, Public Assistance Activities, to support public assistance activities.

Section 307.70. GOVERNOR'S OFFICE OF FAITH-BASED AND COMMUNITY INITIATIVES

Of the foregoing appropriation item 600689, TANF Block Grant, up to \$13,035,000 in each fiscal year shall be used, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to provide support to programs or organizations that provide services that align with the mission and goals of the Governor's Office of Faith-Based and Community Initiatives, as outlined in section 107.12 of the Revised Code, and that further at least one of the four purposes of the TANF program, as specified in 42 U.S.C. 601.

Section 307.80. INDEPENDENT LIVING INITIATIVE

Of the foregoing appropriation item 600689, TANF Block Grant, up to \$2,000,000 in each fiscal year shall be used, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to support the Independent Living Initiative, including life skills training and work supports for older children in foster care and those who have recently aged out of foster care.

Section 307.90. OHIO COMMISSION ON FATHERHOOD

Of the foregoing appropriation item 600689, TANF Block Grant, \$1,200,000 in each fiscal year shall be provided to the Ohio Commission on Fatherhood.

Section 307.100. KINSHIP CAREGIVER PROGRAM 48526

Of the foregoing appropriation item 600689, TANF Block Grant, 48527
\$15,000,000 in each fiscal year shall be used to support kinship 48528
care. The Director of Job and Family Services shall allocate funds 48529
to county departments of job and family services by providing 48530
twelve per cent divided equally among all counties, forty-eight 48531
per cent in the ratio that the number of residents of the county 48532
under the age of eighteen bears to the total number of such 48533
persons residing in this state, and forty per cent in the ratio 48534
that the number of residents of the county with incomes under one 48535
hundred per cent of the federal poverty guideline bears to the 48536
total number of such persons in this state. Each public children 48537
services agency shall use these funds to provide reasonable and 48538
necessary relief of child caring functions so that kinship 48539
caregivers, as defined in section 5101.85 of the Revised Code, can 48540
provide and maintain a home for a child in place of a child's 48541
parents. When the public children services agency is designated 48542
under division (A) of section 5153.02 of the Revised Code, the 48543
county department of job and family services shall enter into a 48544
memorandum of understanding with the public children services 48545
agency authorizing the public children services agency to expend 48546
funds for this purpose up to the amount of the allocation. 48547

Each county department of job and family services shall 48548
incorporate the kinship caregiver support program into its 48549
prevention, retention, and contingency plan. For the purpose of 48550
this service, each child living with a kinship caregiver shall 48551
constitute a prevention, retention, and contingency assistance 48552
group of one. To qualify, the child must be eighteen years of age 48553
or younger. 48554

The Department of Job and Family Services may adopt rules in 48555
accordance with Chapter 119. of the Revised Code as necessary to 48556

carry out the purposes of this section. 48557

If funding is no longer available, the kinship caregiver 48558
support program in this section shall end and any county 48559
department of job and family services or public children services 48560
agency shall not be held responsible for payment of services. 48561

Section 307.110. FAMILY AND CHILDREN SERVICES 48562

Of the foregoing appropriation item 600523, Family and 48563
Children Services, up to \$3,200,000 shall be used to match 48564
eligible federal Title IV-B ESSA funds and federal Title IV-E 48565
Chafee funds allocated to public children services agencies. 48566

Of the foregoing appropriation item 600523, Family and 48567
Children Services, up to \$25,000,000 in each fiscal year shall be 48568
provided to assist with the expense of providing services to youth 48569
in the custody of a public children services agency or at risk of 48570
entering into the custody of a public children services agency 48571
requiring services from multiple systems. The Director of Job and 48572
Family Services shall adopt rules in accordance with section 48573
111.15 of the Revised Code to administer the funding. 48574

Of the foregoing appropriation item 600523, Family and 48575
Children Services, up to \$10,000,000 in each fiscal year shall be 48576
provided as incentive awards to public children services agencies 48577
subject to section 5101.23 of the Revised Code for meeting 48578
performance outcomes linked with ensuring the safety and timely 48579
permanency of children. 48580

Of the foregoing appropriation item, 600523, Family and 48581
Children Services, not less than \$85,040,010 in each fiscal year 48582
shall be provided to public children services agencies. Of that 48583
amount, \$8,800,000 in each fiscal year shall be used to provide an 48584
initial allocation of \$100,000 to each county; up to \$5,000,000 in 48585
each fiscal year shall be provided using the formula in section 48586

5101.14 of the Revised Code for staffing for foster parent 48587
recruitment, engagement, and support; and the remainder shall be 48588
provided using the formula in section 5101.14 of the Revised Code. 48589

Section 307.115. KINSHIP CARE NAVIGATOR PROGRAM 48590

Of the foregoing appropriation item 600523, Family and 48591
Children Services, \$3,500,000 in each fiscal year shall be used to 48592
support the Kinship Care Navigator Program, and may be used to 48593
match eligible federal Title IV-E funds. 48594

Section 307.120. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN 48595

In collaboration with the county family and children first 48596
council, a county department of job and family services or public 48597
children services agency that receives an allocation from the 48598
Department of Job and Family Services from the foregoing 48599
appropriation item 600523, Family and Children Services, or 48600
600533, Child, Family, and Community Protection Services, may 48601
transfer a portion of either or both allocations to a flexible 48602
funding pool as authorized by the section of this act titled 48603
"FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." 48604

**Section 307.130. CHILD, FAMILY, AND COMMUNITY PROTECTION 48605
SERVICES** 48606

(A) The foregoing appropriation item 600533, Child, Family, 48607
and Community Protection Services, shall be distributed to county 48608
departments of job and family services. County departments shall 48609
use the funds distributed to them under this section as follows, 48610
in accordance with the written plan of cooperation entered into 48611
under section 307.983 of the Revised Code: 48612

(1) To assist individuals in achieving or maintaining 48613
self-sufficiency, including by reducing or preventing dependency 48614
among individuals with family income not exceeding two hundred per 48615

cent of the federal poverty guidelines; 48616

(2) Subject to division (B) of this section, to respond to 48617
reports of abuse, neglect, or exploitation of children and adults, 48618
including through the differential response approach program; 48619

(3) To provide outreach and referral services regarding home 48620
and community-based services to individuals at risk of placement 48621
in a group home or institution, regardless of the individuals' 48622
family income and without need for a written application; 48623

(4) To provide outreach, referral, application assistance, 48624
and other services to assist individuals receive assistance, 48625
benefits, or services under Medicaid; Title IV-A programs, as 48626
defined in section 5101.80 of the Revised Code; the Supplemental 48627
Nutrition Assistance Program; and other public assistance 48628
programs. 48629

(B) Protective services may be provided to a child or adult 48630
as part of a response, under division (A)(2) of this section, to a 48631
report of abuse, neglect, or exploitation without regard to a 48632
child or adult's family income and without need for a written 48633
application. The protective services may be provided if the case 48634
record documents circumstances of actual or potential abuse, 48635
neglect, or exploitation. 48636

Section 307.135. HEALTHY FOOD FINANCING INITIATIVE 48637

The foregoing appropriation item 600546, Healthy Food 48638
Financing Initiative, shall be used by the Director of Job and 48639
Family Services to support healthy food access in underserved 48640
communities in urban and rural Low and Moderate Income Areas, as 48641
defined by either the United States Department of Agriculture 48642
(USDA), as identified in the USDA's Food Access Research Atlas, or 48643
through a methodology that has been adopted for use by another 48644
governmental or philanthropic healthy food initiative, or an 48645

alternative methodology approved by the Director of Job and Family Services. 48646
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The Director of Job and Family Services, in cooperation with the Director of Health, shall contract with the Finance Fund Capital Corporation to administer a Healthy Food Financing Initiative. The Finance Fund Capital Corporation shall demonstrate a capacity to administer grant and loan programs in accordance with state and federal rules and accounting principles, and shall partner with one or more entities with demonstrable experience in healthy food access-related policy matters. 48648
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The Finance Fund Capital Corporation shall report to the Ohio Department of Job and Family Services the amount of funds granted or loaned, the number of new or retained jobs associated with related projects, the health impact of the initiative, and the number and location of healthy food access projects established or in development. 48656
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Section 307.140. FAMILY AND CHILDREN ACTIVITIES 48662

The foregoing appropriation item 600609, Family and Children Activities, shall be used to expend miscellaneous foundation funds and grants to support family and children services activities. 48663
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Section 307.145. BOOKS FROM BIRTH 48666

The foregoing appropriation item 600600, Books from Birth, shall be used to support childhood literacy efforts in the state. The Director of Job and Family Services may work with nonprofit entities or foundations established to support childhood literacy efforts in this state. 48667
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On July 1, 2020, or as soon as possible thereafter, the Director of Job and Family Services may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 600600, Books from 48672
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Birth, at the end of fiscal year 2020 to be reappropriated in 48676
fiscal year 2021. The amount certified is hereby reappropriated to 48677
the same appropriation item for fiscal year 2021. 48678

Section 307.150. ODJFS AUDIT SETTLEMENTS AND CONTINGENCY FUND 48679

Notwithstanding section 5101.073 of the Revised Code, the 48680
ODJFS Audit Settlements and Contingency Fund (Fund 5DM0) may also 48681
consist of earned federal revenue the final disposition of which 48682
is unknown. 48683

On July 1 of each fiscal year, or as soon as possible 48684
thereafter, and upon request of the Director of Job and Family 48685
Services, the Director of Budget and Management may transfer up to 48686
\$16,000,000 cash from the ODJFS Audit Settlements and Contingency 48687
Fund (Fund 5DM0), to the Human Services Projects Fund (Fund 5RY0). 48688

Section 307.160. ADOPTION ASSISTANCE LOAN 48689

The Department of Job and Family Services may use the State 48690
Adoption Assistance Loan Fund (Fund 5DP0) for the administration 48691
of adoption assistance loans pursuant to section 3107.018 of the 48692
Revised Code. The amounts of any adoption assistance loans are 48693
hereby appropriated. 48694

Section 307.170. EARLY CHILDHOOD EDUCATION 48695

Of the foregoing appropriation item 600696, Early Childhood 48696
Education, up to \$20,000,000 in each fiscal year shall be used to 48697
achieve the goals described in division (C) of section 5104.29 of 48698
the Revised Code. The funds shall be used to support early 48699
learning and development programs operating in smaller 48700
communities, early learning and development programs that are 48701
rated in the Step Up to Quality program at the third highest tier 48702
or higher, or both. 48703

Section 307.190. VICTIMS OF HUMAN TRAFFICKING 48704

The foregoing appropriation item 600660, Victims of Human 48705
Trafficking, shall be used to provide treatment, care, 48706
rehabilitation, education, housing, and assistance for victims of 48707
trafficking in persons as specified in section 5101.87 of the 48708
Revised Code. 48709

If receipts credited to the Victims of Human Trafficking Fund 48710
(Fund 5NG0) exceed the amounts appropriated to the fund, the 48711
Director of Job and Family Services may request the Director of 48712
Budget and Management to authorize expenditures from the fund in 48713
excess of the amounts appropriated. Upon the approval of the 48714
Director of Budget and Management, the additional amounts are 48715
hereby appropriated. 48716

Section 307.195. CHILDREN'S CRISIS FACILITIES 48717

The foregoing appropriation item 600674, Children's Crisis 48718
Care Facilities, shall be allocated by the Department of Job and 48719
Family Services in each fiscal year to children's crisis care 48720
facilities as defined in section 5103.13 of the Revised Code. A 48721
children's crisis care facility may decline to receive funds 48722
provided under this section. A children's crisis care facility 48723
that accepts funds provided under this section shall use the funds 48724
in accordance with section 5103.13 of the Revised Code and the 48725
rules as defined in rule 5101:2-9-36 of the Administrative Code. 48726

Section 307.200. FIDUCIARY AND HOLDING ACCOUNT FUND GROUPS 48727

The Fiduciary Fund Group and Holding Account Fund Group shall 48728
be used to hold revenues until the appropriate fund is determined 48729
or until the revenues are directed to the appropriate governmental 48730
agency other than the Department of Job and Family Services. Any 48731
Department of Job and Family Services refunds or reconciliations 48732

received or held by the Department of Medicaid shall be 48733
transferred or credited to the Refunds and Audit Settlement Fund 48734
(Fund R012). If receipts credited to the Support Intercept - 48735
Federal Fund (Fund 1920), the Support Intercept - State Fund (Fund 48736
5830), the Food Stamp Offset Fund (Fund 5B60), the Refunds and 48737
Audit Settlements Fund (Fund R012), or the Forgery Collections 48738
Fund (Fund R013) exceed the amounts appropriated from the fund, 48739
the Director of Job and Family Services may request the Director 48740
of Budget and Management to authorize expenditures from the fund 48741
in excess of the amounts appropriated. Upon the approval of the 48742
Director of Budget and Management, the additional amounts are 48743
hereby appropriated. 48744

Section 309.10. JCR JOINT COMMITTEE ON AGENCY RULE REVIEW 48745

General Revenue Fund 48746

GRF 029321 Operating Expenses	\$	570,000	\$	570,000	48747
TOTAL GRF General Revenue Fund	\$	570,000	\$	570,000	48748
TOTAL ALL BUDGET FUND GROUPS	\$	570,000	\$	570,000	48749

OPERATING GUIDANCE 48750

The Legislative Service Commission shall act as fiscal agent 48751
for the Joint Committee on Agency Rule Review. Members of the 48752
Committee shall be paid in accordance with section 101.35 of the 48753
Revised Code. 48754

OPERATING EXPENSES 48755

On July 1, 2019, or as soon as possible thereafter, the 48756
Executive Director of the Joint Committee on Agency Rule Review 48757
may certify to the Director of Budget and Management an amount up 48758
to the unexpended, unencumbered balance of the foregoing 48759
appropriation item 029321, Operating Expenses, at the end of 48760
fiscal year 2019 to be reappropriated to fiscal year 2020. The 48761
amount certified is hereby reappropriated to the same 48762

appropriation item for fiscal year 2020. 48763

On July 1, 2020, or as soon as possible thereafter, the 48764
Executive Director of the Joint Committee on Agency Rule Review 48765
may certify to the Director of Budget and Management an amount up 48766
to the unexpended, unencumbered balance of the foregoing 48767
appropriation item 029321, Operating Expenses, at the end of 48768
fiscal year 2020 to be reappropriated to fiscal year 2021. The 48769
amount certified is hereby reappropriated to the same 48770
appropriation item for fiscal year 2021. 48771

Section 311.10. JEO JOINT EDUCATION OVERSIGHT COMMITTEE 48772

General Revenue Fund 48773

GRF 047321 Operating Expenses	\$	376,663	\$	378,668	48774
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TOTAL GRF General Revenue Fund	\$	376,663	\$	378,668	48775
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TOTAL ALL BUDGET FUND GROUPS	\$	376,663	\$	378,668	48776
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OPERATING EXPENSES 48777

The foregoing appropriation item 047321, Operating Expenses, 48778
shall be used to support expenses related to the Joint Education 48779
Oversight Committee under section 103.45 to 103.50 of the Revised 48780
Code. 48781

On July 1, 2019, or as soon as possible thereafter, the Joint 48782
Education Oversight Committee may certify to the Director of 48783
Budget and Management an amount up to the unexpended, unencumbered 48784
balance of the foregoing appropriation item 047321, Operating 48785
Expenses, at the end of fiscal year 2019 to be reappropriated to 48786
fiscal year 2020. The amount certified is hereby reappropriated to 48787
the same appropriation item for fiscal year 2020. 48788

On July 1, 2020, or as soon as possible thereafter, the Joint 48789
Education Oversight Committee may certify to the Director of 48790
Budget and Management an amount up to the unexpended, unencumbered 48791
balance of the foregoing appropriation item 047321, Operating 48792

Expenses, at the end of fiscal year 2020 to be reappropriated to 48793
fiscal year 2021. The amount certified is hereby reappropriated to 48794
the same appropriation item for fiscal year 2021. 48795

Section 313.10. JMO JOINT MEDICAID OVERSIGHT COMMITTEE 48796

General Revenue Fund 48797

GRF 048321 Operating Expenses \$ 361,365 \$ 528,681 48798

TOTAL GRF General Revenue Fund \$ 361,365 \$ 528,681 48799

TOTAL ALL BUDGET FUND GROUPS \$ 361,365 \$ 528,681 48800

OPERATING EXPENSES 48801

The foregoing appropriation item 048321, Operating Expenses, 48802
shall be used to support expenses related to the Joint Medicaid 48803
Oversight Committee created by section 103.41 of the Revised Code. 48804

On July 1, 2019, or as soon as possible thereafter, the 48805
Executive Director of the Joint Medicaid Oversight Committee may 48806
certify to the Director of Budget and Management an amount up to 48807
the unexpended, unencumbered balance of the foregoing 48808
appropriation item 048321, Operating Expenses, at the end of 48809
fiscal year 2019 to be reappropriated to fiscal year 2020. The 48810
amount certified is hereby reappropriated to the same 48811
appropriation item for fiscal year 2020. 48812

On July 1, 2020, or as soon as possible thereafter, the 48813
Executive Director of the Joint Medicaid Oversight Committee may 48814
certify to the Director of Budget and Management an amount up to 48815
the unexpended, unencumbered balance of the foregoing 48816
appropriation item 048321, Operating Expenses, at the end of 48817
fiscal year 2020 to be reappropriated to fiscal year 2021. The 48818
amount certified is hereby reappropriated to the same 48819
appropriation item for fiscal year 2021. 48820

The Legislative Service Commission shall act as fiscal agent 48821
for the Joint Medicaid Oversight Committee. 48822

Section 315.10.	JCO JUDICIAL CONFERENCE OF OHIO			48823
General Revenue Fund				48824
GRF 018321	Operating Expenses	\$ 963,500	\$ 911,305	48825
TOTAL GRF	General Revenue Fund	\$ 963,500	\$ 911,305	48826
Dedicated Purpose Fund Group				48827
4030 018601	Ohio Jury	\$ 480,850	\$ 480,000	48828
	Instructions			
TOTAL DPF	Dedicated Purpose Fund	\$ 480,850	\$ 480,000	48829
Group				
TOTAL ALL BUDGET FUND GROUPS		\$ 1,444,350	\$ 1,391,305	48830
STATE COUNCIL OF UNIFORM STATE LAWS				48831
Notwithstanding section 105.26 of the Revised Code, of the				48832
foregoing appropriation item 018321, Operating Expenses, up to				48833
\$93,500 in fiscal year 2020 and up to \$96,305 in fiscal year 2021				48834
shall be used to pay the expenses of the State Council of Uniform				48835
State Laws, including membership dues to the National Conference				48836
of Commissioners on Uniform State Laws.				48837
OHIO JURY INSTRUCTIONS FUND				48838
The Ohio Jury Instructions Fund (Fund 4030) shall consist of				48839
grants, royalties, dues, conference fees, bequests, devises, and				48840
other gifts received for the purpose of supporting costs incurred				48841
by the Judicial Conference of Ohio in its activities as a part of				48842
the judicial system of the state as determined by the Judicial				48843
Conference Executive Committee. Fund 4030 shall be used by the				48844
Judicial Conference of Ohio to pay expenses incurred in its				48845
activities as a part of the judicial system of the state as				48846
determined by the Judicial Conference Executive Committee. All				48847
moneys accruing to Fund 4030 in excess of the amount appropriated				48848
for the current fiscal year are hereby appropriated for the				48849
purposes authorized. No money in Fund 4030 shall be transferred to				48850

any other fund by the Director of Budget and Management or the Controlling Board. 48851
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Section 317.10. JSC THE JUDICIARY/SUPREME COURT 48853

General Revenue Fund 48854

GRF 005321 Operating Expenses - \$ 181,708,720 \$ 185,018,785 48855
Judiciary/Supreme
Court

GRF 005401 State Criminal \$ 599,970 \$ 614,970 48856
Sentencing Council

GRF 005406 Law-Related Education \$ 200,000 \$ 200,000 48857

GRF 005409 Ohio Courts \$ 5,391,025 \$ 5,435,625 48858
Technology Initiative

TOTAL GRF General Revenue Fund \$ 187,899,715 \$ 191,269,380 48859

Dedicated Purpose Fund Group 48860

4C80 005605 Attorney Services \$ 10,805,858 \$ 10,553,340 48861

5HT0 005617 Court Interpreter \$ 12,459 \$ 14,327 48862
Certification

5SP0 005626 Civil Justice Grant \$ 350,000 \$ 350,000 48863
Program

5T80 005609 Grants and Awards \$ 8,224 \$ 8,224 48864

6720 005601 Judiciary/Supreme \$ 151,000 \$ 151,000 48865
Court Education

TOTAL DPF Dedicated Purpose Fund \$ 11,327,541 \$ 11,076,891 48866
Group

Fiduciary Fund Group 48867

5JY0 005620 County Law Library \$ 303,500 \$ 313,500 48868
Resources Boards

TOTAL FID Fiduciary Fund Group \$ 303,500 \$ 313,500 48869

Federal Fund Group 48870

3J00 005603 Federal Grants \$ 1,118,471 \$ 1,073,190 48871

TOTAL FED Federal Fund Group	\$	1,118,471	\$	1,073,190	48872
TOTAL ALL BUDGET FUND GROUPS	\$	200,649,227	\$	203,732,961	48873

Section 317.20. STATE CRIMINAL SENTENCING COMMISSION 48875

The foregoing appropriation item 005401, State Criminal Sentencing Commission, shall be used for the operation of the State Criminal Sentencing Commission established by section 181.21 of the Revised Code. 48876
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LAW-RELATED EDUCATION 48880

The foregoing appropriation item 005406, Law-Related Education, shall be distributed directly to the Ohio Center for Law-Related Education for the purposes of providing continuing citizenship education activities to primary and secondary students, expanding delinquency prevention programs, increasing activities for at-risk youth, and accessing additional public and private money for new programs. 48881
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OHIO COURTS TECHNOLOGY INITIATIVE 48888

The foregoing appropriation item 005409, Ohio Courts Technology Initiative, shall be used to fund an initiative by the Supreme Court to facilitate the exchange of information and warehousing of data by and between Ohio courts and other justice system partners through the creation of an Ohio Courts Network, the delivery of technology services to courts throughout the state, including the provision of hardware, software, and the development and implementation of educational and training programs for judges and court personnel, and operation of the Commission on Technology and the Courts by the Supreme Court for the promulgation of statewide rules, policies, and uniform standards, and to aid in the orderly adoption and comprehensive use of technology in Ohio courts. 48889
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ATTORNEY SERVICES 48902

The Attorney Registration Fund (Fund 4C80) shall consist of 48903
money received by the Supreme Court (The Judiciary) pursuant to 48904
the Rules for the Government of the Bar of Ohio. In addition to 48905
funding other activities considered appropriate by the Supreme 48906
Court, the foregoing appropriation item 005605, Attorney Services, 48907
may be used to compensate employees and to fund appropriate 48908
activities of the following offices established by the Supreme 48909
Court: the Office of Disciplinary Counsel, the Board of 48910
Commissioners on Grievances and Discipline, the Clients' Security 48911
Fund, and the Attorney Services Division which include the Office 48912
of Bar Admissions. If it is determined by the Administrative 48913
Director of the Supreme Court that changes to the appropriation 48914
are necessary, the amounts are hereby appropriated. 48915

No money in Fund 4C80 shall be transferred to any other fund 48916
by the Director of Budget and Management or the Controlling Board. 48917
Interest earned on money in Fund 4C80 shall be credited to the 48918
fund. 48919

COURT INTERPRETER CERTIFICATION 48920

The Court Interpreter Certification Fund (Fund 5HT0) shall 48921
consist of money received by the Supreme Court (The Judiciary) 48922
pursuant to Rules 80 through 87 of the Rules of Superintendence 48923
for the Courts of Ohio. The foregoing appropriation item 005617, 48924
Court Interpreter Certification, shall be used to provide 48925
training, to provide the written examination, and to pay language 48926
experts to rate, or grade, the oral examinations of those applying 48927
to become certified court interpreters. If it is determined by the 48928
Administrative Director of the Supreme Court that changes to the 48929
appropriation are necessary, the amounts are hereby appropriated. 48930

No money in Fund 5HT0 shall be transferred to any other fund 48931
by the Director of Budget and Management or the Controlling Board. 48932
Interest earned on money in Fund 5HT0 shall be credited to the 48933
fund. 48934

CIVIL JUSTICE GRANT PROGRAM 48935

The Civil Justice Program Fund (Fund 5SP0) shall consist of 48936
(1) \$50 voluntary donations made as part of the biennium attorney 48937
registration process and (2) \$150 increase in the *pro hac vice* 48938
fees for out-of-state attorneys pursuant to Government of the Bar 48939
Rule amendments. The foregoing appropriation item 005626, Civil 48940
Justice Grant Program, shall be used by the Supreme Court of Ohio 48941
for grants to not-for-profit organizations and agencies dedicated 48942
to providing civil legal aid to underserved populations, to fund 48943
innovative programs directed at this purpose, and to increase 48944
access to judicial service to that population. 48945

No money in Fund 5SP0 shall be transferred to any other fund 48946
by the Director of Budget and Management or the Controlling Board. 48947
Interest earned on money in Fund 5SP0 shall be credited to the 48948
fund. 48949

GRANTS AND AWARDS 48950

The Grants and Awards Fund (Fund 5T80) shall consist of 48951
grants and other money awarded to the Supreme Court (The 48952
Judiciary) by the State Justice Institute, the Division of 48953
Criminal Justice Services, or other entities. The foregoing 48954
appropriation item 005609, Grants and Awards, shall be used in a 48955
manner consistent with the purpose of the grant or award. If it is 48956
determined by the Administrative Director of the Supreme Court 48957
that changes to the appropriation are necessary, the amounts are 48958
hereby appropriated. 48959

No money in Fund 5T80 shall be transferred to any other fund 48960
by the Director of Budget and Management or the Controlling Board. 48961
Interest earned on money in Fund 5T80 shall be credited or 48962
transferred to the General Revenue Fund. 48963

JUDICIARY/SUPREME COURT EDUCATION 48964

The Judiciary/Supreme Court Education Fund (Fund 6720) shall 48965

consist of fees paid for attending judicial and public education 48966
on the law, reimbursement of costs for judicial and public 48967
education on the law, and other gifts and grants received for the 48968
purpose of judicial and public education on the law. The foregoing 48969
appropriation item 005601, Judiciary/Supreme Court Education, 48970
shall be used to pay expenses for judicial education courses for 48971
judges, court personnel, and those who serve the courts, and for 48972
public education on the law. If it is determined by the 48973
Administrative Director of the Supreme Court that changes to the 48974
appropriation are necessary, the amounts are hereby appropriated. 48975

No money in Fund 6720 shall be transferred to any other fund 48976
by the Director of Budget and Management or the Controlling Board. 48977
Interest earned on money in Fund 6720 shall be credited to the 48978
fund. 48979

COUNTY LAW LIBRARY RESOURCES BOARDS 48980

The Statewide Consortium of County Law Library Resources 48981
Boards Fund (Fund 5JY0) shall consist of moneys deposited pursuant 48982
to section 307.515 of the Revised Code into a county's law library 48983
resources fund and forwarded by that county's treasurer for 48984
deposit in the state treasury pursuant to division (E)(1) of 48985
section 3375.481 of the Revised Code. The foregoing appropriation 48986
item 005620, County Law Library Resources Boards, shall be used 48987
for the operation of the Statewide Consortium of County Law 48988
Library Resources Boards. If it is determined by the 48989
Administrative Director of the Supreme Court that changes to the 48990
appropriation are necessary, the amounts are hereby appropriated. 48991

No money in Fund 5JY0 shall be transferred to any other fund 48992
by the Director of Budget and Management or the Controlling Board. 48993
Interest earned on money in Fund 5JY0 shall be credited to the 48994
fund. 48995

FEDERAL GRANTS 48996

The Federal Grants Fund (Fund 3J00) shall consist of grants and other moneys awarded to the Supreme Court (The Judiciary) by the United States Government or other entities that receive the moneys directly from the United States Government and distribute those moneys to the Supreme Court (The Judiciary). The foregoing appropriation item 005603, Federal Grants, shall be used in a manner consistent with the purpose of the grant or award. If it is determined by the Administrative Director of the Supreme Court that changes to the appropriation are necessary, the amounts are hereby appropriated.

No money in Fund 3J00 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. However, interest earned on money in Fund 3J00 shall be credited or transferred to the General Revenue Fund.

Section 319.10. LEC LAKE ERIE COMMISSION

Dedicated Purpose Fund Group					49012
4C00 780601 Lake Erie Protection	\$	694,000	\$	699,000	49013
TOTAL DPF Dedicated Purpose Fund Group	\$	694,000	\$	699,000	49015
Federal Fund Group					49016
3EP0 780603 LEC Federal Grants	\$	50,000	\$	50,000	49017
TOTAL FED Federal Fund Group	\$	50,000	\$	50,000	49018
TOTAL ALL BUDGET FUND GROUPS	\$	744,000	\$	749,000	49019

CASH TRANSFERS TO THE LAKE ERIE PROTECTION FUND

On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management may transfer cash from the funds specified below, up to the amounts specified below, to the Lake Erie Protection Fund (Fund 4C00). Fund 4C00 may accept contributions and transfers made to the fund.

Fund	Fund Name	User	FY 2020	FY 2021	49026
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5BC0	Environmental Protection	Environmental Protection Agency	\$25,000	\$25,000	49027
6690	Pesticide, Fertilizer and Lime	Department of Agriculture	\$25,000	\$25,000	49028
4700	General Operations	Department of Health	\$25,000	\$25,000	49029
1570	Central Support Indirect	Department of Natural Resources	\$25,000	\$25,000	49030

On July 1, 2019, or as soon as possible thereafter, the 49031
 Director of Budget and Management may transfer \$25,000 cash from a 49032
 fund used by the Development Services Agency, as specified by the 49033
 Director of Development Services, to Fund 4C00. 49034

On July 1, 2020, or as soon as possible thereafter, the 49035
 Director of Budget and Management may transfer \$25,000 cash from a 49036
 fund used by the Development Services Agency, as specified by the 49037
 Director of Development Services, to Fund 4C00. 49038

Section 321.10. JLE JOINT LEGISLATIVE ETHICS COMMITTEE 49039

General Revenue Fund					49040
GRF 028321	Legislative Ethics Committee		\$ 550,000	\$ 550,000	49041
TOTAL GRF	General Revenue Fund		\$ 550,000	\$ 550,000	49042
Dedicated Purpose Fund Group					49043
4G70 028601	Joint Legislative Ethics Committee		\$ 150,000	\$ 150,000	49044
5HN0 028602	Investigations and Financial Disclosure		\$ 10,000	\$ 10,000	49045
TOTAL DPF	Dedicated Purpose Fund Group		\$ 160,000	\$ 160,000	49046
TOTAL ALL BUDGET FUND GROUPS			\$ 710,000	\$ 710,000	49047
LEGISLATIVE ETHICS COMMITTEE					49048

On July 1, 2019, or as soon as possible thereafter, the 49049
Legislative Inspector General of the Joint Legislative Ethics 49050
Committee may certify to the Director of Budget and Management an 49051
amount up to the unexpended, unencumbered balance of the foregoing 49052
appropriation item 028321, Legislative Ethics Committee, at the 49053
end of fiscal year 2019 to be reappropriated to fiscal year 2020. 49054
The amount certified is hereby reappropriated to the same 49055
appropriation item for fiscal year 2020. 49056

On July 1, 2020, or as soon as possible thereafter, the 49057
Legislative Inspector General of the Joint Legislative Ethics 49058
Committee may certify to the Director of Budget and Management an 49059
amount up to the unexpended, unencumbered balance of the foregoing 49060
appropriation item 028321, Legislative Ethics Committee, at the 49061
end of fiscal year 2020 to be reappropriated to fiscal year 2021. 49062
The amount certified is hereby reappropriated to the same 49063
appropriation item for fiscal year 2021. 49064

Section 323.10. LSC LEGISLATIVE SERVICE COMMISSION 49065

General Revenue Fund 49066

GRF	035321	Operating Expenses	\$	18,600,000	\$	19,158,000	49067
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GRF	035402	Legislative Fellows	\$	1,050,000	\$	1,050,000	49068
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GRF	035405	Correctional	\$	447,020	\$	447,020	49069
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Institution Inspection
Committee

GRF	035407	Legislative Task Force	\$	1,000,000	\$	1,000,000	49070
		on Redistricting					

GRF	035409	National Associations	\$	600,000	\$	600,000	49071
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GRF	035410	Legislative	\$	9,000,000	\$	9,270,000	49072
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Information Systems

GRF	035501	Litigation	\$	500,000	\$	500,000	49073
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TOTAL GRF	General Revenue Fund	\$	31,197,020	\$	32,025,020	49074
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Dedicated Purpose Fund Group 49075

4100 035601 Sale of Publications	\$	10,000	\$	10,000	49076
TOTAL DPF Dedicated Purpose Fund	\$	10,000	\$	10,000	49077
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	31,207,020	\$	32,035,020	49078

Section 323.20. OPERATING EXPENSES 49080

On July 1, 2019, or as soon as possible thereafter, the 49081
Director of the Legislative Service Commission may certify to the 49082
Director of Budget and Management an amount up to the unexpended, 49083
unencumbered balance of the foregoing appropriation item 035321, 49084
Operating Expenses, at the end of fiscal year 2019 to be 49085
reappropriated to fiscal year 2020. The amount certified is hereby 49086
reappropriated to the same appropriation item for fiscal year 49087
2020. 49088

On July 1, 2020, or as soon as possible thereafter, the 49089
Director of the Legislative Service Commission may certify to the 49090
Director of Budget and Management an amount up to the unexpended, 49091
unencumbered balance of the foregoing appropriation item 035321, 49092
Operating Expenses, at the end of fiscal year 2020 to be 49093
reappropriated to fiscal year 2021. The amount certified is hereby 49094
reappropriated to the same appropriation item for fiscal year 49095
2021. 49096

LEGISLATIVE TASK FORCE ON REDISTRICTING 49097

An amount equal to the unexpended, unencumbered balance of 49098
the foregoing appropriation item 035407, Legislative Task Force on 49099
Redistricting, at the end of fiscal year 2019 is hereby 49100
reappropriated to the Legislative Service Commission for the same 49101
purpose for fiscal year 2020. 49102

An amount equal to the unexpended, unencumbered balance of 49103
the foregoing appropriation item 035407, Legislative Task Force on 49104
Redistricting, at the end of fiscal year 2020 is hereby 49105
reappropriated to the Legislative Service Commission for the same 49106

purpose for fiscal year 2021. 49107

LEGISLATIVE INFORMATION SYSTEMS 49108

On July 1, 2019, or as soon as possible thereafter, the 49109
Director of the Legislative Service Commission may certify to the 49110
Director of Budget and Management an amount up to the unexpended, 49111
unencumbered balance of the foregoing appropriation item 035410, 49112
Legislative Information Systems, at the end of fiscal year 2019 to 49113
be reappropriated to fiscal year 2020. The amount certified is 49114
hereby reappropriated to the same appropriation item for fiscal 49115
year 2020. 49116

On July 1, 2020, or as soon as possible thereafter, the 49117
Director of the Legislative Service Commission may certify to the 49118
Director of Budget and Management an amount up to the unexpended, 49119
unencumbered balance of the foregoing appropriation item 035410, 49120
Legislative Information Systems, at the end of fiscal year 2020 to 49121
be reappropriated to fiscal year 2021. The amount certified is 49122
hereby reappropriated to the same appropriation item for fiscal 49123
year 2021. 49124

LITIGATION 49125

The foregoing appropriation item 035501, Litigation, shall be 49126
used for any lawsuit in which the General Assembly is a party 49127
because a legal or constitutional challenge is made against the 49128
Ohio Constitution or an act of the General Assembly. The 49129
chairperson and vice-chairperson of the Legislative Service 49130
Commission shall both approve the use of the appropriated moneys. 49131

An amount equal to the unexpended, unencumbered balance of 49132
the appropriation item 035501, Litigation, at the end of fiscal 49133
year 2019 is hereby reappropriated to the Legislative Service 49134
Commission for the same purpose for fiscal year 2020. 49135

An amount equal to the unexpended, unencumbered balance of 49136
the appropriation item 035501, Litigation, at the end of fiscal 49137

year 2020 is hereby reappropriated to the Legislative Service Commission for the same purpose for fiscal year 2021. 49138
49139

Section 325.10. LIB STATE LIBRARY BOARD 49140

General Revenue Fund 49141

GRF 350321 Operating Expenses \$ 4,543,122 \$ 4,543,122 49142

GRF 350401 Ohioana Library Association \$ 300,114 \$ 300,114 49143

GRF 350502 Regional Library Systems \$ 500,000 \$ 500,000 49144

TOTAL GRF General Revenue Fund \$ 5,343,236 \$ 5,343,236 49145

Dedicated Purpose Fund Group 49146

4590 350603 Services for Libraries \$ 4,202,887 \$ 4,202,887 49147

4S40 350604 Ohio Public Library Information Network \$ 5,696,898 \$ 5,696,898 49148

5GB0 350605 Library for the Blind \$ 1,274,194 \$ 1,274,194 49149

TOTAL DPF Dedicated Purpose Fund Group \$ 11,173,979 \$ 11,173,979 49150
49151

Internal Service Activity Fund 49152

1390 350602 Services for State Agencies \$ 8,000 \$ 8,000 49153

TOTAL ISA Internal Service Activity Fund Group \$ 8,000 \$ 8,000 49154
49155

Federal Fund Group 49156

3130 350601 LSTA Federal \$ 5,366,565 \$ 5,366,565 49157

TOTAL FED Federal Fund Group \$ 5,366,565 \$ 5,366,565 49158

TOTAL ALL BUDGET FUND GROUPS \$ 21,891,780 \$ 21,891,780 49159

Section 325.20. OHIOANA LIBRARY ASSOCIATION 49161

The foregoing appropriation item 350401, Ohioana Library Association, shall be used to support the operating expenses of 49162
49163

the Martha Kinney Cooper Ohioana Library Association under section 49164
3375.61 of the Revised Code. 49165

REGIONAL LIBRARY SYSTEMS 49166

The foregoing appropriation item 350502, Regional Library 49167
Systems, shall be used to support regional library systems 49168
eligible for funding under sections 3375.83 and 3375.90 of the 49169
Revised Code. 49170

OHIO PUBLIC LIBRARY INFORMATION NETWORK 49171

(A) The foregoing appropriation item 350604, Ohio Public 49172
Library Information Network, shall be used for an information 49173
telecommunications network linking public libraries in the state 49174
and such others as may participate in the Ohio Public Library 49175
Information Network (OPLIN). 49176

The Ohio Public Library Information Network Board of Trustees 49177
created under section 3375.65 of the Revised Code may make 49178
decisions regarding use of the foregoing appropriation item 49179
350604, Ohio Public Library Information Network. 49180

(B) The OPLIN Board shall research and assist or advise local 49181
libraries with regard to emerging technologies and methods that 49182
may be effective means to control access to obscene and illegal 49183
materials. The OPLIN Director shall provide written reports upon 49184
request within ten days to the Governor, the Speaker and Minority 49185
Leader of the House of Representatives, and the President and 49186
Minority Leader of the Senate on any steps being taken by OPLIN 49187
and public libraries in the state to limit and control such 49188
improper usage as well as information on technological, legal, and 49189
law enforcement trends nationally and internationally affecting 49190
this area of public access and service. 49191

(C) The Ohio Public Library Information Network, INFOhio, and 49192
OhioLINK shall, to the extent feasible, coordinate and cooperate 49193
in their purchase or other acquisition of the use of electronic 49194

databases for their respective users and shall contribute funds in 49195
an equitable manner to such effort. 49196

LIBRARY FOR THE BLIND 49197

The foregoing appropriation item 350605, Library for the 49198
Blind, shall be used for the statewide Talking Book Program to 49199
assist the blind and disabled. 49200

TRANSFER TO OPLIN TECHNOLOGY FUND 49201

Notwithstanding sections 5747.03 and 5747.47 of the Revised 49202
Code and any other provision of law to the contrary, in accordance 49203
with a schedule established by the Director of Budget and 49204
Management, the Director of Budget and Management shall transfer 49205
\$3,689,788 cash in each fiscal year from the Public Library Fund 49206
(Fund 7065) to the OPLIN Technology Fund (Fund 4S40). 49207

TRANSFER TO LIBRARY FOR THE BLIND FUND 49208

Notwithstanding sections 5747.03 and 5747.47 of the Revised 49209
Code and any other provision of law to the contrary, in accordance 49210
with a schedule established by the Director of Budget and 49211
Management, the Director of Budget and Management shall transfer 49212
\$1,274,194 cash in each fiscal year from the Public Library Fund 49213
(Fund 7065) to the Library for the Blind Fund (Fund 5GB0). 49214

Section 327.10. LCO LIQUOR CONTROL COMMISSION 49215

Dedicated Purpose Fund Group 49216

5LP0 970601 Commission Operating \$ 873,607 \$ 905,916 49217
Expenses

TOTAL DPF Dedicated Purpose Fund \$ 873,607 \$ 905,916 49218
Group

TOTAL ALL BUDGET FUND GROUPS \$ 873,607 \$ 905,916 49219

Section 329.10. LOT STATE LOTTERY COMMISSION 49221

State Lottery Fund Group 49222

7044	950321	Operating Expenses	\$	59,850,383	\$	60,544,470	49223
7044	950402	Advertising Contracts	\$	26,750,000	\$	26,750,000	49224
7044	950403	Gaming Contracts	\$	70,019,071	\$	71,239,582	49225
7044	950601	Direct Prize Payments	\$	154,333,000	\$	157,440,000	49226
7044	950605	Problem Gambling	\$	3,400,000	\$	3,400,000	49227
8710	950602	Annuity Prizes	\$	59,873,000	\$	60,279,000	49228
TOTAL SLF State Lottery Fund							49229
Group			\$	374,225,454	\$	379,653,052	49230
TOTAL ALL BUDGET FUND GROUPS			\$	374,225,454	\$	379,653,052	49231

OPERATING EXPENSES 49232

Notwithstanding sections 127.14 and 131.35 of the Revised Code, the Controlling Board may, at the request of the State Lottery Commission, authorize expenditures from the State Lottery Fund in excess of the amounts appropriated, up to a maximum of 10 per cent of anticipated total revenue accruing from the sale of lottery products. Upon the approval of the Controlling Board, the additional amounts are hereby appropriated. 49233
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DIRECT PRIZE PAYMENTS 49240

Any amounts, in addition to the amounts appropriated in appropriation item 950601, Direct Prize Payments, that the Director of the State Lottery Commission determines to be necessary to fund prizes are hereby appropriated. 49241
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ANNUITY PRIZES 49245

Upon request of the State Lottery Commission, the Director of Budget and Management may transfer cash from the State Lottery Fund (Fund 7044) to the Deferred Prizes Trust Fund (Fund 8710) in an amount sufficient to fund deferred prizes. The Treasurer of State, from time to time, shall credit the Deferred Prizes Trust Fund (Fund 8710) the pro rata share of interest earned by the Treasurer of State on invested balances. 49246
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Any amounts, in addition to the amounts appropriated in 49253

appropriation item 950602, Annuity Prizes, that the Director of 49254
the State Lottery Commission determines to be necessary to fund 49255
deferred prizes and interest are hereby appropriated. 49256

TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND 49257

Estimated transfers from the State Lottery Fund (Fund 7044) 49258
to the Lottery Profits Education Fund (Fund 7017) are to be 49259
\$1,126,000,000 in fiscal year 2020 and \$1,177,000,000 in fiscal 49260
year 2021. Transfers by the Director of Budget and Management to 49261
the Lottery Profits Education Fund shall be administered as the 49262
statutes direct. 49263

Section 333.10. MCD DEPARTMENT OF MEDICAID 49264

General Revenue Fund 49265

GRF 651425 Medicaid Program \$ 184,688,131 \$ 190,406,760 49266
Support - State

GRF 651525 Medicaid Health Care 49267
Services

State \$ 4,070,409,989 \$ 4,605,094,471 49268

Federal \$ 9,695,975,237 \$ 10,456,031,296 49269

Medicaid Health Care \$ 13,766,385,226 \$ 15,061,125,767 49270

Services Total

GRF 651526 Medicare Part D \$ 500,325,646 \$ 554,214,667 49271

TOTAL GRF General Revenue Fund 49272

State \$ 4,755,423,766 \$ 5,349,715,898 49273

Federal \$ 9,695,975,237 \$ 10,456,031,296 49274

GRF Total \$ 14,451,399,003 \$ 15,805,747,194 49275

Dedicated Purpose Fund Group 49276

4E30 651605 Resident Protection \$ 3,910,338 \$ 4,013,000 49277
Fund

5AN0 651686 Care Innovation and \$ 53,435,797 \$ 53,406,291 49278
Community Improvement

		Program					
5DL0	651639	Medicaid Services - Recoveries	\$	741,454,299	\$	724,170,233	49279
5DL0	651685	Medicaid Recoveries - Program Support	\$	40,351,245	\$	44,375,000	49280
5DL0	651690	Multi-system Youth Innovation and Support	\$	10,000,000	\$	10,000,000	49281
5FX0	651638	Medicaid Services - Payment Withholding	\$	12,000,000	\$	12,000,000	49282
5GF0	651656	Medicaid Services - Hospital Upper Payment Limit	\$	822,016,219	\$	887,150,856	49283
5R20	651608	Medicaid Services - Long Term	\$	415,666,000	\$	415,666,000	49284
5SC0	651683	Medicaid Services - Physician UPL	\$	7,520,000	\$	7,645,000	49285
5TN0	651684	Medicaid Services - HIC Fee	\$	820,564,060	\$	791,187,400	49286
6510	651649	Medicaid Services - Hospital Care Assurance Program	\$	249,167,065	\$	168,310,123	49287
TOTAL DPF Dedicated Purpose Fund Group			\$	3,176,085,023	\$	3,117,923,903	49288
Holding Account Fund Group							49289
R055	651644	Refunds and Reconciliation	\$	1,000,000	\$	1,000,000	49290
TOTAL HLD Holding Account Fund Group			\$	1,000,000	\$	1,000,000	49291
Federal Fund Group							49292
3ER0	651603	Medicaid and Health Transformation	\$	48,031,056	\$	48,340,000	49293

		Technology				
3F00	651623	Medicaid Services -	\$ 6,459,332,595	\$ 6,266,809,500		49294
		Federal				
3F00	651624	Medicaid Program	\$ 516,667,497	\$ 527,369,363		49295
		Support - Federal				
3FA0	651680	Health Care Grants -	\$ 11,988,670	\$ 12,000,000		49296
		Federal				
3G50	651655	Medicaid Interagency	\$ 225,701,597	\$ 225,701,597		49297
		Pass Through				
TOTAL FED	Federal Fund Group		\$ 7,261,721,415	\$ 7,080,220,460		49298
TOTAL ALL BUDGET FUND GROUPS			\$24,890,205,441	\$26,004,891,557		49299

Section 333.20. TEMPORARY AUTHORITY REGARDING EMPLOYEES 49301

(A) Until July 1, 2021, the Medicaid Director has the 49302
 authority to establish, change, and abolish positions for the 49303
 Department of Medicaid, and to assign, reassign, classify, 49304
 reclassify, transfer, reduce, promote, or demote all employees of 49305
 the Department of Medicaid who are not subject to Chapter 4117. of 49306
 the Revised Code. 49307

(B) The authority granted under division (A) of this section 49308
 includes assigning or reassigning an exempt employee, as defined 49309
 in section 124.152 of the Revised Code, to a bargaining unit 49310
 classification if the Medicaid Director determines that the 49311
 bargaining unit classification is the proper classification for 49312
 that employee. The actions of the Medicaid Director shall be 49313
 consistent with the requirements of 5 C.F.R. 900.603 for those 49314
 employees subject to such requirements. If an employee in the E-1 49315
 pay range is to be assigned, reassigned, classified, reclassified, 49316
 transferred, reduced, or demoted to a position in a lower 49317
 classification under this section, the Medicaid Director, or in 49318
 the case of a transfer outside the Department of Medicaid, the 49319
 Director of Administrative Services, shall assign the employee to 49320
 the appropriate classification and place the employee in Step X. 49321

The employee shall not receive any increase in compensation until 49322
the maximum rate of pay for that classification exceeds the 49323
employee's compensation. 49324

(C) Actions taken by the Medicaid Director and Director of 49325
Administrative Services pursuant to this section are not subject 49326
to appeal to the State Personnel Board of Review. 49327

(D) A portion of the foregoing appropriation items 651425, 49328
Medicaid Program Support - State, 651603, Medicaid and Health 49329
Transformation Technology, 651624, Medicaid Program Support - 49330
Federal, 651680, Health Care Grants - Federal, 651655, Medicaid 49331
Interagency Pass-Through, 651605, Resident Protection Fund, and 49332
651682, Health Care Grants - State, may be used to pay for costs 49333
associated with the administration of the Medicaid program, 49334
including the assignment, reassignment, classification, 49335
reclassification, transfer, reduction, promotion, or demotion of 49336
employees authorized by this section. 49337

Section 333.40. MEDICAID HEALTH CARE SERVICES 49338

The foregoing appropriation item 651525, Medicaid Health Care 49339
Services, shall not be limited by section 131.33 of the Revised 49340
Code. 49341

Section 333.50. LEAD ABATEMENT AND RELATED ACTIVITIES 49342

Upon the request of the Medicaid Director, the Director of 49343
Budget and Management may transfer state share appropriations from 49344
General Revenue Fund appropriation item 651525, Medicaid Health 49345
Care Services, to appropriation items in other state agencies for 49346
the purpose of lead abatement and related activities. If such a 49347
transfer occurs, the Director of Budget and Management may adjust, 49348
using the federal reimbursement rate, the federal share of General 49349
Revenue Fund appropriation item 651525, Medicaid Health Care 49350
Services, accordingly. The Director of Medicaid may transfer 49351

federal funds as the state's single state agency for Medicaid 49352
reimbursements, as drawn for these transactions. 49353

Section 333.55. OSU NON-OPIATE, NON-ADDICTIVE PHARMACEUTICAL 49354
TREATMENT 49355

Of the foregoing appropriation item 651525, Medicaid Health 49356
Care Services-State, \$5,200,000 in fiscal year 2020 shall be 49357
distributed to The Ohio State University for development and 49358
clinical evaluation of a non-opiate, non-addictive pharmaceutical 49359
treatment intervention's efficacy to reduce a physician's reliance 49360
upon and limit a patient's initial exposure to opioids. 49361

Section 333.60. PERFORMANCE PAYMENTS FOR MEDICAID MANAGED 49362
CARE 49363

(A) As used in this section: 49364

(1) "ICDS participant" has the same meaning as in section 49365
5164.01 of the Revised Code. 49366

(2) "Integrated Care Delivery System" and "ICDS" have the 49367
same meaning as section 5164.01 of the Revised Code. 49368

(3) "Medicaid managed care organization" has the same meaning 49369
as in section 5167.01 of the Revised Code. 49370

(B) For fiscal year 2020 and fiscal year 2021, the Department 49371
of Medicaid shall provide performance payments as provided under 49372
this section to Medicaid managed care organizations providing care 49373
under the Integrated Care Delivery System. 49374

(C) If ICDS participants receive care through Medicaid 49375
managed care organizations under ICDS, the Department shall, in 49376
consultation with the United States Centers for Medicare and 49377
Medicaid Services, do both of the following: 49378

(1) Develop quality measures designed specifically to 49379
determine the effectiveness of the health care and other services 49380

provided to ICDS participants by Medicaid managed care organizations; 49381
49382

(2) Determine an amount to be withheld from the Medicaid premium payments paid to Medicaid managed care organizations for ICDS participants. 49383
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(D)(1) For the purposes of division (C)(2) of this section, the Department shall establish an amount that is to be withheld each time a premium payment is made to a Medicaid managed care organization for an ICDS participant. The amount shall be established as a percentage of each premium payment. The percentage shall be the same for all Medicaid managed care organizations providing care to ICDS participants. 49386
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(2) Each Medicaid managed care organization shall agree to the withholding as a condition of receiving or maintaining its Medicaid provider agreement with the Department. 49393
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(3) When the amount is established and each time the amount is modified thereafter, the Department shall certify the amount to the Director of Budget and Management and begin withholding the amount from each premium the Department pays to a Medicaid managed care organization for an ICDS participant. 49396
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(E) A Medicaid managed care organization subject to this section is not subject to section 5167.30 of the Revised Code for premium payments attributed to ICDS participants during fiscal year 2020 and fiscal year 2021. 49401
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Section 333.70. HOSPITAL FRANCHISE FEE PROGRAM 49405

The Director of Budget and Management may authorize additional expenditures from appropriation item 651623, Medicaid Services - Federal, appropriation item 651525, Medicaid Health Care Services, and appropriation item 651656, Medicaid Services - Hospital Upper Payment Limit, in order to implement the programs 49406
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authorized by sections 5168.20 through 5168.28 of the Revised Code. Any amounts authorized are hereby appropriated.

Section 333.80. MEDICARE PART D

The foregoing appropriation item 651526, Medicare Part D, may be used by the Department of Medicaid for the implementation and operation of the Medicare Part D requirements contained in the "Medicare Prescription Drug, Improvement, and Modernization Act of 2003," Pub. L. No. 108-173, as amended. Upon the request of the Department of Medicaid, the Director of Budget and Management may transfer the state share of appropriations between appropriation item 651525, Medicaid Health Care Services, and appropriation item 651526, Medicare Part D. If the state share of appropriation item 651525, Medicaid Health Care Services, is adjusted, the Director of Budget and Management shall adjust the federal share accordingly. The Department of Medicaid shall provide notification to the Controlling Board of any transfers at the next scheduled Controlling Board meeting.

Section 333.90. HEALTH CARE SERVICES SUPPORT AND RECOVERIES FUND

Of the amount received by the Department of Medicaid during fiscal year 2020 and fiscal year 2021 from the first installment of assessments paid under section 5168.06 of the Revised Code and intergovernmental transfers made under section 5168.07 of the Revised Code, the Medicaid Director shall deposit \$350,000 in each fiscal year into the state treasury to the credit of the Health Care Services Support and Recoveries Fund (Fund 5DL0).

Section 333.95. MULTI-SYSTEM YOUTH INNOVATION AND SUPPORT

The foregoing appropriation item 651690, Multi-System Youth Innovation and Support, may be used by the Department of Medicaid

for the purposes specified in divisions (B)(3) and (4) of section 49440
5162.52 of the Revised Code. 49441

Section 333.100. HOSPITAL CARE ASSURANCE MATCH 49442

If receipts credited to the Health Care Federal Fund (Fund 49443
3F00) exceed the amounts appropriated from the fund for making the 49444
hospital care assurance program distribution, the Medicaid 49445
Director may request the Director of Budget and Management to 49446
authorize expenditures from the fund in excess of the amounts 49447
appropriated. Upon the approval of the Director of Budget and 49448
Management, the additional amounts are hereby appropriated. 49449

The foregoing appropriation item 651649, Medicaid Services - 49450
Health Care Assurance Program, shall be used by the Department of 49451
Medicaid for distributing the state share of all hospital care 49452
assurance program funds to hospitals under section 5168.09 of the 49453
Revised Code. If receipts credited to the Hospital Care Assurance 49454
Program Fund (Fund 6510) exceed the amounts appropriated from the 49455
fund for making the hospital care assurance program distribution, 49456
the Medicaid Director may request the Director of Budget and 49457
Management to authorize expenditures from the fund in excess of 49458
the amounts appropriated. Upon the approval of the Director of 49459
Budget and Management, the additional amounts are hereby 49460
appropriated. 49461

Section 333.110. REFUNDS AND RECONCILIATION FUND 49462

If receipts credited to the Refunds and Reconciliation Fund 49463
exceed the amounts appropriated from the fund, the Medicaid 49464
Director may request the Director of Budget and Management to 49465
authorize expenditures from the fund in excess of the amounts 49466
appropriated. Upon approval of the Director of Budget and 49467
Management, the additional amounts are hereby appropriated. 49468

Section 333.120. MEDICAID INTERAGENCY PASS-THROUGH 49469

The Medicaid Director may request the Director of Budget and Management to increase appropriation item 651655, Medicaid Interagency Pass-Through. Upon the approval of the Director of Budget and Management, the additional amounts are hereby appropriated. 49470
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Section 333.130. NON-EMERGENCY MEDICAL TRANSPORTATION 49475

In order to ensure access to a non-emergency medical transportation brokerage program established pursuant to section 1902(a)(70) of the "Social Security Act," 42 U.S.C. 1396a(a)(70), upon the request of the Medicaid Director, the Director of Budget and Management may transfer the state share appropriations between General Revenue Fund appropriation item 651525, Medicaid Health Care Services, within the Department of Medicaid and 655523, Medicaid Program Support - Local Transportation, within the Department of Job and Family Services. If such a transfer occurs, the Director of Budget and Management shall adjust, using the federal reimbursement rate, the federal share appropriations of General Revenue Fund appropriation item 651525, Medicaid Health Care Services, within the Department of Medicaid, and the Medicaid Program Support Fund (Fund 3F01) appropriation item 655624, Medicaid Program Support - Federal, within the Department of Job and Family Services. The Director of Medicaid shall transmit to the Medicaid Program Support Fund (Fund 3F01) the federal funds which the Department of Medicaid, as the state's sole point of contact with the federal government for Medicaid reimbursements, has drawn for this transaction. 49476
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Section 333.140. PUBLIC ASSISTANCE ELIGIBILITY DETERMINATION 49496

Upon the request of the Medicaid Director, the Director of Budget and Management may transfer up to \$5,000,000 of state share 49497
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appropriations in each fiscal year between General Revenue Fund 49499
appropriation item 651525, Medicaid Health Care Services, within 49500
the Department of Medicaid, and 655522, Medicaid Program Support - 49501
Local, within the Department of Job and Family Services. If such a 49502
transfer occurs, the Director of Budget and Management shall 49503
adjust, using the federal reimbursement rate, the federal share 49504
appropriations of General Revenue Fund appropriation item 651525, 49505
Medicaid Health Care Services, within the Department of Medicaid, 49506
and the Medicaid Program Support Fund (Fund 3F01) appropriation 49507
item 655624, Medicaid Program Support - Federal, within the 49508
Department of Job and Family Services. The Director of Medicaid 49509
shall transmit to the Medicaid Program Support Fund (Fund 3F01) 49510
the federal funds which the Department of Medicaid, as the state's 49511
sole point of contact with the federal government for Medicaid 49512
reimbursements, has drawn for this transaction. 49513

These funds shall not be used for existing and ongoing 49514
operating expenses. The Medicaid Director shall establish criteria 49515
for distributing these funds and for county departments of job and 49516
family services to submit allowable expenses. 49517

County departments of job and family services shall comply 49518
with new roles, processes, and responsibilities related to the new 49519
eligibility determination system. County departments of job and 49520
family services shall report to the Ohio Department of Job and 49521
Family Services and the Ohio Department of Medicaid, on a schedule 49522
determined by the Medicaid Director, how the funds were used. 49523

Section 333.180. MEDICAID PAYMENT RATES FOR COMMUNITY 49524
BEHAVIORAL HEALTH SERVICES 49525

(A) As used in this section: 49526

(1) "Community behavioral health services" has the same 49527
meaning as in section 5164.01 of the Revised Code. 49528

(2) "Hospital" has the same meaning as in section 3727.01 of the Revised Code. 49529
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(3) "Intermediate care facility for individuals with intellectual disabilities" has the same meaning as in section 5124.01 of the Revised Code. 49531
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(4) "Nursing facility" has the same meaning as in section 5165.01 of the Revised Code. 49534
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(B) Subject to division (C) of this section, the Department of Medicaid may establish Medicaid payment rates for community behavioral health services provided during fiscal year 2020 and fiscal year 2021 that exceed the authorized rates paid for the services under the Medicare program. 49536
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(C) This section does not apply to community behavioral health services provided by any of the following: 49541
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(1) Hospitals on an inpatient basis; 49543

(2) Nursing facilities; 49544

(3) Intermediate care facilities for individuals with intellectual disabilities. 49545
49546

Section 333.190. AREA AGENCIES ON AGING AND MEDICAID MANAGED CARE 49547
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(A) As used in this section: 49549

(1) "Care management system" means the system established under section 5167.03 of the Revised Code. 49550
49551

(2) "Dual eligible individuals" has the same meaning as in section 5160.01 of the Revised Code. 49552
49553

(3) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code. 49554
49555

(4) "Medicaid waiver component" has the same meaning as in 49556

section 5166.01 of the Revised Code. 49557

(B) If the Department of Medicaid expands the inclusion of 49558
the aged, blind, and disabled Medicaid eligibility group or dual 49559
eligible individuals in the care management system during the 49560
2020-2021 fiscal biennium, the Department shall do both of the 49561
following for the remainder of the fiscal biennium: 49562

(1) Require area agencies on aging to be the coordinators of 49563
home and community-based services available under Medicaid waiver 49564
components that those individuals and that eligibility group 49565
receive and permit Medicaid managed care organizations to delegate 49566
to the agencies full-care coordination functions for those 49567
services and other health-care services those individuals and that 49568
eligibility group receive; 49569

(2) In selecting managed care organizations with which to 49570
contract under section 5167.10 of the Revised Code, give 49571
preference to those organizations that will enter into 49572
subcapitation arrangements with area agencies on aging under which 49573
the agencies are to perform, in addition to other functions, 49574
network management and payment functions for home and 49575
community-based services available under Medicaid waiver 49576
components that those individuals and that eligibility group 49577
receive. 49578

Section 333.200. WORK REQUIREMENT - OHIOMEANSJOBS COSTS 49579

Upon the request of the Medicaid Director, the Director of 49580
Budget and Management may transfer up to \$500,000 of state share 49581
appropriations in each fiscal year between appropriation item 49582
651685, Medicaid Recoveries - Program Support, within the 49583
Department of Medicaid, and 655425, Medicaid Program Support, 49584
within the Department of Job and Family Services. If such a 49585
transfer occurs, the Director of Budget and Management shall 49586
adjust, using the federal reimbursement rate, the federal share 49587

appropriations of appropriation item 651624, Medicaid Program Support - Federal, within the Department of Medicaid, and appropriation item 655624, Medicaid Program Support - Federal, within the Department of Job and Family Services. Any transfer of funds shall be provided to the Department of Jobs and Family Services and shall only be used for costs related to transitioning to a new work requirement for the Medicaid program as prescribed by the Medicaid Director.

Section 333.210. WORK REQUIREMENT - COUNTY COSTS

Upon the request of the Medicaid Director, the Director of Budget and Management may transfer up to \$10,000,000 of state share appropriations in each fiscal year between appropriation item 651525, Medicaid Health Care Services, within the Department of Medicaid, and 655522, Medicaid Program Support - Local, within the Department of Job and Family Services. If such a transfer occurs, the Director of Budget and Management shall adjust, using the federal reimbursement rate, the federal share appropriations of appropriation item 651525, Medicaid Health Care Services, within the Department of Medicaid, and appropriation item 655624, Medicaid Program Support - Federal, within the Department of Job and Family Services. Any increase in funding shall be provided to county departments of job and family services and shall only be used for costs related to transitioning to a new work requirement under the Medicaid program as prescribed by the Medicaid Director. These funds shall not be used for existing and ongoing operating expenses. The Medicaid Director shall establish criteria for distributing these funds and for county departments of job and family services to submit allowable expenses.

Section 333.220. CARE INNOVATION AND COMMUNITY IMPROVEMENT PROGRAM

- (A) As used in this section: 49618
- (1) "Nonprofit hospital agency" means a nonprofit hospital agency, as defined in section 140.01 of the Revised Code, that is affiliated with a state university as defined in section 3345.011 of the Revised Code. 49619
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- (2) "Participating agency" means a nonprofit hospital agency or public hospital agency participating in the Care Innovation and Community Improvement Program. 49623
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- (3) "Public hospital agency" has the same meaning as in section 140.01 of the Revised Code. 49626
49627
- (B) The Medicaid Director shall continue the Care Innovation and Community Improvement Program for the 2020-2021 fiscal biennium. Any nonprofit hospital agency or public hospital agency may volunteer to participate in the program if the agency operates a hospital that has a Medicaid provider agreement. 49628
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- (C) Participating agencies are responsible for the state share of the program's costs and shall make or request the appropriate government entity to make intergovernmental transfers to pay for those costs. The Medicaid Director shall establish a schedule for making the intergovernmental transfers. 49633
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- (D)(1) Each participating agency shall do at least one of the following tasks in accordance with strategies, and for the purpose of meeting goals, that the Medicaid Director shall establish for the Care Innovation and Community Improvement Program: 49638
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- (a) Sustain and expand community-based patient centered medical home models; 49642
49643
- (b) Expand access to community-based dental services; 49644
- (c) Improve the quality of community care by creating and sharing best practice models for emergency department diversions, care coordination at discharge and during transitions of care, and 49645
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other matters related to community care; 49648

(d) Align community health improvement strategies and goals 49649
with the State Health Improvement Plan and local health 49650
improvement plans; 49651

(e) Subject to division (D)(2) of this section, expand access 49652
to ambulatory drug detoxification and withdrawal management 49653
services; 49654

(f) Train medical professionals on evidence-based protocols 49655
for opioid prescribing and drug addiction risk assessments; 49656

(g) Subject to division (D)(2) of this section and in 49657
collaboration with all other participating agencies that are also 49658
doing this task, create and implement a plan to assist rural areas 49659
of the state do both of the following: 49660

(i) Expand access to cost-effective detoxification, 49661
withdrawal management, and prevention services for opioid 49662
addiction; 49663

(ii) Disseminate evidence-based protocols for opioid 49664
prescribing and drug addiction risk assessment. 49665

(2) In expanding access to ambulatory drug detoxification and 49666
withdrawal management services under division (D)(1)(e) of this 49667
section and creating and implementing the plan specified in 49668
division (D)(1)(g) of this section, each participating agency 49669
shall give priority to the areas of the community served by the 49670
agency with the greatest concentration of opioid overdoses and 49671
deaths. 49672

(3) Each participating agency shall submit annual reports to 49673
the Joint Medicaid Oversight Committee summarizing the agency's 49674
work under division (D)(1) of this section and progress in meeting 49675
the goals of the Care Innovation and Community Improvement 49676
Program. 49677

(4) The goals that the Medicaid Director establishes for the Care Innovation and Community Improvement Program shall be designed to benefit Medicaid recipients.

(E) Each participating agency shall receive supplemental payments under the Medicaid program for physician and other professional services that are covered by the Medicaid program and provided to Medicaid recipients. The amount of the supplemental payments shall equal the difference between the Medicaid payment rates for the services and the average commercial payment rates for the services. The Director may terminate, or adjust the amount of, the supplemental payments if the amount of the funds available for the Care Innovation and Community Improvement Program is inadequate.

(F) Not later than January 1, 2020, the Medicaid Director shall establish a process to evaluate the work done by participating agencies under division (D)(1) of this section and the agencies' progress in meeting the goals of the Care Innovation and Community Improvement Program. The Director may terminate an agency's participation in the program if the Director determines that the agency is not doing at least one of the tasks specified in division (D)(1) of this section or making progress in meeting the program's goals.

(G) All intergovernmental transfers made under division (C) of this section shall be deposited into the Care Innovation and Community Improvement Program Fund created by Section 333.320 of Am. Sub. H.B. 49 of the 132nd General Assembly. Money in the fund and the corresponding federal financial participation in the Health Care - Federal Fund created under section 5162.50 of the Revised Code shall be used to make supplemental payments under division (E) of this section.

(H) If the amount of the foregoing appropriation item 651686, Care Innovation and Community Improvement Program, and the

corresponding federal financial participation in appropriation 49710
 item 651623, Medicaid Services - Federal, are inadequate to make 49711
 the supplemental payments required by division (E) of this 49712
 section, the Medicaid Director may request that the Director of 49713
 Budget and Management authorize additional expenditures from the 49714
 Care Innovation and Community Improvement Program Fund and the 49715
 Health Care - Federal Fund as needed to make the supplemental 49716
 payments. If the Director of Budget and Management authorizes the 49717
 additional expenditures, the additional amounts are hereby 49718
 appropriated. 49719

Section 335.10. MED STATE MEDICAL BOARD 49720

Dedicated Purpose Fund Group 49721
 5C60 883609 Operating Expenses \$ 10,862,471 \$ 11,302,171 49722
 TOTAL DPF Dedicated Purpose Fund \$ 10,862,471 \$ 11,302,171 49723
 Group
 TOTAL ALL BUDGET FUND GROUPS \$ 10,862,471 \$ 11,302,171 49724

Section 337.10. MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION 49726

SERVICES 49727

General Revenue Fund 49728
 GRF 336321 Central \$ 16,606,612 \$ 16,932,239 49729
 Administration
 GRF 336402 Resident Trainees \$ 450,000 \$ 450,000 49730
 GRF 336405 Family and Children \$ 1,386,000 \$ 1,386,000 49731
 First
 GRF 336406 Prevention and \$ 2,620,996 \$ 2,620,996 49732
 Wellness
 GRF 336412 Hospital Services \$ 231,002,089 \$ 240,172,285 49733
 GRF 336415 Mental Health \$ 19,695,400 \$ 20,369,000 49734
 Facilities Lease
 Rental Bond Payments

GRF	336421	Continuum of Care Services	\$	82,714,846	\$	82,714,846	49735
GRF	336422	Criminal Justice Services	\$	17,113,780	\$	17,117,915	49736
GRF	336423	Addiction Services Partnership with Corrections	\$	26,528,872	\$	28,989,946	49737
GRF	336424	Recovery Housing	\$	2,500,000	\$	2,500,000	49738
GRF	336425	Specialized Docket Support	\$	7,500,000	\$	10,000,000	49739
GRF	336504	Community Innovations	\$	13,950,000	\$	13,350,000	49740
GRF	336506	Court Costs	\$	1,000,000	\$	1,000,000	49741
GRF	336510	Residential State Supplement	\$	16,000,000	\$	16,000,000	49742
GRF	336511	Early Childhood Mental Health Counselors and Consultation	\$	2,500,000	\$	2,500,000	49743
GRF	652321	Medicaid Support	\$	1,213,792	\$	1,251,713	49744
TOTAL GRF		General Revenue Fund	\$	442,782,387	\$	457,354,940	49745
		Dedicated Purpose Fund Group					49746
2320	336621	Family and Children First	\$	600,000	\$	600,000	49747
4750	336623	Statewide Treatment and Prevention	\$	51,550,000	\$	20,550,000	49748
4850	336632	Mental Health Operating	\$	7,760,000	\$	8,000,000	49749
5AU0	336615	Behavioral Health Care	\$	7,850,000	\$	7,850,000	49750
5JL0	336629	Problem Gambling and Casino Addiction	\$	6,085,000	\$	6,085,000	49751
5T90	336641	Problem Gambling Services	\$	1,870,000	\$	1,820,000	49752

5TZ0	336600	Substance Abuse Stabilization Centers	\$	6,000,000	\$	6,000,000	49753
5TZ0	336643	ADAMHS Boards	\$	21,000,000	\$	11,000,000	49754
6320	336616	Community Capital Replacement	\$	350,000	\$	350,000	49755
6890	336640	Education and Conferences	\$	150,000	\$	150,000	49756
TOTAL DPF Dedicated Purpose Fund Group			\$	103,215,000	\$	62,405,000	49757
Internal Service Activity Fund Group							49758
1490	336609	Hospital Operating Expenses	\$	20,000,000	\$	20,000,000	49759
1490	336610	Operating Expenses	\$	5,500,000	\$	5,500,000	49760
1510	336601	Ohio Pharmacy Services	\$	80,170,822	\$	80,170,822	49761
4P90	336604	Community Mental Health Projects	\$	250,000	\$	250,000	49762
TOTAL ISA Internal Service Activity Fund Group			\$	105,920,822	\$	105,920,822	49763
Federal Fund Group							49764
3240	336605	Medicaid/Medicare	\$	20,000,000	\$	20,000,000	49765
3A60	336608	Federal Miscellaneous	\$	1,010,000	\$	1,010,000	49766
3A70	336612	Social Services Block Grant	\$	8,450,000	\$	8,450,000	49767
3A80	336613	Federal Grants	\$	5,500,000	\$	5,500,000	49768
3A90	336614	Mental Health Block Grant	\$	22,020,790	\$	22,058,470	49769
3B10	652636	Community Medicaid Legacy Support	\$	10,878,084	\$	11,000,000	49770
3G40	336618	Substance Abuse Block Grant	\$	65,865,756	\$	65,865,756	49771
3H80	336606	Demonstration Grants	\$	15,000,000	\$	15,000,000	49772

3HB0	336503	Cures Opioid State Targeted Response	\$	33,084,837	\$	32,634,837	49773
3HB1	336644	State Opioid Response	\$	59,400,213	\$	16,800,000	49774
3N80	336639	Administrative Reimbursement	\$	1,000,000	\$	1,000,000	49775
TOTAL FED	Federal Fund Group		\$	242,209,680	\$	199,319,063	49776
TOTAL ALL BUDGET FUND GROUPS			\$	894,127,889	\$	824,999,825	49777

Section 337.30. PREVENTION AND WELLNESS 49779

The foregoing appropriation item 336406, Prevention and 49780
Wellness, shall be used as follows: 49781

(A) Up to \$1,250,000 in each fiscal year shall be distributed 49782
to boards of alcohol, drug addiction, and mental health services 49783
to purchase the provision of evidence-based prevention services 49784
from providers certified by the Department of Mental Health and 49785
Addiction Services. 49786

(B) Up to \$500,000 in each fiscal year shall be used to 49787
support suicide prevention efforts. 49788

**Section 337.40. MENTAL HEALTH FACILITIES LEASE RENTAL BOND 49789
PAYMENTS** 49790

The foregoing appropriation item 336415, Mental Health 49791
Facilities Lease Rental Bond Payments, shall be used to meet all 49792
payments during the period from July 1, 2019, through June 30, 49793
2021, by the Department of Mental Health and Addiction Services 49794
pursuant to leases and agreements made under section 154.20 of the 49795
Revised Code. These appropriations are the source of funds pledged 49796
for bond service charges on obligations issued pursuant to Chapter 49797
154. of the Revised Code. 49798

Section 337.50. CONTINUUM OF CARE SERVICES 49799

The foregoing appropriation item 336421, Continuum of Care 49800

Services, shall be used as follows: 49801

(A) A portion of this appropriation shall be allocated to 49802
boards of alcohol, drug addiction, and mental health services in 49803
accordance with a distribution methodology determined by the 49804
Director of Mental Health and Addiction Services for the boards to 49805
purchase mental health and addiction services permitted under 49806
Chapter 340. of the Revised Code. Boards may use a portion of the 49807
funds allocated: 49808

(1) To provide subsidized support for psychotropic medication 49809
needs of indigent citizens in the community to reduce unnecessary 49810
hospitalization due to lack of medication; and 49811

(2) To provide subsidized support for medication-assisted 49812
treatment costs. 49813

(B) A portion of this appropriation may be distributed to 49814
boards of alcohol, drug addiction, and mental health services, 49815
community addiction and/or mental health services providers, 49816
courts, or other governmental entities to provide specific grants 49817
in support of initiatives concerning mental health and addiction 49818
services. 49819

(C) Of the foregoing appropriation item 336421, Continuum of 49820
Care Services, \$1,500,000 in each fiscal year shall be allocated 49821
by the Department of Mental Health and Addiction Services to 49822
boards of alcohol, drug addiction, and mental health services. The 49823
boards shall use their allocations to establish and administer, in 49824
collaboration with the other boards that serve the same state 49825
psychiatric hospital region, six mental health crisis 49826
stabilization centers. There shall be one center located in each 49827
state psychiatric hospital region. 49828

Boards of alcohol, drug addiction, and mental health services 49829
shall ensure that each mental health crisis stabilization center 49830
established and administered under division (C) of this section 49831

complies with all of the following: 49832

(1) It admits individuals before and after the individuals 49833
receive treatment and care at hospital emergency departments or 49834
freestanding emergency departments. 49835

(2) It admits individuals before and after the individuals 49836
are confined in state or local correctional facilities. 49837

(3) It has a Medicaid provider agreement. 49838

(4) It is located in a building constructed for another 49839
purpose before the effective date of this section. 49840

(5) It admits individuals who have been identified as needing 49841
the stabilization services provided by the center. 49842

(6) It connects individuals when they are discharged from the 49843
center with community-based continuum of care services and 49844
supports as described in section 340.032 of the Revised Code. 49845

(D) As used in this section: 49846

(1) "State or local correctional facility" means any of the 49847
following: 49848

(a) A "state correctional institution," as defined in section 49849
2967.01 of the Revised Code; 49850

(b) A "local correctional facility," as defined in section 49851
2903.13 of the Revised Code; 49852

(c) A correctional facility that is privately operated and 49853
managed pursuant to section 9.06 of the Revised Code. 49854

(2) "State psychiatric hospital regions" means the six 49855
districts into which the Department of Mental Health and Addiction 49856
Services has divided the state pursuant to division (B)(2) of 49857
section 5119.14 of the Revised Code. 49858

Section 337.60. CRIMINAL JUSTICE SERVICES 49859

Except as otherwise provided in this act, the foregoing 49860
appropriation item 336422, Criminal Justice Services, shall be 49861
used to provide forensic psychiatric evaluations to courts of 49862
common pleas and to conduct evaluations of patients of forensic 49863
status in facilities operated or designated by the Department of 49864
Mental Health and Addiction Services prior to conditional release 49865
to the community. A portion of this appropriation may be allocated 49866
through boards of alcohol, drug addiction, and mental health 49867
services to community addiction and/or mental health services 49868
providers in accordance with a distribution methodology as 49869
determined by the Director of Mental Health and Addiction 49870
Services. 49871

The foregoing appropriation item 336422, Criminal Justice 49872
Services, may also be used to: 49873

(A) Provide forensic monitoring and tracking of individuals 49874
on conditional release; 49875

(B) Provide forensic training; 49876

(C) Support projects that assist courts and law enforcement 49877
to identify and develop appropriate alternative services to 49878
incarceration for nonviolent mentally ill offenders; 49879

(D) Provide specialized re-entry services to offenders 49880
leaving prisons and jails; 49881

(E) Provide specific grants in support of addiction services 49882
alternatives to incarceration; 49883

(F) Support therapeutic communities; and 49884

(G) Support specialty dockets and expand or create new 49885
certified court programs. 49886

Section 337.70. SUBSTANCE USE DISORDER TREATMENT IN 49887
SPECIALIZED DOCKET PROGRAMS 49888

(A) As used in this section: 49889

(1) "Community addiction services provider" has the same 49890
meaning as in section 5119.01 of the Revised Code. 49891

(2) "Medication-assisted treatment drug court program" and 49892
"MAT drug court program" mean a session of any of the following 49893
that holds initial or final certification from the Supreme Court 49894
of Ohio as a specialized docket program for drugs and that uses 49895
medication-assisted treatment as part of its specialized docket 49896
program: a common pleas court, municipal court, or county court, 49897
or a division of any of those courts. 49898

(3) "Prescriber" has the same meaning as in section 4729.01 49899
of the Revised Code. 49900

(4) "Recovery supports" has the same meaning as in section 49901
5119.01 of the Revised Code. 49902

(5) "Substance use disorder treatment" has the same meaning 49903
as "alcohol and drug addiction services" as defined in section 49904
5119.01 of the Revised Code. 49905

(B)(1) The Department of Mental Health and Addiction Services 49906
shall conduct a program to provide substance use disorder 49907
treatment, which may include medication-assisted treatment and 49908
recovery supports, to persons who are eligible to participate in a 49909
medication-assisted treatment drug court program and are selected 49910
under this section to be participants in a MAT drug court program 49911
because of a substance use disorder. 49912

(2) The Department shall conduct its program in collaboration 49913
with any counties in Ohio that are conducting MAT drug court 49914
programs. 49915

(3) In addition to conducting its program in accordance with 49916
division (B)(2) of this section, the Department may conduct its 49917
program in collaboration with any other court that is conducting a 49918

MAT drug court program. 49919

(C) In conducting its program, the Department shall 49920
collaborate with the Supreme Court, the Department of 49921
Rehabilitation and Correction, and any agency of the state that 49922
the Department of Mental Health and Addiction Services determines 49923
may be of assistance in accomplishing the objectives of the 49924
Department's program. The Department may collaborate with the 49925
boards of alcohol, drug addiction, and mental health services and 49926
with local law enforcement agencies that serve the counties in 49927
which a court participating in the Department's program is 49928
located. 49929

(D)(1) A MAT drug court program participating in the 49930
Department's program shall select the persons who are to be its 49931
participants for purposes of the Department's program. To be 49932
selected, a person must be a criminal offender or involved in a 49933
family drug or dependency court. A person shall not be selected to 49934
be a participant unless the person meets the legal and clinical 49935
eligibility criteria for the MAT drug court program and is an 49936
active participant in the MAT drug court program. 49937

(2) The total number of persons participating in the 49938
Department's program at any time shall not exceed one thousand 49939
five hundred, subject to available funding, except that the 49940
Department may authorize the maximum number to be exceeded in 49941
circumstances that the Department considers to be appropriate. 49942

(3) After a MAT drug court program enrolls a person as a 49943
participant for purposes of the Department's program, the 49944
participant shall comply with all requirements of the MAT drug 49945
court program. 49946

(E) The substance use disorder treatment and recovery 49947
supports provided under the Department's program in collaboration 49948
with a MAT drug court program shall be provided by a community 49949

addiction services provider. The provider shall do all of the 49950
following: 49951

(1) Provide treatment based on an integrated service delivery 49952
model that consists of the coordination of care between a 49953
prescriber and the community addiction services provider; 49954

(2) Conduct professional, comprehensive substance abuse and 49955
mental health diagnostic assessments of a person under 49956
consideration for selection as a program participant to determine 49957
whether the person would benefit from substance use disorder 49958
treatment and monitoring; 49959

(3) Determine, based on the assessment described in division 49960
(E)(2) of this section, the treatment needs of the program 49961
participants served by the community addiction services provider; 49962

(4) Develop, for program participants served by the community 49963
addiction services provider, individualized goals and objectives; 49964

(5) Provide access to the long-acting antagonist therapies, 49965
partial agonist therapies, or full agonist therapies, that are 49966
included in the program's medication-assisted treatment; 49967

(6) Provide other types of therapies, including psychosocial 49968
therapies, for both substance use disorder and any disorders that 49969
are considered by the community addiction services provider to be 49970
co-occurring disorders; 49971

(7) Monitor program compliance through the use of regular 49972
drug testing, including urinalysis, of the program participants 49973
served by the community addiction services provider; 49974

(8) Provide access to time-limited recovery supports that 49975
help eliminate barriers to treatment and are specific to the 49976
participant's needs, including assistance with housing, 49977
transportation, child care, job training, obtaining a driver's 49978
license or state identification card, and any other matter 49979

considered relevant by the provider. 49980

(F) In the case of medication-assisted treatment provided 49981
under the Department's program, all of the following conditions 49982
apply: 49983

(1) A drug may be used only if the drug has been approved by 49984
the United States Food and Drug Administration for use in treating 49985
dependence on opioids, alcohol, or both, or for preventing relapse 49986
into the use of opioids, alcohol, or both. 49987

(2) One or more drugs may be used, but each drug that is used 49988
must constitute long-acting antagonist therapy, partial agonist 49989
therapy, or full agonist therapy. 49990

(3) If a drug constituting partial or full agonist therapy is 49991
used, the program shall provide safeguards to minimize abuse and 49992
diversion of the drug, including such safeguards as routine drug 49993
testing of program participants. 49994

(G) It is anticipated and expected that MAT drug court 49995
programs will expand their ability to serve more drug court 49996
participants as a result of increased access to commercial or 49997
publicly funded health insurance. In order to ensure that funds 49998
appropriated to support the Department's program are used in the 49999
most efficient manner with a goal of enrolling the maximum number 50000
of participants, the Medicaid Director, in collaboration with 50001
major Ohio health care plans, shall develop plans consistent with 50002
this division. There shall be no prior authorizations or step 50003
therapy for medication-assisted treatment for program 50004
participants. The plans developed under this division shall ensure 50005
all of the following: 50006

(1) The development of an efficient and timely process for 50007
review of eligibility for health benefits for all persons selected 50008
to participate in the program; 50009

(2) A rapid conversion to reimbursement for all health care 50010

services by the participant's health care plan following approval 50011
for coverage of health care benefits; 50012

(3) The development of a consistent benefit package that 50013
provides ready access to and reimbursement for essential health 50014
care services including, but not limited to, primary health care 50015
services, alcohol and opioid detoxification services, appropriate 50016
psychosocial services, and medication for long-acting injectable 50017
antagonist therapies, partial agonist therapies, and full agonist 50018
therapies; 50019

(4) The development of guidelines that require the provision 50020
of all treatment services, including medication, with minimal 50021
administrative barriers and within a time frame that meets the 50022
requirements of individual patient care plans. 50023

(H) Of the foregoing appropriation item 336422, Criminal 50024
Justice Services, up to \$6,000,000 in each fiscal year shall be 50025
used to support substance use disorder treatment, including 50026
medication-assisted treatment and recovery supports for drug court 50027
specialized docket programs and to support the administrative 50028
expenses of courts and community addiction services providers 50029
participating in the program. 50030

Section 337.80. ADDICTION SERVICES PARTNERSHIP WITH 50031
CORRECTIONS 50032

Any business commenced but not completed by July 1, 2015, by 50033
the Department of Rehabilitation and Correction regarding recovery 50034
services shall be completed by the Department of Mental Health and 50035
Addiction Services. No validation, cure, right, privilege, remedy, 50036
obligation, or liability is lost or impaired by reason of the 50037
transfer required by this section and shall be administered by the 50038
Department of Mental Health and Addiction Services. Any rules, 50039
orders, and determinations pertaining to the Bureau of Recovery 50040
Services continue in effect as rules, orders, and determinations 50041

of the Department of Mental Health and Addiction Services until 50042
modified or rescinded by the Department of Mental Health and 50043
Addiction Services. If necessary to ensure the integrity of the 50044
numbering of the Administrative Code, the Director of the 50045
Legislative Service Commission shall renumber the numbers to 50046
reflect their transfer to the Department of Mental Health and 50047
Addiction Services. 50048

Subject to the lay-off provisions of sections 124.321 to 50049
124.382 of the Revised Code, all employees of the Bureau of 50050
Recovery Services are hereby transferred to the Department of 50051
Mental Health and Addiction Services and retain their positions 50052
and all of their benefits. 50053

Wherever the Bureau of Recovery Services is referred to in 50054
any law, contract, or other document, the reference shall be 50055
deemed to refer to the Department of Mental Health and Addiction 50056
Services or its director, as appropriate. 50057

Any business commenced but not completed under appropriation 50058
item 505321, Institution Medical Services, pertaining to the 50059
Bureau of Recovery Services, shall be completed under 50060
appropriation item 336423, Addiction Services Partnership with 50061
Corrections, in the same manner, and with the same effect, as if 50062
completed with regard to appropriation item 505321, Institution 50063
Medical Services. 50064

Section 337.90. RECOVERY HOUSING 50065

The foregoing appropriation item 336424, Recovery Housing, 50066
shall be used to expand and support access to recovery housing as 50067
defined in section 340.01 of the Revised Code and in accordance 50068
with section 340.034 of the Revised Code. For expenditures that 50069
are capital in nature, the Department of Mental Health and 50070
Addiction Services shall develop procedures to administer these 50071
funds in a manner that is consistent with current community 50072

capital assistance guidelines. 50073

Section 337.100. SPECIALIZED DOCKET SUPPORT 50074

(A) The foregoing appropriation item 336425, Specialized 50075
Docket Support, shall be used to defray a portion of the annual 50076
payroll costs associated with the specialized docket of a common 50077
pleas court, municipal court, county court, juvenile court, or 50078
family court that meets all of the eligibility requirements in 50079
division (B) of this section, including a family dependency 50080
treatment docket. The foregoing appropriation item 336425, 50081
Specialized Docket Support, may also be used to defray costs 50082
associated with treatment services and recovery supports for 50083
participants. 50084

(B) To be eligible, the specialized docket must have received 50085
Supreme Court of Ohio final certification and include participants 50086
with behavioral health needs in its target population. 50087

(C) Of the foregoing appropriation item 336425, Specialized 50088
Docket Support, the Department of Mental Health and Addiction 50089
Services shall use up to one per cent of the funds appropriated in 50090
each fiscal year to pay the cost it incurs in administering the 50091
duties established in this section. 50092

(D) The Department, in consultation with the Supreme Court of 50093
Ohio, may adopt funding distribution methodology, guidelines, and 50094
procedures as necessary to carry out the purposes of this section. 50095

Section 337.110. COMMUNITY INNOVATIONS 50096

The foregoing appropriation item 336504, Community 50097
Innovations, may be used by the Department of Mental Health and 50098
Addiction Services to make targeted investments in programs, 50099
projects, or systems operated by or under the authority of other 50100
state agencies, governmental entities, or private not-for-profit 50101
agencies that impact, or are impacted by, the operations and 50102

functions of the Department, with the goal of achieving a net 50103
reduction in expenditure of state general revenue funds and/or 50104
improved outcomes for Ohio citizens without a net increase in 50105
state general revenue fund spending. 50106

The Director shall identify and evaluate programs, projects, 50107
or systems proposed or operated, in whole or in part, outside of 50108
the authority of the Department, where targeted investment of 50109
these funds in the program, project, or system is expected to 50110
decrease demand for the Department or other resources funded with 50111
state general revenue funds, and/or to measurably improve outcomes 50112
for Ohio citizens with mental illness or with alcohol, drug, or 50113
gambling addictions. The Director shall have discretion to 50114
transfer money from the appropriation item to other state 50115
agencies, governmental entities, or private not-for-profit 50116
agencies in amounts, and subject to conditions, that the Director 50117
determines most likely to achieve state savings and/or improved 50118
outcomes. Distribution of moneys from this appropriation item 50119
shall not be subject to sections 9.23 to 9.239 or Chapter 125. of 50120
the Revised Code. 50121

The Department shall enter into an agreement with each 50122
recipient of community innovation funds, identifying: allowable 50123
expenditure of the funds; other commitment of funds or other 50124
resources to the program, project, or system; expected state 50125
savings and/or improved outcomes and proposed mechanisms for 50126
measurement of such savings or outcomes; and required reporting 50127
regarding expenditure of funds and savings or outcomes achieved. 50128

Of the foregoing appropriation item 336504, Community 50129
Innovations, up to \$4,000,000 in each fiscal year shall be used to 50130
provide funding for community projects across the state that focus 50131
on support for families, assisting families in avoiding crisis, 50132
and crisis intervention. 50133

Of the foregoing appropriation item 336504, Community 50134

Innovations, up to \$750,000 in each fiscal year shall be used to enhance access to naloxone across the state for county health departments to then disperse through a grant program to local law enforcement, emergency personnel, and first responders. If local law enforcement, emergency personnel, and first responders are not making use of the naloxone grant funds, the county health department may use grant funding to provide naloxone through a Project DAWN program within the county.

Of the foregoing appropriation item 336504, Community Innovations, up to \$600,000 in each fiscal year shall be allocated to the Heartland High School Demonstration Project to educate and graduate teens and youth recovering from substance use disorders.

Of the foregoing appropriation item 336504, Community Innovations, \$2,000,000 in fiscal year 2020 shall be allocated to the Psychotropic Drug Reimbursement Program established in section 5119.19 of the Revised Code. On July 1, 2020, or as soon as possible thereafter, the Director of Mental Health and Addiction Services shall certify to the Director of Budget and Management the amount of the unexpended, unencumbered allocation for the program in fiscal year 2020. The amount certified is hereby reappropriated to appropriation item 336504, Community Innovations, in fiscal year 2021 for the same purpose.

Section 337.120. RESIDENTIAL STATE SUPPLEMENT

(A) The foregoing appropriation item 336510, Residential State Supplement, may be used by the Department of Mental Health and Addiction Services to provide training for residential facilities providing accommodations, supervision, and personal care services to three to sixteen unrelated adults with mental illness and to make payments to residential state supplement recipients.

(B) The Department of Mental Health and Addiction Services

shall adopt rules establishing eligibility criteria and payment 50166
amounts under section 5119.41 of the Revised Code. 50167

Section 337.130. EARLY CHILDHOOD MENTAL HEALTH COUNSELORS AND 50168
CONSULTATION 50169

The foregoing appropriation item 336511, Early Childhood 50170
Mental Health Counselors and Consultation, shall be used to 50171
promote identification and intervention for early childhood mental 50172
health and to enhance healthy social emotional development in 50173
order to reduce preschool to third grade classroom expulsions. 50174
Funds shall be used by the Department of Mental Health and 50175
Addiction Services to support early childhood mental health 50176
credentialed counselors and consultation services, as well as 50177
administration and workforce development for the program. 50178

Section 337.140. MEDICAID SUPPORT 50179

The foregoing appropriation item 652321, Medicaid Support, 50180
shall be used to fund specified Medicaid Services as delegated by 50181
the state's single agency responsible for the Medicaid Program. 50182

Section 337.150. SUBSTANCE ABUSE STABILIZATION CENTERS 50183

(A) The foregoing appropriation item 336600, Substance Abuse 50184
Stabilization Centers, shall be used to establish and administer, 50185
in collaboration with the other boards that serve the same state 50186
psychiatric hospital region, acute substance use disorder 50187
stabilization centers. There shall be one center located in each 50188
state psychiatric hospital region. 50189

(B) As used in this section, "state psychiatric hospital 50190
regions" means the six districts into which the Department of 50191
Mental Health and Addiction Services has divided the state 50192
pursuant to division (B)(2) of section 5119.14 of the Revised 50193
Code. 50194

Section 337.160. ADAMHS BOARDS	50195
(A) Of the foregoing appropriation item 336643, ADAMHS Boards, \$5,000,000 in each fiscal year shall be allocated as follows:	50196 50197 50198
(1) Each board shall receive \$50,000 in each fiscal year for each of the counties that are part of the board's district.	50199 50200
(2) Each board shall receive a percentage of any remaining amount to be determined by a formula developed by the Director of Mental Health and Addiction Services using the population of the board's service district and the most recent drug overdose death information.	50201 50202 50203 50204 50205
(B) Of the foregoing appropriation item 336643, ADAMHS Boards, up to \$6,000,000 in each fiscal year shall be used to provide flexible resources to local communities to fund direct crisis stabilization and crisis prevention support.	50206 50207 50208 50209
(C) Of the foregoing appropriation item 336643, ADAMHS Boards, up to \$10,000,000 in fiscal year 2020 shall be used to develop, evaluate, and expand crisis services infrastructure to provide support for adults, children, and families in a variety of settings. Any unexpended or unencumbered fund balance shall be used in fiscal year 2021 for the same purpose.	50210 50211 50212 50213 50214 50215
Section 337.170. PROBLEM GAMBLING AND CASINO ADDICTION	50216
A portion of appropriation item 336629, Problem Gambling and Casino Addiction, shall be allocated to boards of alcohol, drug addiction, and mental health services in accordance with a distribution methodology determined by the Director of Mental Health and Addiction Services.	50217 50218 50219 50220 50221
Section 337.180. FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL	50222 50223

A county family and children first council may establish and operate a flexible funding pool in order to assure access to needed services by families, children, and older adults in need of protective services. The operation of the flexible funding pools shall be subject to the following restrictions:

(A) The county council shall establish and operate the flexible funding pool in accordance with formal guidance issued by the Family and Children First Cabinet Council;

(B) The county council shall produce an annual report on its use of the pooled funds. The annual report shall conform to a format prescribed in the formal guidance issued by the Family and Children First Cabinet Council;

(C) Unless otherwise restricted, funds transferred to the flexible funding pool may include state general revenues allocated to local entities to support the provision of services to families and children;

(D) The amounts transferred to the flexible funding pool shall be limited to amounts that can be redirected without impairing the achievement of the objectives for which the initial allocation is designated; and

(E) Each amount transferred to the flexible funding pool from a specific allocation shall be approved for transfer by the director of the local agency that was the original recipient of the allocation.

Section 337.190. ACCESS SUCCESS II PROGRAM

To the extent cash is available, the Director of Budget and Management may transfer cash from a fund designated by the Medicaid Director, to the Sale of Goods and Services Fund (Fund 1490), used by the Department of Mental Health and Addiction Services. The transferred cash is hereby appropriated.

The Department of Mental Health and Addiction Services shall 50254
use the transferred funds to administer the Access Success II 50255
Program to help non-Medicaid patients in any hospital established, 50256
controlled, or supervised by the Department under Chapter 5119. of 50257
the Revised Code to transition from inpatient status to a 50258
community setting. 50259

Section 337.200. CASH TRANSFER FROM THE INDIGENT DRIVERS 50260
ALCOHOL TREATMENT FUND TO THE STATEWIDE TREATMENT AND PREVENTION 50261
FUND 50262

On a schedule determined by the Director of Budget and 50263
Management, the Director of Mental Health and Addiction Services 50264
shall certify to the Director of Budget and Management the amount 50265
of excess license reinstatement fees that are available pursuant 50266
to division (F)(2)(c) of section 4511.191 of the Revised Code to 50267
be transferred from the Indigent Drivers Alcohol Treatment Fund 50268
(Fund 7049) to the Statewide Treatment and Prevention Fund (Fund 50269
4750). Upon certification, the Director of Budget and Management 50270
may transfer cash from the Indigent Drivers Alcohol Treatment Fund 50271
to the Statewide Treatment and Prevention Fund. 50272

Section 337.210. CURES OPIOID STATE TARGETED RESPONSE 50273

The foregoing appropriation item 336503, Cures Opioid State 50274
Targeted Response, shall be used pursuant to the goals and 50275
requirements of the State Targeted Response to the Opioid Crisis 50276
Grant provision in the federal "21st Century Cures Act," Public 50277
Law 114-255. 50278

Section 337.220. STATEWIDE TREATMENT AND PREVENTION 50279

The foregoing appropriation item 336623, Statewide Treatment 50280
and Prevention, shall be used as follows: up to \$18,000,000 in 50281
fiscal year 2020 to support K-12 prevention education initiatives; 50282

up to \$13,000,000 in fiscal year 2020 and up to \$5,000,000 in 50283
 fiscal year 2021 to support and expand statewide multi-media 50284
 prevention, treatment, and stigma reduction campaigns; up to 50285
 \$5,000,000 in fiscal year 2020 to expand the number of individuals 50286
 trained in mental health first aid and to expand the number of law 50287
 enforcement trained in approved de-escalation techniques and 50288
 approaches specific to people experiencing mental health crisis. 50289

The remaining portion of appropriation item 336623, Statewide 50290
 Treatment and Prevention, may be used for agency administrative 50291
 support. 50292

Section 339.10. MIH COMMISSION ON MINORITY HEALTH 50293

General Revenue Fund 50294

GRF 149321	Operating Expenses	\$	721,681	\$	741,928	50295
GRF 149501	Demonstration Grants	\$	852,606	\$	852,606	50296
GRF 149502	Lupus Program	\$	196,000	\$	196,000	50297
GRF 149503	Infant Mortality	\$	985,000	\$	985,000	50298

Health Grants

TOTAL GRF General Revenue Fund \$ 2,755,287 \$ 2,775,534 50299

Dedicated Purpose Fund Group 50300

4C20 149601	Minority Health	\$	50,000	\$	50,000	50301
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Conference

TOTAL DPF Dedicated Purpose Fund \$ 50,000 \$ 50,000 50302

Group

TOTAL ALL BUDGET FUND GROUPS \$ 2,805,287 \$ 2,825,534 50303

Section 341.10. CRB MOTOR VEHICLE REPAIR BOARD 50305

Dedicated Purpose Fund Group 50306

4K90 865601	Operating Expenses	\$	623,948	\$	636,389	50307
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TOTAL DPF Dedicated Purpose Fund \$ 623,948 \$ 636,389 50308

Group

TOTAL ALL BUDGET FUND GROUPS \$ 623,948 \$ 636,389 50309

	Section 343.10.	DNR DEPARTMENT OF NATURAL RESOURCES			50311
	General Revenue Fund				50312
GRF 725401	Division of Wildlife-Operating Subsidy	\$ 1,773,000	\$ 1,773,000		50313
GRF 725413	Parks and Recreational Facilities Lease Rental Bond Payments	\$ 50,771,500	\$ 57,556,700		50314
GRF 725456	Canal Lands	\$ 130,950	\$ 130,950		50315
GRF 725505	Healthy Lake Erie Program	\$ 1,000,000	\$ 1,000,000		50316
GRF 725507	Coal and Mine Safety Programs	\$ 2,796,340	\$ 2,796,340		50317
GRF 725903	Natural Resources General Obligation Bond Debt Service	\$ 20,359,800	\$ 20,420,700		50318
GRF 727321	Division of Forestry	\$ 4,869,458	\$ 4,965,023		50319
GRF 729321	Office of Information Technology	\$ 181,478	\$ 181,478		50320
GRF 730321	Parks and Recreation	\$ 38,652,560	\$ 37,105,509		50321
GRF 736321	Division of Engineering	\$ 2,035,650	\$ 2,035,650		50322
GRF 737321	Division of Water Resources	\$ 1,689,455	\$ 1,692,044		50323
GRF 738321	Office of Real Estate and Land Management	\$ 728,322	\$ 728,322		50324
GRF 741321	Division of Natural Areas and Preserves	\$ 2,744,428	\$ 4,246,134		50325
TOTAL GRF	General Revenue Fund	\$ 127,732,941	\$ 134,631,850		50326
	Dedicated Purpose Fund Group				50327
2270 725406	Parks Projects	\$ 1,629,465	\$ 1,725,151		50328

		Personnel					
4300	725671	Canal Lands	\$	927,128	\$	927,128	50329
4S90	725622	NatureWorks Personnel	\$	784,648	\$	800,000	50330
4U60	725668	Scenic Rivers	\$	100,000	\$	100,000	50331
		Protection					
5090	725602	State Forest	\$	10,114,999	\$	10,312,871	50332
5110	725646	Ohio Geological	\$	4,691,486	\$	4,799,989	50333
		Mapping					
5110	725679	Geographic Information System Centralized Services	\$	516,979	\$	518,024	50334
		Services					
5120	725605	State Parks Operations	\$	60,073,839	\$	35,412,070	50335
5140	725606	Lake Erie Shoreline	\$	2,393,809	\$	2,446,910	50336
5160	725620	Water Management	\$	2,998,695	\$	3,006,996	50337
5180	725643	Oil and Gas Regulation and Safety	\$	25,079,252	\$	25,446,157	50338
5180	725677	Oil and Gas Well Plugging	\$	24,979,365	\$	28,177,215	50339
5210	725627	Off-Road Vehicle Trails	\$	847,929	\$	851,587	50340
5220	725656	Natural Areas and Preserves	\$	546,973	\$	313,649	50341
5290	725639	Mining Regulation and Safety	\$	4,499,705	\$	4,689,552	50342
5310	725648	Reclamation Forfeiture	\$	2,171,668	\$	2,232,761	50343
5EL0	725612	Wildlife Law Enforcement	\$	12,000	\$	12,000	50344
5EM0	725613	Natural Resources Law Enforcement	\$	34,000	\$	34,000	50345
5HK0	725625	Ohio Nature Preserves	\$	50,000	\$	50,000	50346
5MW0	725604	Natural Resources Special Purposes	\$	261,293	\$	261,293	50347
5P20	725634	Wildlife Boater Angler	\$	6,990,425	\$	7,000,000	50348

		Administration					
5TD0	725514	Park Maintenance	\$	1,481,150	\$	1,481,150	50349
6150	725661	Dam Safety	\$	1,166,902	\$	1,166,602	50350
6970	725670	Submerged Lands	\$	717,155	\$	717,155	50351
6H20	725681	H2Ohio	\$	46,200,000	\$	0	50352
7015	740401	Division of Wildlife	\$	63,701,662	\$	65,482,330	50353
		Conservation					
7086	725414	Waterways Improvement	\$	6,193,671	\$	6,193,671	50354
7086	739401	Watercraft Operations	\$	20,897,471	\$	21,400,204	50355
8150	725636	Cooperative Management	\$	650,000	\$	650,000	50356
		Projects					
8160	725649	Wetlands Habitat	\$	966,885	\$	966,885	50357
8170	725655	Wildlife Conservation	\$	2,000,000	\$	2,000,000	50358
		Checkoff					
8180	725629	Cooperative Fisheries	\$	1,500,000	\$	1,500,000	50359
		Research					
8190	725685	Ohio River Management	\$	140,000	\$	140,000	50360
81B0	725688	Wildlife Habitats	\$	1,200,000	\$	1,200,000	50361
TOTAL	DPF	Dedicated Purpose Fund	\$	296,518,554	\$	232,015,350	50362
		Group					
		Internal Service Activity Fund Group					50363
1550	725601	Departmental Projects	\$	1,775,425	\$	1,198,248	50364
1550	725676	Hocking Hills State	\$	13,000,000	\$	3,000,000	50365
		Park Lodge					
1570	725651	Central Support	\$	5,632,162	\$	5,632,162	50366
		Indirect					
2040	725687	Information Services	\$	6,432,109	\$	5,970,264	50367
2050	725696	Human Resource Direct	\$	2,855,404	\$	2,976,201	50368
		Services					
2230	725665	Law Enforcement	\$	3,292,343	\$	3,381,193	50369
		Administration					
5100	725631	Maintenance -	\$	249,611	\$	249,611	50370
		State-owned					

		Residences				
6350	725664	Fountain Square	\$	4,094,099	\$	4,170,445 50371
		Facilities Management				
		TOTAL ISA Internal Service Activity				50372
		Fund Group	\$	37,331,153	\$	26,578,124 50373
		Capital Projects Fund Group				50374
7061	725405	Clean Ohio Trail	\$	301,796	\$	301,796 50375
		Operating				
		TOTAL CPF Capital Projects Fund	\$	301,796	\$	301,796 50376
		Group				
		Fiduciary Fund Group				50377
4M80	725675	FOP Contract	\$	18,799	\$	20,219 50378
		TOTAL FID Fiduciary Fund Group	\$	18,799	\$	20,219 50379
		Holding Account Fund Group				50380
R017	725659	Performance Cash Bond	\$	528,993	\$	528,993 50381
		Refunds				
R043	725624	Forestry	\$	2,400,000	\$	2,400,000 50382
		TOTAL HLD Holding Account				50383
		Fund Group	\$	2,928,993	\$	2,928,993 50384
		Federal Fund Group				50385
3320	725669	Federal Mine Safety	\$	335,000	\$	335,000 50386
		Grant				
3B30	725640	Federal Forest	\$	350,000	\$	350,000 50387
		Pass-Thru				
3B40	725641	Federal Flood	\$	350,000	\$	350,000 50388
		Pass-Thru				
3B50	725645	Federal Abandoned	\$	21,242,787	\$	8,046,252 50389
		Mine Lands				
3B60	725653	Federal Land and	\$	949,168	\$	952,256 50390
		Water Conservation				
		Grants				
3B70	725654	Reclamation -	\$	1,725,644	\$	1,769,696 50391

		Regulatory					
3P10	725632	Geological Survey -	\$	160,000	\$	160,000	50392
		Federal					
3P20	725642	Oil and Gas - Federal	\$	147,000	\$	147,000	50393
3P30	725650	Coastal Management -	\$	2,791,277	\$	2,820,185	50394
		Federal					
3P40	725660	Federal - Soil and	\$	231,732	\$	281,000	50395
		Water Resources					
3R50	725673	Acid Mine Drainage	\$	900,000	\$	900,000	50396
		Abatement/Treatment					
3Z50	725657	Federal Recreation	\$	1,846,840	\$	1,852,034	50397
		and Trails					
TOTAL FED	Federal Fund Group		\$	31,029,448	\$	17,963,423	50398
TOTAL ALL BUDGET FUND GROUPS			\$	495,861,684	\$	414,439,755	50399

Section 343.20. CENTRAL SUPPORT INDIRECT FUND 50401

The Department of Natural Resources, with approval of the 50402
 Director of Budget and Management, shall use a methodology for 50403
 determining each division's payments into the Central Support 50404
 Indirect Fund (Fund 1570). The methodology used shall contain the 50405
 characteristics of administrative ease and uniform application in 50406
 compliance with federal grant requirements. It may include direct 50407
 cost charges for specific services provided. Payments to Fund 1570 50408
 shall be made using an intrastate transfer voucher. 50409

The foregoing appropriation item 725401, Division of 50410
 Wildlife-Operating Subsidy, shall be used to pay the direct and 50411
 indirect costs of the Division of Wildlife. 50412

PARKS AND RECREATIONAL FACILITIES LEASE RENTAL BOND PAYMENTS 50413

The foregoing appropriation item 725413, Parks and 50414
 Recreational Facilities Lease Rental Bond Payments, shall be used 50415
 to meet all payments during the period from July 1, 2019, through 50416
 June 30, 2021, by the Department of Natural Resources pursuant to 50417

leases and agreements made under section 154.22 of the Revised Code. These appropriations are the source of funds pledged for bond service charges on related obligations issued under Chapter 154. of the Revised Code.

HEALTHY LAKE ERIE PROGRAM

The foregoing appropriation item 725505, Healthy Lake Erie Program, shall be used by the Director of Natural Resources, in support of the following: (1) conservation measures in the Western Lake Erie Basin as determined by the Director; (2) funding assistance for soil testing, winter cover crops, edge of field testing, tributary monitoring, animal waste abatement; and (3) any additional efforts to reduce nutrient runoff as the Director may decide. The Director shall give priority to recommendations that encourage farmers to adopt agricultural production guidelines commonly known as 4R nutrient stewardship practices.

COAL AND MINE SAFETY PROGRAMS

The foregoing appropriation item 725507, Coal and Mine Safety Programs, shall be used for the administration of the Mine Safety Program and the Coal Regulation Program.

NATURAL RESOURCES GENERAL OBLIGATION BOND DEBT SERVICE

The foregoing appropriation item 725903, Natural Resources General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period July 1, 2019, through June 30, 2021, on obligations issued under sections 151.01 and 151.05 of the Revised Code.

Section 343.30. OIL AND GAS WELL PLUGGING

The foregoing appropriation item 725677, Oil and Gas Well Plugging, shall be used exclusively for the purposes of plugging wells and to properly restore the land surface of idle and orphan oil and gas wells pursuant to section 1509.071 of the Revised

Code. 50448

WELL LOG FILING FEES 50449

The Chief of the Division of Water Resources shall deposit 50450
fees forwarded to the Division pursuant to section 1521.05 of the 50451
Revised Code into the Water Management Fund (Fund 5160) for the 50452
purposes described in that section. 50453

PARKS CAPITAL EXPENSES FUND 50454

The Director of Natural Resources shall submit to the 50455
Director of Budget and Management the estimated design, 50456
engineering, and planning costs of capital-related work to be done 50457
by Department of Natural Resources staff for parks projects within 50458
the Ohio Parks and Recreation Improvement Fund (Fund 7035). If the 50459
Director of Budget and Management approves the estimated costs, 50460
the Director may release appropriations from Fund 7035 50461
appropriation item C725E6, Project Planning, for those purposes. 50462
Upon release of the appropriations, the Department of Natural 50463
Resources shall pay for these expenses from the Parks Capital 50464
Expenses Fund (Fund 2270). Expenses paid from Fund 2270 shall be 50465
reimbursed by Fund 7035 using an intrastate transfer voucher. 50466

NATUREWORKS CAPITAL EXPENSES FUND 50467

The Department of Natural Resources shall submit to the 50468
Director of Budget and Management the estimated design, planning, 50469
and engineering costs of capital-related work to be done by 50470
Department of Natural Resources staff for each capital improvement 50471
project within the Ohio Parks and Natural Resources Fund (Fund 50472
7031). If the Director of Budget and Management approves the 50473
estimated costs, the Director may release appropriations from Fund 50474
7031 appropriation item C725E5, Project Planning, for those 50475
purposes. Upon release of the appropriations, the Department of 50476
Natural Resources shall pay for these expenses from the Capital 50477
Expenses Fund (Fund 4S90). Expenses paid from Fund 4S90 shall be 50478

reimbursed by Fund 7031 using an intrastate transfer voucher. 50479

RECLAMATION FORFEITURE FUND 50480

On July 1 of each fiscal year, or as soon as possible 50481
thereafter, the Director of Budget and Management shall transfer 50482
\$2,000,000 cash from the General Revenue Fund to the Reclamation 50483
Forfeiture Fund (Fund 5310), which shall be used to reclaim areas 50484
of land affected by coal mining in accordance with section 1513.18 50485
of the Revised Code. 50486

PARK MAINTENANCE 50487

The foregoing appropriation item 725514, Park Maintenance, 50488
shall be used by the Department of Natural Resources to pay the 50489
costs of projects supported by the State Park Maintenance Fund 50490
(Fund 5TD0) under section 1501.08 of the Revised Code. 50491

On July 1 of each fiscal year or as soon as possible 50492
thereafter, the Director of Natural Resources shall certify the 50493
amount of five percent of the average of the previous five years 50494
of deposits in the State Park Fund (Fund 5120) to the Director of 50495
Budget and Management. The Director of Budget and Management may 50496
transfer up to \$1,600,000 from Fund 5120 to the State Park 50497
Maintenance Fund (Fund 5TD0). 50498

H2OHIO FUND 50499

The foregoing appropriation item 725681, H2Ohio, shall be 50500
used by the Department of Natural Resources to support, maintain, 50501
and create wetlands throughout the state including but not limited 50502
to coastal and upland wetlands in the Western Basin of Lake Erie. 50503
In addition, the foregoing appropriation item, 725681, H2Ohio, may 50504
be used to support improvement and protection of all waterways and 50505
to address water quality priorities including water protection and 50506
management in accordance with section 126.60 of the Revised Code. 50507

On July 1, 2020, or as soon as possible thereafter, the 50508

Director of Natural Resources may certify to the Director of 50509
Budget and Management an amount up to the unexpended, unencumbered 50510
balance of the foregoing appropriation item, 725681, H2Ohio, at 50511
the end of fiscal year 2020 to be reappropriated in fiscal year 50512
2021. The amount certified is hereby reappropriated to the same 50513
appropriation item for fiscal year 2021. 50514

Section 343.40. CASH TRANSFER FOR HOCKING HILLS LODGE 50515
RECONSTRUCTION 50516

During fiscal years 2020 and 2021, the Director of Budget and 50517
Management may, in consultation with the Director of Natural 50518
Resources, transfer cash as necessary from the General Revenue 50519
Fund to the Departmental Services - Interstate Fund (Fund 1550) to 50520
pay costs for the reconstruction of the Hocking Hills Dining Lodge 50521
that will occur before final insurance settlement proceeds are 50522
deposited into Fund 1550. Once insurance proceeds have been 50523
deposited into Fund 1550, the Director of Budget and Management, 50524
in consultation with the Director of Natural Resources, shall 50525
establish a schedule for repaying the General Revenue Fund from 50526
Fund 1550. The Director of Budget and Management shall transfer 50527
cash from Fund 1550 to the General Revenue Fund according to the 50528
established schedule. 50529

HUMAN RESOURCES DIRECT SERVICES 50530

The foregoing appropriation item 725696, Human Resources 50531
Direct Services, shall be used to cover the cost of support, 50532
coordination, and oversight of the Department of Natural 50533
Resources' human resources functions. The Human Resources 50534
Chargeback Fund (Fund 2050) shall consist of cash transferred to 50535
it via intrastate transfer voucher from other funds as determined 50536
by the Director of Natural Resources and the Director of Budget 50537
and Management. 50538

LAW ENFORCEMENT ADMINISTRATION 50539

The foregoing appropriation item 725665, Law Enforcement Administration, shall be used to cover the cost of support, coordination, and oversight of the Department of Natural Resources' law enforcement functions. The Law Enforcement Administration Fund (Fund 2230) shall consist of cash transferred to it via intrastate transfer voucher from other funds as determined by the Director of Natural Resources and the Director of Budget and Management.

FOUNTAIN SQUARE AND ODNR GROUNDS AT THE OHIO EXPO CENTER

The foregoing appropriation item 725664, Fountain Square Facilities Management, shall be used for payment of expenses related to the security of the Fountain Square complex and for the repairs, renovation, utilities, property management, and building maintenance expenses for the Fountain Square complex and the Department of Natural Resources grounds at the Ohio Expo Center. Cash transferred by intrastate transfer vouchers from various department funds and rental income received by the Department of Natural Resources shall be deposited into the Fountain Square Facilities Management Fund (Fund 6350).

Section 343.50. CLEAN OHIO TRAIL OPERATING EXPENSES

The foregoing appropriation item 725405, Clean Ohio Trail Operating, shall be used by the Department of Natural Resources in administering Clean Ohio Trail Fund (Fund 7061) projects pursuant to section 1519.05 of the Revised Code.

Section 345.10. NUR STATE BOARD OF NURSING

Dedicated Purpose Fund Group

4K90	884609	Operating Expenses	\$	9,842,225	\$	10,285,032	50566
5AC0	884602	Nurse Education Grant Program	\$	1,518,000	\$	1,518,000	50567
5P80	884601	Nursing Special	\$	2,000	\$	2,000	50568

Issues

TOTAL DPF Dedicated Purpose				50569
Fund Group	\$	11,362,225	\$ 11,805,032	50570
TOTAL ALL BUDGET FUND GROUPS	\$	11,362,225	\$ 11,805,032	50571

Section 347.10. PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY,
AND ATHLETIC TRAINERS BOARD

Dedicated Purpose Fund Group				50575
4K90 890609 Operating Expenses	\$	1,137,397	\$ 1,168,045	50576
TOTAL DPF Dedicated Purpose Fund Group	\$	1,137,397	\$ 1,168,045	50577
TOTAL ALL BUDGET FUND GROUPS	\$	1,137,397	\$ 1,168,045	50578

Section 353.10. OOD OPPORTUNITIES FOR OHIOANS WITH
DISABILITIES AGENCY

General Revenue Fund				50582
GRF 415402 Independent Living Council	\$	252,000	\$ 252,000	50583
GRF 415406 Assistive Technology	\$	25,819	\$ 25,819	50584
GRF 415431 Brain Injury	\$	126,567	\$ 126,567	50585
GRF 415506 Services for Individuals with Disabilities	\$	16,999,344	\$ 18,418,244	50586
GRF 415508 Services for the Deaf	\$	27,580	\$ 27,580	50587
TOTAL GRF General Revenue Fund	\$	17,431,310	\$ 18,850,210	50588
Dedicated Purpose Fund Group				50589
4670 415609 Business Enterprise Operating Expenses	\$	1,543,616	\$ 1,555,368	50590
4680 415618 Third Party Services Funding	\$	10,288,000	\$ 10,538,000	50591
4L10 415619 Services for Rehabilitation	\$	3,000,000	\$ 3,000,000	50592

TOTAL DPF Dedicated Purpose				50593
Fund Group	\$	14,831,616	\$ 15,093,368	50594
Internal Service Activity Fund Group				50595
4W50 415606 Program Management	\$	13,404,965	\$ 14,118,145	50596
TOTAL ISA Internal Service Activity				50597
Fund Group	\$	13,404,965	\$ 14,118,145	50598
Federal Fund Group				50599
3170 415620 Disability	\$	81,399,100	\$ 82,932,645	50600
Determination				
3790 415616 Federal - Vocational	\$	121,788,087	\$ 130,495,615	50601
Rehabilitation				
3GH0 415602 Personal Care	\$	3,130,220	\$ 3,139,040	50602
Assistance				
3GH0 415604 Community Centers for	\$	1,022,000	\$ 1,022,000	50603
the Deaf				
3GH0 415613 Independent Living	\$	662,411	\$ 662,411	50604
3L10 415608 Social Security	\$	10,500,000	\$ 10,500,000	50605
Vocational				
Rehabilitation				
3L40 415615 Federal - Supported	\$	850,000	\$ 850,000	50606
Employment				
3L40 415617 Independent Living	\$	2,584,136	\$ 1,808,721	50607
Older Blind				
TOTAL FED Federal Fund Group	\$	221,935,954	\$ 231,410,432	50608
TOTAL ALL BUDGET FUND GROUPS	\$	267,603,845	\$ 279,472,155	50609

Section 353.20. INDEPENDENT LIVING 50611

The foregoing appropriation item 415402, Independent Living, 50612
shall be used to support the state independent living programs and 50613
centers under Title VII of the Independent Living Services and 50614
Centers for Independent Living of the Rehabilitation Act 50615
Amendments of 1992, 106 Stat. 4344, 29 U.S.C. 796d. 50616

Of the foregoing appropriation item 415402, Independent Living, \$67,662 in each fiscal year shall be used as state matching funds for vocational rehabilitation innovation and expansion activities.

ASSISTIVE TECHNOLOGY

The foregoing appropriation item 415406, Assistive Technology, shall be provided to Assistive Technology of Ohio to provide grants and assistive technology services for people with disabilities in the State of Ohio.

BRAIN INJURY

The foregoing appropriation item 415431, Brain Injury, shall be provided to The Ohio State University College of Medicine to support the Brain Injury Program established under section 3335.60 of the Revised Code.

SERVICES FOR INDIVIDUALS WITH DISABILITIES

Of the foregoing appropriation item 415506, Services for Individuals with Disabilities, \$654,975 in fiscal year 2020 and \$1,309,050 in fiscal year 2021 shall be used as state match for the federal vocational rehabilitation grant and used to create partnerships with certified drug courts to expand access to employment through vocational rehabilitation services and increase employment outcomes that promote recovery and rehabilitation.

Of the foregoing appropriation item 415506, Services for Individuals with Disabilities, \$603,643 in fiscal year 2020 and \$1,207,285 in fiscal year 2021 shall be used as state match for the federal vocational rehabilitation grant and used to create partnerships with community colleges and state universities to ensure college students with disabilities can compete for in-demand jobs in tomorrow's labor market and increase the median earnings of individuals who obtain employment.

Of the foregoing appropriation item 415506, Services for
Individuals with Disabilities, \$85,733 in fiscal year 2020 and
\$171,465 in fiscal year 2021 shall be used as state match for the
federal vocational rehabilitation grant and used to create paid
on-the-job work experiences for eligible candidates placed in
state agencies to develop work skills needed to pursue permanent
employment and increase the number of individuals with
disabilities employed in state government.

Of the foregoing appropriation item 415506, Services for
Individuals with Disabilities, \$150,000 in each fiscal year shall
be used as state match for the federal vocational rehabilitation
grant and used to increase access to vocational rehabilitation
services for eligible students enrolled at the Ohio State School
for the Blind and the Ohio School for the Deaf that will prepare
students who are blind or deaf for transition to college or
employment.

SERVICES FOR THE DEAF

The foregoing appropriation item 415508, Services for the
Deaf, shall be used to support community centers for the deaf.

SIGHT CENTERS

Of the foregoing appropriation item 415617, Independent
Living Older Blind, \$30,000 in each fiscal year shall be used to
contract in equal amounts with the Cleveland Sight Center, the
Cincinnati Association for the Blind and Visually Impaired, and
the Sight Center of Northwest Ohio to provide outreach and
referral development to the community of individuals with
blindness or low vision.

Section 361.10. PEN PENSION SUBSIDIES

General Revenue Fund

GRF 090524 Police and Fire \$ 2,000 \$ 2,000

		Disability Pension Fund				
GRF	090534	Police and Fire Ad	\$	31,000	\$	31,000 50677
		Hoc Cost of Living				
GRF	090554	Police and Fire	\$	270,000	\$	270,000 50678
		Survivor Benefits				
GRF	090575	Police and Fire Death	\$	33,500,000	\$	33,750,000 50679
		Benefits				
TOTAL GRF	General Revenue Fund		\$	33,803,000	\$	34,053,000 50680
TOTAL ALL BUDGET FUND GROUPS			\$	33,803,000	\$	34,053,000 50681

POLICE AND FIRE DEATH BENEFIT FUND 50682

The foregoing appropriation item 090575, Police and Fire 50683
 Death Benefits, shall be disbursed quarterly by the Treasurer of 50684
 State at the beginning of each quarter of each fiscal year to the 50685
 Board of Trustees of the Ohio Police and Fire Pension Fund. The 50686
 Treasurer of State shall certify such amounts quarterly to the 50687
 Director of Budget and Management. By the twentieth day of June of 50688
 each fiscal year, the Board of Trustees of the Ohio Police and 50689
 Fire Pension Fund shall certify to the Treasurer of State the 50690
 amount disbursed in the current fiscal year to make the payments 50691
 required by section 742.63 of the Revised Code and shall return to 50692
 the Treasurer of State moneys received from this appropriation 50693
 item but not disbursed. 50694

Notwithstanding any provision of section 124.824 of the 50695
 Revised Code to the contrary, for each death benefit fund 50696
 recipient who participates in health, medical, hospital, dental, 50697
 surgical, or vision benefits under section 124.824 of the Revised 50698
 Code, the Board of Trustees of the Ohio Police and Fire Pension 50699
 Fund shall pay the percentage of the premium or cost for the 50700
 applicable benefits that would be paid by a state employer for a 50701
 state employee who elects that coverage and shall withhold from 50702
 benefits paid to a death benefit fund recipient under section 50703

742.63 of the Revised Code the percentage of the premium or cost 50704
for such benefits that would be paid by a state employee. The 50705
Board of Trustees shall pay the Department of Administrative 50706
Services the total cost of those benefits plus any applicable 50707
administrative costs, which shall not exceed two per cent of the 50708
total cost of the benefits. The Board of Trustees shall not 50709
withhold from or charge to a death benefit fund recipient the 50710
amount of any administrative costs paid under this section. 50711

Section 363.10. UST PETROLEUM UNDERGROUND STORAGE TANK 50712
RELEASE COMPENSATION BOARD 50713
Dedicated Purpose Fund Group 50714
6910 810632 Petroleum Underground \$ 1,410,740 \$ 1,469,195 50715
Storage Tank Release
Compensation Board -
Operating
TOTAL DPF Dedicated Purpose Fund \$ 1,410,740 \$ 1,469,195 50716
Group
TOTAL ALL BUDGET FUND GROUPS \$ 1,410,740 \$ 1,469,195 50717

Section 367.10. PRX STATE BOARD OF PHARMACY 50719
Dedicated Purpose Fund Group 50720
4A50 887605 Drug Law Enforcement \$ 150,000 \$ 150,000 50721
4K90 658605 OARRS Integration - \$ 253,264 \$ 255,000 50722
STATE
4K90 887609 Operating Expenses \$ 10,220,383 \$ 10,646,387 50723
5SG0 887612 Drug Database \$ 664,369 \$ 670,000 50724
5SY0 887613 Medical Marijuana \$ 3,084,072 \$ 2,500,200 50725
Control Program
TOTAL DPF Dedicated Purpose Fund \$ 14,372,088 \$ 14,221,587 50726
Group
Federal Fund Group 50727

3HD0 887614	Pharmacy Federal Grants	\$	612,433	\$	531,000	50728
3HH0 658601	OARRS Integration - FED	\$	2,363,583	\$	2,384,000	50729
TOTAL FED	Federal Fund Group	\$	2,976,016	\$	2,915,000	50730
TOTAL ALL BUDGET	FUND GROUPS	\$	17,348,104	\$	17,136,587	50731

Section 369.10. PSY STATE BOARD OF PSYCHOLOGY 50733

Dedicated Purpose Fund Group						50734
4K90 882609	Operating Expenses	\$	665,390	\$	696,615	50735
TOTAL DPF	Dedicated Purpose Fund Group	\$	665,390	\$	696,615	50737
TOTAL ALL BUDGET	FUND GROUPS	\$	665,390	\$	696,615	50738

Section 371.10. PUB OHIO PUBLIC DEFENDER COMMISSION 50740

General Revenue Fund						50741
GRF 019401	State Legal Defense Services	\$	4,679,317	\$	5,034,523	50742
GRF 019403	Multi-County: State Share	\$	3,607,498	\$	3,618,503	50743
GRF 019404	Trumbull County - State Share	\$	1,349,330	\$	1,358,754	50744
GRF 019405	Training Account	\$	50,000	\$	50,000	50745
GRF 019501	County Reimbursement	\$	90,000,000	\$	90,000,000	50746
TOTAL GRF	General Revenue Fund	\$	99,686,145	\$	100,061,780	50747
Dedicated Purpose Fund Group						50748
1010 019607	Juvenile Legal Assistance	\$	204,756	\$	204,756	50749
4060 019603	Training and Publications	\$	25,000	\$	25,000	50750
4070 019604	County Representation	\$	280,407	\$	285,000	50751
4080 019605	Client Payments	\$	715,831	\$	737,389	50752

4C70	019601	Multi-County: County Share	\$	1,352,812	\$	1,356,939	50753
4N90	019613	Gifts and Grants	\$	19,440	\$	19,440	50754
4X70	019610	Trumbull County - County Share	\$	505,999	\$	509,533	50755
5740	019606	Civil Legal Aid	\$	25,000,000	\$	25,000,000	50756
5CX0	019617	Civil Case Filing Fee	\$	623,425	\$	642,904	50757
5DY0	019618	Indigent Defense Support - County Share	\$	31,872,000	\$	31,872,000	50758
5DY0	019619	Indigent Defense Support - State Office	\$	7,113,482	\$	7,216,852	50759
TOTAL DPF Dedicated Purpose							50760
Fund Group			\$	67,713,152	\$	67,869,813	50761
Federal Fund Group							50762
3S80	019608	Federal Representation	\$	38,315	\$	38,315	50763
TOTAL FED Federal Fund Group			\$	38,315	\$	38,315	50764
TOTAL ALL BUDGET FUND GROUPS			\$	167,437,612	\$	167,969,908	50765
INDIGENT DEFENSE REIMBURSEMENT							50766
Notwithstanding any provision of law to the contrary, if the							50767
amount of money appropriated by the General Assembly in fiscal							50768
year 2020 or fiscal year 2021 to reimburse counties for the							50769
operation of county public defender offices, joint county public							50770
defender offices, and county appointed counsel systems, including							50771
the costs and expenses of conducting the defense in capital cases,							50772
is sufficient, the Ohio Public Defender may exceed fifty per cent							50773
contribution of the total costs and expenses that are reimbursable							50774
for the operation of those offices and systems.							50775
INDIGENT DEFENSE OFFICE							50776
The foregoing appropriation items 019404, Trumbull County -							50777

State Share, and 019610, Trumbull County - County Share, shall be 50778
used to support an indigent defense office for Trumbull County. 50779

MULTI-COUNTY OFFICE 50780

The foregoing appropriation items 019403, Multi-County: State 50781
Share, and 019601, Multi-County: County Share, shall be used to 50782
support the Office of the Ohio Public Defender's Multi-County 50783
Branch Office Program. 50784

TRAINING ACCOUNT 50785

The foregoing appropriation item 019405, Training Account, 50786
shall be used by the Ohio Public Defender to provide legal 50787
training programs at no cost for private appointed counsel who 50788
represents at least one indigent defendant at no cost, state and 50789
county public defenders, and attorneys who contract with the Ohio 50790
Public Defender to provide indigent defense services. 50791

CASH TRANSFER FROM THE GENERAL REVENUE FUND TO THE LEGAL AID 50792
FUND 50793

On July 1 of each fiscal year, or as soon as possible 50794
thereafter, the Director of Budget and Management shall transfer 50795
\$250,000 cash from the General Revenue Fund to the Legal Aid Fund 50796
(Fund 5740). The transferred cash shall be distributed by the Ohio 50797
Legal Assistance Foundation to Ohio's civil legal aid societies 50798
for the sole purpose of providing legal services for economically 50799
disadvantaged individuals and families seeking assistance with 50800
legal issues arising as a result of substance abuse disorders. 50801
None of the funds shall be used for administrative costs, 50802
including, but not limited to, salaries, benefits, or travel 50803
reimbursements. 50804

FEDERAL REPRESENTATION 50805

The foregoing appropriation item 019608, Federal 50806
Representation, shall be used to support representation provided 50807

by the Ohio Public Defender in federal court cases. 50808

Section 373.10. DPS DEPARTMENT OF PUBLIC SAFETY 50809

General Revenue Fund 50810

GRF 761403 Recovery Ohio Law \$ 9,750,000 \$ 9,750,000 50811
Enforcement

GRF 763403 EMA Operating \$ 5,099,118 \$ 5,320,000 50812

GRF 767420 Investigative Unit \$ 13,776,113 \$ 14,175,500 50813
Operating

GRF 768425 Justice Program \$ 2,061,162 \$ 2,084,200 50814
Services

GRF 769406 Homeland Security - \$ 3,140,706 \$ 3,228,200 50815
Operating

GRF 769407 Youthful Driver \$ 500,000 \$ 500,000 50816
Safety

GRF 769501 School Safety \$ 300,000 \$ 300,000 50817

TOTAL GRF General Revenue Fund \$ 34,627,099 \$ 35,357,900 50818

Dedicated Purpose Fund Group 50819

4P60 768601 Justice Program \$ 220,000 \$ 226,500 50820
Services

4V30 763662 EMA Service and \$ 751,000 \$ 751,000 50821
Reimbursements

5B90 766632 Private Investigator \$ 1,986,152 \$ 2,035,000 50822
and Security Guard
Provider

5BK0 768687 Criminal Justice \$ 533,771 \$ 550,000 50823
Services - Operating

5BK0 768689 Family Violence \$ 1,550,000 \$ 1,550,000 50824
Shelter Programs

5ET0 768625 Drug Law Enforcement \$ 8,000,000 \$ 8,000,000 50825

5LM0 768698 Criminal Justice \$ 850,946 \$ 850,946 50826
Services Law

		Enforcement Support					
5ML0	769635	Infrastructure	\$	80,000	\$	80,000	50827
		Protection					
5RH0	767697	OIU Special Projects	\$	900,000	\$	900,000	50828
5RS0	768621	Community Police	\$	1,569,445	\$	1,150,000	50829
		Relations					
5TJ0	763603	Security Grants	\$	470,000	\$	0	50830
5Y10	767696	Ohio Investigative	\$	10,000	\$	10,000	50831
		Unit Continuing					
		Professional Training					
6220	767615	Investigative,	\$	1,000,000	\$	1,000,000	50832
		Contraband, and					
		Forfeiture					
6570	763652	Utility Radiological	\$	1,258,624	\$	1,258,624	50833
		Safety					
6810	763653	SARA Title III Hazmat	\$	273,629	\$	273,629	50834
		Planning					
TOTAL	DPF	Dedicated Purpose Fund	\$	19,453,567	\$	18,635,699	50835
		Group					
		Federal Fund Group					50836
3370	763609	Federal Disaster	\$	69,779,199	\$	69,948,672	50837
		Relief					
3FP0	767620	Ohio Investigative	\$	30,000	\$	30,000	50838
		Unit Justice					
		Contraband					
3GL0	768619	Justice Assistance	\$	12,500,000	\$	12,500,000	50839
		Grants - FFY15					
3GT0	767691	Investigative Unit	\$	100,000	\$	100,000	50840
		Federal Equity Share					
3GU0	769610	Investigations Grants	\$	1,400,000	\$	1,400,000	50841
		- Food Stamps, Liquor					
		and Tobacco Laws					
3GU0	769631	Homeland Security	\$	800,000	\$	800,000	50842

Disaster Grants

3L50 768604	Justice Program	\$ 12,600,000	\$ 12,600,000	50843
TOTAL FED	Federal Fund Group	\$ 97,209,199	\$ 97,378,672	50844
TOTAL ALL BUDGET FUND GROUPS		\$ 151,289,865	\$ 151,372,271	50845

Section 373.20. RECOVERY OHIO LAW ENFORCEMENT 50847

Of the foregoing appropriation item 761403, Recovery Ohio Law 50848
Enforcement, up to \$3,400,000 in each fiscal year may be used to 50849
create narcotics task forces that will focus on cartel trafficking 50850
interdiction. 50851

Of the foregoing appropriation item 761403, Recovery Ohio Law 50852
Enforcement, up to \$3,250,000 in each fiscal year may be used to 50853
establish a highly specialized Narcotics Intelligence Center 50854
consisting of personnel assigned to intelligence and computer 50855
forensic analysis that will assist Ohio narcotics task forces. 50856

Of the foregoing appropriation item 761403, Recovery Ohio Law 50857
Enforcement, up to \$2,500,000 in each fiscal year may be used by 50858
the Office of Criminal Justice Services to provide funding to 50859
Ohio's narcotics task forces to build new and strengthen existing 50860
partnerships with local law enforcement. 50861

Of the foregoing appropriation item 761403, Recovery Ohio Law 50862
Enforcement, up to \$600,000 in each fiscal year may be used to 50863
partner with the Office of Information Technology in the 50864
Department of Administrative Services to develop, enhance, and 50865
maintain a uniform records management and data intelligence system 50866
for narcotics task forces. 50867

JUSTICE PROGRAM SERVICES 50868

Of the foregoing appropriation item 768425, Justice Program 50869
Services, up to \$1,000,000 in each fiscal year shall be used by 50870
the Department of Public Safety to distribute grants to state 50871
and/or local law enforcement to conduct investigations on sexual 50872

assault kit testing results and related expenses.	50873
YOUTHFUL DRIVER SAFETY	50874
The foregoing appropriation item 769407, Youthful Driver	50875
Safety, shall be used to enhance driver training for a statewide	50876
youthful driver safety program. The program will use best	50877
practices and technology to focus on behind-the-wheel driver	50878
training for drivers aged sixteen to twenty-four in order to	50879
reduce the number of at-fault youthful fatal car crashes.	50880
SCHOOL SAFETY	50881
The foregoing appropriation item 769501, School Safety, shall	50882
be used by the Department of Public Safety to pay for the costs of	50883
the Ohio Homeland Security Safer Schools Tipline, promotional	50884
materials to enhance awareness of the Tipline, and analytic tools	50885
to proactively alert local officials to school security threats.	50886
LOCAL DISASTER ASSISTANCE	50887
Appropriation item 763511, Local Disaster Assistance, shall	50888
be used to assist eligible local governments in meeting the match	50889
requirement necessary to utilize federal disaster assistance funds	50890
released as a result of the Major Disaster Declaration issued by	50891
the President of the United States on April 17, 2018.	50892
An amount equal to the unexpended, unencumbered balance of	50893
appropriation item 763511, Local Disaster Assistance, at the end	50894
of fiscal year 2019 is hereby reappropriated for the same purpose	50895
for fiscal year 2020.	50896
An amount equal to the unexpended, unencumbered balance of	50897
appropriation item 763511, Local Disaster Assistance, at the end	50898
of fiscal year 2020 is hereby reappropriated for the same purpose	50899
for fiscal year 2021.	50900
STATE DISASTER RELIEF	50901
The State Disaster Relief Fund (Fund 5330) may accept	50902

transfers of cash or appropriations from Controlling Board 50903
appropriation items for the Ohio Emergency Management Agency 50904
disaster response costs and disaster program management costs, and 50905
may also be used for the following purposes: 50906

(A) To accept transfers of cash or appropriations from 50907
Controlling Board appropriation items for Ohio Emergency 50908
Management Agency public assistance and mitigation program match 50909
costs to reimburse eligible local governments and private 50910
nonprofit organizations for costs related to disasters; 50911

(B) To accept transfers of cash to reimburse the costs 50912
associated with Emergency Management Assistance Compact (EMAC) 50913
deployments; 50914

(C) To accept disaster related reimbursement from federal, 50915
state, and local governments. The Director of Budget and 50916
Management may transfer cash from reimbursements received by this 50917
fund to other funds of the state from which transfers were 50918
originally approved by the Controlling Board. 50919

(D) To accept transfers of cash or appropriations from 50920
Controlling Board appropriation items to fund the State Disaster 50921
Relief Program, for disasters that qualify for the program by 50922
written authorization of the Governor, and the State Individual 50923
Assistance Program for disasters that have been declared by the 50924
federal Small Business Administration and that qualify for the 50925
program by written authorization from the Governor. The Ohio 50926
Emergency Management Agency shall publish and make available 50927
application packets outlining procedures for the State Disaster 50928
Relief Program and the State Individual Assistance Program. 50929

Section 373.30. TRANSFER FROM STATE FIRE MARSHAL FUND TO 50930
EMERGENCY MANAGEMENT AGENCY SERVICE AND REIMBURSEMENT FUND 50931

On July 1 of each fiscal year, or as soon as possible 50932

thereafter, the Director of Budget and Management shall transfer 50933
\$200,000 cash from the State Fire Marshall Fund (Fund 5460) to the 50934
Emergency Management Agency Service and Reimbursement Fund (Fund 50935
4V30) to be distributed to the Ohio Task Force One - Urban Search 50936
and Rescue Unit, other similar urban search and rescue units 50937
around the state, and for maintenance of the statewide fire 50938
emergency response plan by an entity recognized by the Ohio 50939
Emergency Management Agency. 50940

DRUG LAW ENFORCEMENT FUND 50941

Notwithstanding division (D) of section 5502.68 of the 50942
Revised Code, in each of fiscal years 2020 and 2021, the 50943
cumulative amount of funding provided to any single drug task 50944
force out of the Drug Law Enforcement Fund (Fund 5ET0) may not 50945
exceed \$500,000 in any calendar year. 50946

COMMUNITY POLICE RELATIONS 50947

The foregoing appropriation item 768621, Community Police 50948
Relations, shall be used to implement key recommendations of the 50949
Ohio Task Force on Community-Police Relations, including a 50950
database on use of force and officer involved shootings, a public 50951
awareness campaign, and state-provided assistance with 50952
policy-making and manuals. 50953

SARA TITLE III HAZMAT PLANNING 50954

The SARA Title III Hazmat Planning Fund (Fund 6810) is 50955
entitled to receive grant funds from the Emergency Response 50956
Commission to implement the Emergency Management Agency's 50957
responsibilities under Chapter 3750. of the Revised Code. 50958

SECURITY GRANTS 50959

(A) The foregoing appropriation item 763603, Security Grants, 50960
shall be used to make competitive grants of up to \$100,000 to 50961
nonprofit organizations for eligible security improvements that 50962

assist the organization in preventing, preparing for, or 50963
responding to acts of terrorism. 50964

(B) The Emergency Management Agency shall administer and 50965
award the grants. The Agency shall establish procedures and forms 50966
by which applicants may apply for a grant, a competitive process 50967
for ranking applicants and awarding the grants, and procedures for 50968
distributing grants to recipients. The procedures shall require 50969
each applicant to do all of the following: 50970

(1) Identify and substantiate prior threats or attacks by a 50971
terrorist organization, network, or cell against the nonprofit 50972
organization; 50973

(2) Indicate the symbolic or strategic value of one or more 50974
sites that renders the site a possible target of terrorism; 50975

(3) Discuss potential consequences to the organization if the 50976
site is damaged, destroyed, or disrupted by a terrorist; 50977

(4) Describe how the grant will be used to integrate 50978
organizational preparedness with broader state and local 50979
preparedness efforts; 50980

(5) Submit a vulnerability assessment conducted by 50981
experienced security, law enforcement, or military personnel and a 50982
description of how the grant will be used to address the 50983
vulnerabilities identified in the assessment. 50984

The Agency shall consider all of the above factors in 50985
evaluating grant applications. 50986

(C) Any grant submission described in division (I) of section 50987
3313.536 of the Revised Code or section 149.433 of the Revised 50988
Code is not a public record under section 149.43 of the Revised 50989
Code and is not subject to mandatory release or disclosure under 50990
that section. 50991

(D) The Emergency Management Agency may use up to two and 50992

one-half per cent of the total amount appropriated to administer 50993
the program, a portion of which may be used to pay costs incurred 50994
by the Department of Public Safety to provide security-related or 50995
specialized assistance in reviewing vulnerability assessments and 50996
prioritizing grant applications. 50997

(E) As used in this section: 50998

(1) "Eligible security improvements" means any of the 50999
following: 51000

(a) Physical security enhancement equipment or inspection and 51001
screening equipment included on the Authorized Equipment List 51002
published by the United States Department of Homeland Security; 51003

(b) Attendance fees and associated materials, supplies, and 51004
equipment costs for security-related training courses and programs 51005
regarding the protection of critical infrastructure and key 51006
resources, physical and cyber security, target hardening, or 51007
terrorism awareness or preparedness. Personnel and travel costs 51008
associated with training shall not be considered an eligible 51009
expense of the grant. 51010

(2) "Nonprofit organization" means a corporation, 51011
association, group, institution, society, or other organization 51012
that is exempt from federal income taxation under section 51013
501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 51014
26 U.S.C. 501(c)(3), as amended. 51015

(F) An amount equal to the unexpended, unencumbered balance 51016
of the foregoing appropriation item 763603, Security Grants, at 51017
the end of fiscal year 2020 is hereby reappropriated for the same 51018
purpose in fiscal year 2021. 51019

Section 375.10. PUC PUBLIC UTILITIES COMMISSION OF OHIO 51020

Dedicated Purpose Fund Group 51021

4A30 870614 Grade Crossing \$ 1,196,662 \$ 1,200,000 51022

		Protection					
		Devices-State					
4L80	870617	Pipeline Safety-State	\$	346,253	\$	346,253	51023
5610	870606	Power Siting Board	\$	1,095,185	\$	1,095,185	51024
5F60	870622	Utility and Railroad	\$	34,582,560	\$	35,415,760	51025
		Regulation					
5F60	870624	NARUC/NRRI Subsidy	\$	85,000	\$	85,000	51026
5LT0	870640	Intrastate	\$	195,000	\$	195,000	51027
		Registration					
5LT0	870641	Unified Carrier	\$	450,000	\$	450,000	51028
		Registration					
5LT0	870643	Non-hazardous	\$	299,942	\$	299,942	51029
		Materials Civil					
		Forfeiture					
5LT0	870644	Hazardous Materials	\$	800,000	\$	800,000	51030
		Civil Forfeiture					
5LT0	870645	Motor Carrier	\$	4,681,427	\$	4,719,696	51031
		Enforcement					
5Q50	870626	Telecommunications	\$	3,000,000	\$	3,000,000	51032
		Relay Service					
5QR0	870646	Underground Facilities	\$	50,000	\$	50,000	51033
		Protection					
5QS0	870647	Underground Facilities	\$	316,000	\$	316,000	51034
		Administration					
TOTAL	DPF	Dedicated Purpose Fund	\$	47,098,029	\$	47,972,836	51035
		Group					
		Federal Fund Group					51036
3330	870601	Gas Pipeline Safety	\$	1,397,959	\$	1,397,959	51037
3500	870608	Motor Carrier Safety	\$	10,058,083	\$	10,058,083	51038
3500	870648	Motor Carrier	\$	450,000	\$	450,000	51039
		Administration High					
		Priority Grants and					
		Cooperative					

		Agreements				
3V30	870604	Commercial Vehicle	\$	100,000	\$	100,000 51040
		Information				
		Systems/Networks				
TOTAL FED	Federal Fund Group		\$	12,006,042	\$	12,006,042 51041
TOTAL ALL BUDGET FUND GROUPS			\$	59,104,071	\$	59,978,878 51042

Section 377.10. PWC PUBLIC WORKS COMMISSION 51044

General Revenue Fund 51045

GRF	150904	Conservation General	\$	44,218,800	\$	44,394,800 51046
		Obligation Bond Debt				
		Service				

GRF	150907	Infrastructure	\$	229,338,800	\$	231,754,500 51047
		Improvement General				
		Obligation Bond Debt				
		Service				

TOTAL GRF	General Revenue Fund		\$	273,557,600	\$	276,149,300 51048
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Capital Projects Fund Group 51049

7038	150321	State Capital	\$	1,085,834	\$	895,864 51050
		Improvements Program				
		- Operating Expenses				

7056	150403	Clean Ohio	\$	364,345	\$	301,022 51051
		Conservation				
		Operating				

TOTAL CPF	Capital Projects Fund		\$	1,450,179	\$	1,196,886 51052
Group						

TOTAL ALL BUDGET FUND GROUPS			\$	275,007,779	\$	277,346,186 51053
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Section 377.20. CONSERVATION GENERAL OBLIGATION BOND DEBT 51055

SERVICE 51056

The foregoing appropriation item 150904, Conservation General 51057
Obligation Bond Debt Service, shall be used to pay all debt 51058

service and related financing costs during the period from July 1, 51059
2019, through June 30, 2021, on obligations issued under sections 51060
151.01 and 151.09 of the Revised Code. 51061

INFRASTRUCTURE IMPROVEMENT GENERAL OBLIGATION BOND DEBT 51062
SERVICE 51063

The foregoing appropriation item 150907, Infrastructure 51064
Improvement General Obligation Bond Debt Service, shall be used to 51065
pay all debt service and related financing costs during the period 51066
from July 1, 2019, through June 30, 2021, on obligations issued 51067
under sections 151.01 and 151.08 of the Revised Code. 51068

STATE CAPITAL IMPROVEMENTS PROGRAM - OPERATING EXPENSES 51069

The foregoing appropriation item 150321, State Capital 51070
Improvements Program - Operating Expenses, shall be used by the 51071
Ohio Public Works Commission to administer the State Capital 51072
Improvement Program under sections 164.01 to 164.16 of the Revised 51073
Code. 51074

CLEAN OHIO CONSERVATION OPERATING 51075

The foregoing appropriation item 150403, Clean Ohio 51076
Conservation Operating, shall be used by the Ohio Public Works 51077
Commission in administering Clean Ohio Conservation Fund (Fund 51078
7056) projects pursuant to sections 164.20 to 164.27 of the 51079
Revised Code. 51080

DISTRICT ADMINISTRATION COSTS 51081

The Director of the Public Works Commission is authorized to 51082
create a District Administration Costs Program from proceeds of 51083
the Capital Improvements Fund and Local Transportation Improvement 51084
Program Fund. The program shall be used to provide for the direct 51085
costs of district administration of the nineteen public works 51086
districts. Districts choosing to participate in the program shall 51087
only expend State Capital Improvements Fund moneys for State 51088

Capital Improvements Fund costs and Local Transportation 51089
Improvement Program Fund moneys for Local Transportation 51090
Improvement Program Fund costs. The District Administration Costs 51091
Program account shall not exceed \$1,235,000 per fiscal year. Each 51092
public works district may be eligible for up to \$65,000 per fiscal 51093
year from its district allocation as provided in sections 164.08 51094
and 164.14 of the Revised Code. 51095

The Director, by rule, shall define allowable and 51096
nonallowable costs for the purpose of the District Administration 51097
Costs Program. Nonallowable costs include indirect costs, elected 51098
official salaries and benefits, and project-specific costs. No 51099
district public works committee may participate in the District 51100
Administration Costs Program without the approval of those costs 51101
by the district public works committee under section 164.04 of the 51102
Revised Code. 51103

NATURAL RESOURCE ASSISTANCE COUNCIL ADMINISTRATION COSTS 51104

The Director of the Public Works Commission is authorized to 51105
create a District Administration Costs Program for districts 51106
represented by natural resource assistance councils. This program 51107
shall be funded from proceeds of the Clean Ohio Conservation Fund. 51108
The program shall be used by natural resource assistance councils 51109
in order to provide for administration costs of the nineteen 51110
natural resource assistance councils for the direct costs of 51111
council administration. Councils choosing to participate in this 51112
program may be eligible for up to \$15,000 per fiscal year from its 51113
district allocation as provided in section 164.27 of the Revised 51114
Code. 51115

The Director shall define allowable and nonallowable costs 51116
for the purpose of the District Administration Costs Program. 51117
Nonallowable costs include indirect costs, elected official 51118
salaries and benefits, and project-specific costs. 51119

Section 379.10. RAC STATE RACING COMMISSION				51120
Dedicated Purpose Fund Group				51121
5620	875601	Thoroughbred Development	\$ 1,400,000 \$ 1,400,000	51122
5630	875602	Standardbred Development	\$ 1,550,000 \$ 1,550,000	51123
5650	875604	Racing Commission Operating	\$ 4,034,320 \$ 4,070,948	51124
5JK0	875610	Horse Racing Development-Casino	\$ 8,512,095 \$ 8,512,095	51125
5NL0	875611	Revenue Redistribution	\$ 8,000,000 \$ 8,000,000	51126
TOTAL DPF Dedicated Purpose Fund Group			\$ 23,496,415 \$ 23,533,043	51127
Fiduciary Fund Group				51128
5C40	875607	Simulcast Horse Racing Purse	\$ 7,000,000 \$ 7,000,000	51129
TOTAL FID Fiduciary Fund Group			\$ 7,000,000 \$ 7,000,000	51130
Holding Account Fund Group				51131
R021	875605	Bond Reimbursements	\$ 100,000 \$ 100,000	51132
TOTAL HLD Holding Account Fund Group			\$ 100,000 \$ 100,000	51133
TOTAL ALL BUDGET FUND GROUPS			\$ 30,596,415 \$ 30,633,043	51134
Section 381.10. BOR DEPARTMENT OF HIGHER EDUCATION				51136
General Revenue Fund				51137
GRF	235321	Operating Expenses	\$ 5,825,252 \$ 5,762,414	51138
GRF	235402	Sea Grants	\$ 299,250 \$ 299,250	51139
GRF	235406	Articulation and Transfer	\$ 1,844,372 \$ 1,851,773	51140
GRF	235408	Midwest Higher	\$ 115,000 \$ 115,000	51141

	Education Compact				
GRF 235414	Grants and Scholarship Administration	\$	837,799	\$	855,433 51142
GRF 235417	Technology Maintenance and Operations	\$	4,989,937	\$	3,758,802 51143
GRF 235428	Appalachian New Economy Workforce Partnership	\$	1,228,000	\$	1,228,000 51144
GRF 235438	Choose Ohio First Scholarship	\$	28,169,310	\$	40,177,613 51145
GRF 235443	Adult Basic and Literacy Education - State	\$	7,083,344	\$	7,083,344 51146
GRF 235444	Ohio Technical Centers	\$	19,669,559	\$	23,250,000 51147
GRF 235474	Area Health Education Centers Program Support	\$	873,000	\$	873,000 51148
GRF 235492	Campus Safety and Training	\$	750,000	\$	750,000 51149
GRF 235501	State Share of Instruction	\$	1,999,210,715	\$	2,019,202,822 51150
GRF 235504	War Orphans Scholarships	\$	11,163,333	\$	12,502,933 51151
GRF 235507	OhioLINK	\$	6,024,682	\$	6,024,682 51152
GRF 235508	Air Force Institute of Technology	\$	1,566,723	\$	1,566,723 51153
GRF 235510	Ohio Supercomputer Center	\$	4,388,513	\$	4,388,513 51154
GRF 235511	Cooperative Extension Service	\$	24,110,186	\$	24,110,186 51155
GRF 235514	Central State Supplement	\$	11,685,516	\$	11,685,516 51156
GRF 235515	Case Western Reserve	\$	2,038,940	\$	2,038,940 51157

	University School of Medicine					
GRF 235519	Family Practice	\$	3,007,876	\$	3,007,876	51158
GRF 235520	Shawnee State Supplement	\$	2,537,456	\$	2,537,456	51159
GRF 235525	Geriatric Medicine	\$	496,043	\$	496,043	51160
GRF 235526	Primary Care Residencies	\$	1,425,000	\$	1,425,000	51161
GRF 235535	Ohio Agricultural Research and Development Center	\$	36,361,470	\$	36,361,470	51162
GRF 235536	The Ohio State University Clinical Teaching	\$	9,185,494	\$	9,185,494	51163
GRF 235537	University of Cincinnati Clinical Teaching	\$	7,554,944	\$	7,554,944	51164
GRF 235538	University of Toledo Clinical Teaching	\$	5,888,670	\$	5,888,670	51165
GRF 235539	Wright State University Clinical Teaching	\$	2,860,830	\$	2,860,830	51166
GRF 235540	Ohio University Clinical Teaching	\$	2,765,651	\$	2,765,651	51167
GRF 235541	Northeast Ohio Medical University Clinical Teaching	\$	2,844,469	\$	2,844,469	51168
GRF 235546	Central State Agricultural Research and Development	\$	3,492,485	\$	3,492,485	51169
GRF 235548	Central State Cooperative Extension Services	\$	3,004,367	\$	3,004,367	51170

GRF 235552	Capital Component	\$	1,584,491	\$	1,584,491	51171
GRF 235555	Library Depositories	\$	1,396,592	\$	1,396,592	51172
GRF 235556	Ohio Academic Resources Network	\$	3,077,343	\$	3,077,343	51173
GRF 235558	Long-term Care Research	\$	309,035	\$	309,035	51174
GRF 235563	Ohio College Opportunity Grant	\$	122,260,500	\$	148,200,000	51175
GRF 235572	The Ohio State University Clinic Support	\$	728,206	\$	728,206	51176
GRF 235599	National Guard Scholarship Program	\$	20,604,000	\$	21,222,120	51177
GRF 235909	Higher Education General Obligation Bond Debt Service	\$	323,545,500	\$	348,550,200	51178
TOTAL GRF General Revenue Fund		\$	2,686,803,853	\$	2,774,017,686	51179
Dedicated Purpose Fund Group						51180
2200 235614	Program Approval and Reauthorization	\$	800,485	\$	744,562	51181
4560 235603	Sales and Services	\$	199,250	\$	199,250	51182
4E80 235602	Higher Educational Facility Commission Administration	\$	53,239	\$	60,000	51183
5D40 235675	Conference/Special Purposes	\$	1,000,000	\$	1,000,000	51184
5FR0 235650	State and Non-Federal Grants and Award	\$	1,402,150	\$	1,402,150	51185
5JC0 235654	Federal Research Network	\$	3,450,000	\$	3,450,000	51186
5NH0 235684	OhioMeansJobs Workforce Development Revolving Loan	\$	245,163	\$	250,000	51187

		Program					
5P30	235663	Variable Savings Plan	\$	7,743,050	\$	7,915,343	51188
6450	235664	Guaranteed Savings	\$	956,973	\$	1,001,626	51189
		Plan					
6820	235606	Nursing Loan Program	\$	889,611	\$	891,320	51190
TOTAL	DPF	Dedicated Purpose Fund	\$	16,739,921	\$	16,914,251	51191
Group							
Bond Research and Development Fund Group							51192
7011	235634	Research Incentive	\$	6,500,000	\$	6,500,000	51193
		Third Frontier					
7014	235639	Research Incentive	\$	1,500,000	\$	1,500,000	51194
		Third Frontier - Tax					
TOTAL	BRD	Bond Research and	\$	8,000,000	\$	8,000,000	51195
Development Fund Group							
Federal Fund Group							51196
3120	235611	Gear-up Grant	\$	1,995,808	\$	2,000,000	51197
3120	235612	Carl D. Perkins	\$	1,332,315	\$	1,350,000	51198
		Grant/Plan					
		Administration					
3120	235641	Adult Basic and	\$	17,579,996	\$	17,600,000	51199
		Literacy Education -					
		Federal					
3BG0	235651	Gear Up Grant	\$	1,750,000	\$	1,750,000	51200
		Scholarships					
3H20	235608	Human Services	\$	375,000	\$	375,000	51201
		Project					
3N60	235658	John R. Justice	\$	70,000	\$	70,000	51202
		Student Loan					
		Repayment Program					
TOTAL	FED	Federal Fund Group	\$	23,103,119	\$	23,145,000	51203
TOTAL	ALL	BUDGET FUND GROUPS	\$	2,734,646,893	\$	2,822,076,937	51204
Section 381.20. SEA GRANTS							51206

The foregoing appropriation item 235402, Sea Grants, shall be used to match federal dollars and leverage additional support by The Ohio State University's Sea Grant program, including Stone Laboratory, for research, education, and outreach to enhance the economic value, public utilization, and responsible management of Lake Erie and Ohio's coastal resources.

Section 381.30. ARTICULATION AND TRANSFER 51213

The foregoing appropriation item 235406, Articulation and Transfer, shall be used by the Chancellor of Higher Education to maintain and expand the work of the Articulation and Transfer Council to develop a system of transfer policies to ensure that students at state institutions of higher education can transfer and have coursework apply to their majors and degrees at any other state institution of higher education without unnecessary duplication or institutional barriers under sections 3333.16, 3333.161, and 3333.162 of the Revised Code.

Section 381.40. MIDWEST HIGHER EDUCATION COMPACT 51223

The foregoing appropriation item 235408, Midwest Higher Education Compact, shall be distributed by the Chancellor of Higher Education under section 3333.40 of the Revised Code.

Section 381.50. GRANTS AND SCHOLARSHIP ADMINISTRATION 51227

The foregoing appropriation item 235414, Grants and Scholarship Administration, shall be used by the Chancellor of Higher Education to manage and administer student financial aid programs created by the General Assembly and grants for which the Department of Higher Education is responsible. The appropriation item also shall be used to support all state financial aid audits and student financial aid programs created by Congress, and to provide fiscal and administrative services for the Ohio National

Guard Scholarship Program. 51236

Section 381.60. TECHNOLOGY MAINTENANCE AND OPERATIONS 51237

The foregoing appropriation item 235417, Technology 51238
Maintenance and Operations, shall be used by the Chancellor of 51239
Higher Education to support the development and implementation of 51240
information technology solutions designed to improve the 51241
performance and capacity of the Department of Higher Education. 51242
The information technology solutions may be provided by the Ohio 51243
Technology Consortium (OH-TECH). 51244

Of the foregoing appropriation item 235417, Technology 51245
Maintenance and Operations, a portion in each fiscal year may be 51246
used by the Chancellor to support the continued implementation of 51247
eStudent Services, a consortium organized under division (T) of 51248
section 3333.04 of the Revised Code to expand access to dual 51249
enrollment opportunities for high school students, as well as 51250
adult and higher education opportunities through technology. The 51251
funds shall be used by eStudent Services to develop and promote 51252
learning and assessment through the use of technology, to test and 51253
provide advice on emerging learning-directed technologies, to 51254
facilitate cost-effectiveness through shared educational 51255
technology investments, and for any other priorities of the 51256
Chancellor of Higher Education. 51257

Of the foregoing appropriation item 235417, Technology 51258
Maintenance and Operations, a portion in each fiscal year shall be 51259
used by the Chancellor to implement a high priority data 51260
warehouse, advanced analytics, and visualization integration 51261
services associated with the Higher Education Information (HEI) 51262
system. The services may be facilitated by OH-TECH. 51263

Of the foregoing appropriation item 235417, Technology 51264
Maintenance and Operations, \$150,000 in each fiscal year shall be 51265
used to support Ohio Reach to provide mentoring and support 51266

services to former foster youth attending college. 51267

Of the foregoing appropriation item 235417, Technology 51268
Maintenance and Operations, up to \$1,250,000 in fiscal year 2020 51269
shall be distributed to Hocking College to support the development 51270
and implementation of instructional programming in Fairfield 51271
County. The instructional programming shall focus efforts on 51272
creating and implementing a short-term certificate and apprentice 51273
pathway program, providing access to training programs for 51274
developmentally disabled clients, and supporting workforce 51275
training in the areas of advanced manufacturing and robotics. 51276
Hocking College shall expend these moneys by June 30, 2020. 51277

Section 381.70. APPALACHIAN NEW ECONOMY WORKFORCE PARTNERSHIP 51278

The foregoing appropriation item 235428, Appalachian New 51279
Economy Workforce Partnership, shall be distributed to Ohio 51280
University to continue a multi-campus and multi-agency coordinated 51281
effort to link Appalachia to the new economy. Ohio University 51282
shall use these funds to provide leadership in the development and 51283
implementation of initiatives in the areas of entrepreneurship, 51284
management, education, and technology. 51285

Section 381.80. CHOOSE OHIO FIRST SCHOLARSHIP 51286

The foregoing appropriation item 235438, Choose Ohio First 51287
Scholarship, shall be used to operate the program prescribed in 51288
sections 3333.60 to 3333.69 of the Revised Code. 51289

During each fiscal year, the Chancellor of Higher Education, 51290
as soon as possible after cancellation, may certify to the 51291
Director of Budget and Management the amount of canceled 51292
prior-year encumbrances in appropriation item 235438, Choose Ohio 51293
First Scholarship. Upon receipt of the certification, the Director 51294
of Budget and Management may transfer cash, up to the certified 51295
amount, from the General Revenue Fund to the Choose Ohio First 51296

Scholarship Reserve Fund (Fund 5PV0). 51297

Section 381.90. ADULT BASIC AND LITERACY EDUCATION 51298

The foregoing appropriation item 235443, Adult Basic and 51299
Literacy Education - State, shall be used to support the adult 51300
basic and literacy education instructional grant program and state 51301
leadership program. The supported programs shall satisfy the state 51302
match and maintenance of effort requirements for the 51303
state-administered grant program. 51304

Section 381.100. OHIO TECHNICAL CENTERS FUNDING 51305

The foregoing appropriation item 235444, Ohio Technical 51306
Centers, shall be used by the Chancellor of Higher Education to 51307
support post-secondary adult career-technical education. The 51308
Chancellor shall provide coordination for Ohio Technical Centers 51309
through program approval processes, data collection of program and 51310
student outcomes, and subsidy disbursements from the foregoing 51311
appropriation item 235444, Ohio Technical Centers. 51312

(A)(1) As soon as possible in each fiscal year, in accordance 51313
with instructions of the Chancellor, each Ohio Technical Center 51314
shall report its actual data, consistent with the definitions in 51315
the Higher Education Information (HEI) system's files, to the 51316
Chancellor. 51317

(a) In defining the number of full-time equivalent students 51318
for state subsidy purposes, the Chancellor shall exclude all 51319
students who are not residents of Ohio. 51320

(b) A full-time equivalent student shall be defined as a 51321
student who completes 450 hours. Those students that complete some 51322
portion of 450 hours shall be counted as a partial full-time 51323
equivalent for funding purposes, while students that complete more 51324
than 450 hours shall be counted as proportionally greater than one 51325
full-time equivalent. 51326

(c) In calculating each Ohio Technical Center's full-time equivalent students, the Chancellor shall use a three-year average. 51327
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(d) After June 30, 2019, Ohio Technical Centers shall operate with, or be an active candidate for, accreditation by an accreditor authorized by the United States Department of Education to be eligible to receive subsidies from the foregoing appropriation item 235444, Ohio Technical Centers. 51330
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(2) In each fiscal year, twenty-five per cent of the allocation for Ohio Technical Centers shall be distributed based on the proportion of each Center's full-time equivalent students to the total full-time equivalent students who complete a post-secondary technical workforce training program approved by the Chancellor with a grade of C or better or a grade of pass if the program is evaluated on a pass/fail basis. 51335
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(3) In each fiscal year, twenty per cent of the allocation for Ohio Technical Centers shall be distributed based on the proportion of each Center's full-time equivalent students to the total full-time equivalent students who complete 50 per cent of a program of study as a measure of student retention. 51342
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(4) In each fiscal year, fifty per cent of the allocation for Ohio Technical Centers shall be distributed based on the proportion of each Center's full-time equivalent students to the total full-time equivalent students who have found employment, entered military service, or enrolled in additional post-secondary education and training in accordance with the placement definitions of the Carl D. Perkins Career and Technical Education Act of 2006 (Perkins). The calculation for eligible full-time equivalent students shall be based on the per cent of Perkins placements for students who have completed at least 50 per cent of a program of study. 51347
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(5) In each fiscal year, five per cent of the allocation for Ohio Technical Centers shall be distributed based on the proportion of each Center's full-time equivalent students to the total full-time equivalent students who have earned a credential from an industry-recognized third party.

(B) Of the foregoing appropriation item 235444, Ohio Technical Centers, up to 2.38 per cent in each fiscal year may be distributed by the Chancellor to the Ohio Central School System, up to \$48,000 in each fiscal year may be utilized for assistance for Ohio Technical Centers, and up to \$1,300,000 in each fiscal year may be distributed by the Chancellor to Ohio Technical Centers that provide business consultation with matching local dollars, with preference to industries on the in-demand jobs list created under section 6301.11 of the Revised Code or in regionally emerging fields. Centers meeting this requirement shall receive an amount not to exceed \$25,000 per center.

(C) The remainder of the foregoing appropriation item 235444, Ohio Technical Centers, in each fiscal year shall be distributed in accordance with division (A) of this section.

(D) PHASE-IN OF PERFORMANCE FUNDING FOR OHIO TECHNICAL CENTERS

(1) In fiscal year 2020, no Ohio Technical Center shall receive performance funding calculated under division (A) of this section, excluding funding for third party credentials calculated under division (A)(5) of this section, that is less than 75 per cent of the average allocation the Center received, excluding funding for third party credentials, in the three prior fiscal years.

In fiscal year 2021, no Ohio Technical Center shall receive performance funding calculated under division (A) of this section, excluding funding for third party credentials calculated under

division (A)(5) of this section, that is less than 65 per cent of 51389
the average allocation the Center received, excluding funding for 51390
third party credentials, in the three prior fiscal years. 51391

(2) In order to ensure that no Center receives less than the 51392
amounts identified for each fiscal year in accordance with 51393
division (D)(1) of this section, funds shall be made available to 51394
support the phase-in allocation by proportionally reducing formula 51395
earnings from each Center not receiving phase-in funding. 51396

Section 381.110. AREA HEALTH EDUCATION CENTERS PROGRAM 51397
SUPPORT 51398

The foregoing appropriation item 235474, Area Health 51399
Education Centers Program Support, shall be used by the Chancellor 51400
of Higher Education to support the medical school regional area 51401
health education centers' educational programs for the continued 51402
support of medical and other health professions education and for 51403
support of the Area Health Education Center Program. 51404

Section 381.120. CAMPUS SAFETY AND TRAINING 51405

The foregoing appropriation item 235492, Campus Safety and 51406
Training, shall be used by the Chancellor of Higher Education for 51407
the purpose of developing model best practices for preventing and 51408
responding to sexual violence on campus. The Chancellor, in 51409
consultation with state institutions of higher education as 51410
defined in section 3345.011 of the Revised Code and private 51411
nonprofit institutions of higher education holding certificates of 51412
authorization under Chapter 1713. of the Revised Code, shall 51413
continue to develop model best practices in line with emerging 51414
trends, research, and evidence-based training for preventing and 51415
responding to sexual violence and protecting students and staff 51416
who are victims of sexual violence on campus. The Chancellor shall 51417
convene state institutions of higher education and private 51418

nonprofit institutions of higher education in the training and 51419
implementation of best practices regarding campus sexual violence. 51420

Section 381.140. STATE SHARE OF INSTRUCTION FORMULAS 51421

The Chancellor of Higher Education shall establish procedures 51422
to allocate the foregoing appropriation item 235501, State Share 51423
of Instruction, based on the formulas detailed in this section 51424
that utilize the enrollment, course completion, degree attainment, 51425
and student achievement factors reported annually by each state 51426
institution of higher education participating in the Higher 51427
Education Information (HEI) system. 51428

(A) FULL-TIME EQUIVALENT (FTE) ENROLLMENTS AND COURSE 51429
COMPLETIONS 51430

(1) As soon as possible during each fiscal year of the 51431
biennium ending June 30, 2021, in accordance with instructions of 51432
the Department of Higher Education, each state institution of 51433
higher education shall report its actual data, consistent with the 51434
definitions in the Higher Education Information (HEI) system's 51435
enrollment files, to the Chancellor of Higher Education. 51436

(2) In defining the number of full-time equivalent students 51437
for state subsidy instructional cost purposes, the Chancellor 51438
shall exclude all undergraduate students who are not residents of 51439
Ohio or who do not meet the definition of residency for state 51440
subsidy and tuition surcharge purposes, except those charged 51441
in-state fees in accordance with reciprocity agreements made under 51442
section 3333.17 of the Revised Code or employer contracts entered 51443
into under section 3333.32 of the Revised Code. 51444

(B) TOTAL COSTS PER FULL-TIME EQUIVALENT STUDENT 51445

For purposes of calculating state share of instruction 51446
allocations, the total instructional costs per full-time 51447
equivalent student shall be: 51448

Model	Fiscal Year 2020	Fiscal Year 2021	
			51449
ARTS AND HUMANITIES 1	\$9,115	\$9,285	51450
ARTS AND HUMANITIES 2	\$12,986	\$13,227	51451
ARTS AND HUMANITIES 3	\$16,155	\$16,455	51452
ARTS AND HUMANITIES 4	\$24,740	\$25,200	51453
ARTS AND HUMANITIES 5	\$41,648	\$42,421	51454
ARTS AND HUMANITIES 6	\$41,449	\$42,219	51455
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	\$8,820	\$8,984	51456
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	\$9,681	\$9,861	51457
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	\$12,351	\$12,580	51458
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	\$14,388	\$14,655	51459
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	\$22,995	\$23,422	51460
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	\$24,140	\$24,588	51461
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	\$36,758	\$37,440	51462
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	\$8,441	\$8,598	51463
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	\$11,326	\$11,536	51464
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	\$13,054	\$13,296	51465
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	\$15,314	\$15,599	51466

SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	\$19,665	\$20,030	51467
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 6	\$20,452	\$20,832	51468
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 7	\$24,577	\$25,033	51469
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 8	\$39,870	\$40,610	51470
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 9	\$56,741	\$57,795	51471

Doctoral I and Doctoral II models shall be allocated in accordance with division (D)(2) of this section. 51472
51473

Medical I and Medical II models shall be allocated in accordance with divisions (D)(3) and (D)(4) of this section. 51474
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(C) SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICAL, AND GRADUATE WEIGHTS 51476
51477

For the purpose of implementing the recommendations of the 2006 State Share of Instruction Consultation and the Higher Education Funding Study Council that priority be given to maintaining state support for science, technology, engineering, mathematics, medicine, and graduate programs, the costs in division (B) of this section shall be weighted by the amounts provided below: 51478
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Model	Fiscal Year 2020	Fiscal Year 2021	
ARTS AND HUMANITIES 1	1.0000	1.0000	51485 51486
ARTS AND HUMANITIES 2	1.0000	1.0000	51487
ARTS AND HUMANITIES 3	1.0000	1.0000	51488

ARTS AND HUMANITIES 4	1.0000	1.0000	51489
ARTS AND HUMANITIES 5	1.0425	1.0425	51490
ARTS AND HUMANITIES 6	1.0425	1.0425	51491
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	1.0000	1.0000	51492
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	1.0000	1.0000	51493
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	1.0000	1.0000	51494
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	1.0000	1.0000	51495
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	1.0425	1.0425	51496
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	1.0425	1.0425	51497
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	1.0425	1.0425	51498
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	1.0000	1.0000	51499
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	1.0017	1.0017	51500
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	1.6150	1.6150	51501
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	1.6920	1.6920	51502
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	1.4222	1.4222	51503
SCIENCE, TECHNOLOGY,	1.8798	1.8798	51504

ENGINEERING, MATHEMATICS, MEDICINE 6			
SCIENCE, TECHNOLOGY,	1.4380	1.4380	51505
ENGINEERING, MATHEMATICS, MEDICINE 7			
SCIENCE, TECHNOLOGY,	1.5675	1.5675	51506
ENGINEERING, MATHEMATICS, MEDICINE 8			
SCIENCE, TECHNOLOGY,	1.1361	1.1361	51507
ENGINEERING, MATHEMATICS, MEDICINE 9			
(D) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA			51508
ENTITLEMENTS AND ADJUSTMENTS FOR UNIVERSITIES			51509
(1) Of the foregoing appropriation item 235501, State Share			51510
of Instruction, 50 per cent of the appropriation for universities,			51511
as established in division (A)(2) of the section of this act			51512
entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2020 AND			51513
2021," in each fiscal year shall be reserved for support of			51514
associate, baccalaureate, master's, and professional level degree			51515
attainment.			51516
The degree attainment funding shall be allocated to			51517
universities in proportion to each campus's share of the total			51518
statewide degrees granted, weighted by the cost of the degree			51519
programs. The degree cost calculations shall include the model			51520
cost weights for the science, technology, engineering,			51521
mathematics, and medicine models as established in division (C) of			51522
this section.			51523
For degrees including credits earned at multiple			51524
institutions, degree attainment funding shall be allocated to			51525
universities in proportion to each campus's share of the			51526
student-specific cost of earned credits for the degree. Each			51527
institution shall receive its prorated share of degree funding for			51528

credits earned at that institution. Cost of credits not earned at 51529
a university main or regional campus shall be credited to the 51530
degree-granting institution for the first degree earned by a 51531
student at each degree level. The cost credited to the 51532
degree-granting institution shall not be eligible for at-risk 51533
weights and shall be limited to 12.5 per cent of the 51534
student-specific degree costs. However, the 12.5 per cent 51535
limitation shall not apply if the student transferred 12 or fewer 51536
credits into the degree granting institution. 51537

In calculating the subsidy entitlements for degree attainment 51538
for universities, the Chancellor shall use the following count of 51539
degrees and degree costs: 51540

(a) The subsidy eligible undergraduate degrees shall be 51541
defined as follows: 51542

(i) The subsidy eligible degrees conferred to students 51543
identified as residents of the state of Ohio in any term of their 51544
studies, as reported through the Higher Education Information 51545
(HEI) system student enrollment file, shall be weighted by a 51546
factor of 1. 51547

(ii) The subsidy eligible degrees conferred to students 51548
identified as out-of-state residents during all terms of their 51549
studies, as reported through the Higher Education Information 51550
(HEI) system student enrollment file, who remain in the state of 51551
Ohio at least one year after graduation, as calculated based on 51552
the three-year average in-state residency rate using the 51553
Unemployment Wage data for out-of-state graduates at each 51554
institution, shall be weighted by a factor of 50 per cent. 51555

(iii) Subsidy eligible associate degrees are defined as those 51556
earned by students attending any state-supported university main 51557
or regional campus. 51558

(b) In calculating each campus's count of degrees, the 51559

Chancellor shall use the three-year average associate, 51560
baccalaureate, master's, and professional degrees awarded for the 51561
three-year period ending in the prior year. 51562

(i) If a student is awarded an associate degree and, 51563
subsequently, is awarded a baccalaureate degree, the amount funded 51564
for the baccalaureate degree shall be limited to either the 51565
difference in cost between the cost of the baccalaureate degree 51566
and the cost of the associate degree paid previously, or if the 51567
associate degree has a higher cost than the baccalaureate degree, 51568
the cost of the credits earned by the student after the associate 51569
degree was awarded. 51570

(ii) If a student earns an associate degree then, 51571
subsequently, earns a baccalaureate degree, the associate degree 51572
granting institution shall only receive the prorated share of the 51573
baccalaureate degree funding for the credits earned at that 51574
institution after the associate degree is awarded. 51575

(iii) If a student earns more than one degree at the same 51576
institution at the same degree level in the same fiscal year, the 51577
funding for the highest cost degree shall be prorated among 51578
institutions based on where the credits were earned and additional 51579
degrees shall be funded at 25 per cent of the cost of the degrees. 51580

(c) Associate degrees and baccalaureate degrees earned by a 51581
student defined as at-risk based on academic underpreparation, 51582
age, minority status, financial status, or first generation 51583
post-secondary status based on neither parent completing any 51584
education beyond high school, shall be defined as degrees earned 51585
by an at-risk student and shall be weighted by the following: 51586

A student-specific degree completion weight, where the weight 51587
is calculated based on the at-risk factors of the individual 51588
student, determined by calculating the difference between the 51589
percentage of students with each risk factor who earned a degree 51590

and the percentage of non-at-risk students who earned a degree. 51591

(2) Of the foregoing appropriation item 235501, State Share 51592
of Instruction, up to 11.78 per cent of the appropriation for 51593
universities, as established in division (A)(2) of the section of 51594
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 51595
2020 and 2021," in each fiscal year shall be reserved for support 51596
of doctoral programs to implement the funding recommendations made 51597
by representatives of the universities. The amount so reserved 51598
shall be referred to as the doctoral set-aside. 51599

In each fiscal year, the doctoral set-aside funding 51600
allocation shall be allocated to universities as follows: 51601

(a) 25 per cent of the doctoral set-aside shall be allocated 51602
to universities in proportion to their share of the statewide 51603
total earnings of each state institution's three-year average 51604
course completions. The subsidy eligible enrollments by model 51605
shall equal only those FTE students who successfully complete the 51606
course as defined and reported through the Higher Education 51607
Information (HEI) system course enrollment file. Course completion 51608
earnings shall be determined by multiplying the amounts listed 51609
above in divisions (B) and (C) of this section by the 51610
subsidy-eligible FTEs for the three-year period ending in the 51611
prior year for all doctoral enrollments in graduate-level models. 51612

(b) 50 per cent of the doctoral set-aside shall be allocated 51613
to universities in proportion to each campus's share of the total 51614
statewide doctoral degrees, weighted by the cost of the doctoral 51615
discipline. In calculating each campus's doctoral degrees the 51616
Chancellor shall use the three-year average doctoral degrees 51617
awarded for the three-year period ending in the prior year. 51618

(c) 25 per cent of the doctoral set-aside shall be allocated 51619
to universities in proportion to their share of research grant 51620
activity. Funding for this component shall be allocated to 51621

eligible universities in proportion to their share of research 51622
grant activity published by the National Science Foundation. Grant 51623
awards from the Department of Health and Human Services shall be 51624
weighted at 50 per cent. 51625

(3) Of the foregoing appropriation item 235501, State Share 51626
of Instruction, 6.41 per cent of the appropriation for 51627
universities, as established in division (A)(2) of the section of 51628
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 51629
2020 AND 2021," in each fiscal year shall be reserved for support 51630
of Medical II FTEs. The amount so reserved shall be referred to as 51631
the medical II set-aside. 51632

The medical II set-aside shall be allocated to universities 51633
in proportion to their share of the statewide total of each state 51634
institution's three-year average Medical II FTEs as calculated in 51635
division (A) of this section. 51636

In calculating the core subsidy entitlements for Medical II 51637
models only, students repeating terms may be no more than five per 51638
cent of current year enrollment. 51639

(4) Of the foregoing appropriation item 235501, State Share 51640
of Instruction, 1.48 per cent of the appropriation for 51641
universities, as established in division (A)(2) of the section of 51642
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 51643
2020 AND 2021," in each fiscal year shall be reserved for support 51644
of Medical I FTEs. The amount so reserved shall be referred to as 51645
the medical I set-aside. 51646

The medical I set-aside shall be allocated to universities in 51647
proportion to their share of the statewide total of each state 51648
institution's three-year average Medical I FTEs as calculated in 51649
division (A) of this section. 51650

(5) In calculating the course completion funding for 51651
universities, the Chancellor shall use the following count of FTE 51652

students: 51653

(a) The subsidy eligible enrollments by model shall equal 51654
only those FTE students who successfully complete the course as 51655
defined and reported through the Higher Education Information 51656
(HEI) system course enrollment file; 51657

(b) Those undergraduate FTE students with successful course 51658
completions, identified in division (D)(5)(a) of this section, 51659
that are defined as at-risk based on academic under-preparation or 51660
financial status shall have their eligible completions weighted by 51661
the following: 51662

(i) Institution-specific course completion indexes, where the 51663
indexes are calculated based upon the number of at-risk students 51664
enrolled during the 2016-2018 academic years; and 51665

(ii) A statewide average at-risk course completion weight 51666
determined for each subsidy model. The statewide average at-risk 51667
course completion weight shall be determined by calculating the 51668
difference between the percentage of traditional students who 51669
complete a course and the percentage of at-risk students who 51670
complete the same course. 51671

(c) The course completion earnings shall be determined by 51672
multiplying the amounts listed above in divisions (B) and (C) of 51673
this section by the subsidy-eligible FTEs for the three-year 51674
period ending in the prior year for all models except Medical I, 51675
Medical II, Doctoral I, and Doctoral II. 51676

(d) For universities, the Chancellor shall compute the course 51677
completion earnings by dividing the appropriation for 51678
universities, established in division (A)(2) of the section of 51679
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 51680
2020 AND 2021," less the degree attainment funding as calculated 51681
in division (D)(1) of this section, less the doctoral set-aside, 51682
less the medical I set-aside, and less the medical II set-aside, 51683

by the sum of all campuses' instructional costs as calculated in 51684
division (D)(5) of this section. 51685

(E) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA 51686
ENTITLEMENTS AND ADJUSTMENTS FOR COMMUNITY COLLEGES 51687

(1) Of the foregoing appropriation item 235501, State Share 51688
of Instruction, 50 per cent of the appropriation for 51689
state-supported community colleges, state community colleges, and 51690
technical colleges as established in division (A)(1) of the 51691
section of the act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL 51692
YEARS 2020 AND 2021," in each fiscal year shall be reserved for 51693
course completion FTEs as aggregated by the subsidy models defined 51694
in division (B) of this section. 51695

The course completion funding shall be allocated to campuses 51696
in proportion to each campus's share of the total sector's course 51697
completions, weighted by the instructional cost of the subsidy 51698
models. 51699

To calculate the subsidy entitlements for course completions 51700
at community colleges, state community colleges, and technical 51701
colleges, the Chancellor shall use the following calculations: 51702

(a) In calculating each campus's count of FTE course 51703
completions, the Chancellor shall use a three-year average for 51704
course completions for the three year period ending in the prior 51705
year for students identified as residents of the state of Ohio in 51706
any term of their studies, as reported through the Higher 51707
Education Information (HEI) system student enrollment file. 51708

(b) The subsidy eligible enrollments by model shall equal 51709
only those FTE students who successfully complete the course as 51710
defined and reported through the Higher Education Information 51711
(HEI) system course enrollment file. 51712

(c) Those students with successful course completions, that 51713
are defined as access students based on financial status, minority 51714

status, age, or academic under-preparation shall have their 51715
eligible course completions weighted by a statewide access weight. 51716
The weight given to any student that meets any access factor shall 51717
be 15 per cent for all course completions. 51718

(d) The model costs as used in the calculation shall be 51719
augmented by the model weights for science, technology, 51720
engineering, mathematics, and medicine models as established in 51721
division (C) of this section. 51722

(2) Of the foregoing appropriation item 235501, State Share 51723
of Instruction, 25 per cent of the appropriation for 51724
state-supported community colleges, state community colleges, and 51725
technical colleges as established in division (A)(1) of the 51726
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 51727
FISCAL YEARS 2020 AND 2021," in each fiscal year shall be reserved 51728
for colleges in proportion to their share of college student 51729
success factors. 51730

Student success factors shall be awarded at the institutional 51731
level for each subsidy-eligible student that successfully: 51732

(a) Completes a developmental math course and, within the 51733
next year, enrolls in a college-level math course. 51734

(b) Completes a developmental English course and, within the 51735
next year, enrolls in a college-level English course. 51736

(c) Completes 12 semester credit hours of college-level 51737
coursework. 51738

(d) Completes 24 semester credit hours of college-level 51739
coursework. 51740

(e) Completes 36 semester credit hours of college-level 51741
coursework. 51742

(3) Of the foregoing appropriation item 235501, State Share 51743
of Instruction, 25 per cent of the appropriation for 51744

state-supported community colleges, state community colleges, and 51745
technical colleges as established in division (A)(1) of the 51746
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 51747
FISCAL YEARS 2020 AND 2021," in each fiscal year shall be reserved 51748
for completion milestones. 51749

Completion milestones shall include associate degrees, 51750
technical certificates over 30 credit hours as designated by the 51751
Department of Higher Education, and students transferring to any 51752
four-year institution with at least 12 credit hours of 51753
college-level coursework earned at that community college, state 51754
community college, or technical college. 51755

The completion milestone funding shall be allocated to 51756
colleges in proportion to each institution's share of the sector's 51757
total completion milestones, weighted by the instructional cost of 51758
the associate degree, certificate, or transfer models. Costs for 51759
technical certificates over 30 hours shall be weighted at one-half 51760
of the associate degree model costs and transfers with at least 12 51761
credit hours of college-level coursework shall be weighted at 51762
one-fourth of the average cost for all associate degree model 51763
costs. 51764

(4) To calculate the subsidy entitlements for completions at 51765
community colleges, state community colleges, and technical 51766
colleges, the Chancellor shall use the following calculations: 51767

(a) In calculating each campus's count of completions, the 51768
Chancellor shall use a three-year average for completion 51769
milestones awarded to students identified as subsidy eligible in 51770
any term of their studies, as reported through the Higher 51771
Education Information (HEI) system student enrollment file. 51772

(b) The subsidy eligible completion milestones by model shall 51773
equal only those students who successfully complete an associate 51774
degree or technical certificate over 30 credit hours, or transfer 51775

to any four-year institution with at least 12 credit hours of 51776
college-level coursework as defined and reported in the Higher 51777
Education Information (HEI) system. Student completions reported 51778
in HEI shall have an accompanying course enrollment record in 51779
order to be subsidy eligible. 51780

(c) Those students with successful completions for associate 51781
degrees, technical certificates over 30 credit hours, or transfer 51782
to any four-year institution with at least 12 credit hours of 51783
college-level coursework, identified in division (E)(3) of this 51784
section, that are defined as access students based on financial 51785
status, minority status, age, or academic under-preparation shall 51786
have their eligible completions weighted by a statewide access 51787
weight. The weight shall be 25 per cent for students with one 51788
access factor, 66 per cent for students with two access factors, 51789
150 per cent for students with three access factors, and 200 per 51790
cent for students with four access factors. 51791

(d) For those students who complete more than one completion 51792
milestone, funding for each additional associate degree or 51793
technical certificate over 30 credit hours designated as such by 51794
the Department of Higher Education shall be funded at 50 per cent 51795
of the model costs as defined in division (3) of this section. 51796

(F) CAPITAL COMPONENT DEDUCTION 51797

After all other adjustments have been made, state share of 51798
instruction earnings shall be reduced for each campus by the 51799
amount, if any, by which debt service charged in Am. H.B. 748 of 51800
the 121st General Assembly, Am. Sub. H.B. 850 of the 122nd General 51801
Assembly, Am. Sub. H.B. 640 of the 123rd General Assembly, H.B. 51802
675 of the 124th General Assembly, Am. Sub. H.B. 16 of the 126th 51803
General Assembly, Am. Sub. H.B. 699 of the 126th General Assembly, 51804
Am. Sub. H.B. 496 of the 127th General Assembly, and Am. Sub. H.B. 51805
562 of the 127th General Assembly for that campus exceeds that 51806
campus's capital component earnings. The sum of the amounts 51807

deducted shall be transferred to appropriation item 235552, 51808
Capital Component, in each fiscal year. 51809

(G) EXCEPTIONAL CIRCUMSTANCES 51810

Adjustments may be made to the state share of instruction 51811
payments and other subsidies distributed by the Chancellor of 51812
Higher Education to state colleges and universities for 51813
exceptional circumstances. No adjustments for exceptional 51814
circumstances may be made without the recommendation of the 51815
Chancellor and the approval of the Controlling Board. 51816

(H) APPROPRIATION REDUCTIONS TO THE STATE SHARE OF 51817
INSTRUCTION 51818

The standard provisions of the state share of instruction 51819
calculation as described in the preceding sections of temporary 51820
law shall apply to any reductions made to appropriation item 51821
235501, State Share of Instruction, before the Chancellor has 51822
formally approved the final allocation of the state share of 51823
instruction funds for any fiscal year. 51824

Any reductions made to appropriation item 235501, State Share 51825
of Instruction, after the Chancellor has formally approved the 51826
final allocation of the state share of instruction funds for any 51827
fiscal year, shall be uniformly applied to each campus in 51828
proportion to its share of the final allocation. 51829

(I) DISTRIBUTION OF STATE SHARE OF INSTRUCTION 51830

The state share of instruction payments to the institutions 51831
shall be in substantially equal monthly amounts during the fiscal 51832
year, unless otherwise determined by the Director of Budget and 51833
Management pursuant to section 126.09 of the Revised Code. 51834
Payments during the first six months of the fiscal year shall be 51835
based upon the state share of instruction appropriation estimates 51836
made for the various institutions of higher education and payments 51837
during the last six months of the fiscal year shall be based on 51838

the final data from the Chancellor. 51839

(J) STUDY ON THE USE OF EMPLOYMENT METRICS FOR THE STATE 51840
SHARE OF INSTRUCTION FORMULAS 51841

The Inter-University Council and Ohio Association of 51842
Community Colleges shall each recommend eight members representing 51843
their institutions to serve on the Employment Metrics 51844
Consultation, which shall assist the Chancellor of Higher 51845
Education to study the most appropriate formula weights for 51846
post-graduation employment measures that may be used in the 51847
distribution to universities and community colleges from the 51848
foregoing appropriation item 235501, State Share of Instruction, 51849
beginning in fiscal year 2022. The Chancellor, or the Chancellor's 51850
designee, shall lead the Consultation and call its first meeting. 51851
The Consultation shall research the most appropriate data sources 51852
available to measure employment outcomes and evaluate the public 51853
policy benefits of adding such measures to the current State Share 51854
of Instruction allocation formulas to reward institutional 51855
performance of job placement. The Consultation shall also identify 51856
and evaluate the most critical factors that should be considered 51857
as possible enhancements to the formula, such as the relevance of 51858
graduates' degrees to job placement, employment in Ohio versus out 51859
of state, placement in high demand fields, and other qualitative 51860
factors. Separate allocation factors may be considered within each 51861
sector's share of the foregoing appropriation item 235501, State 51862
Share of Instruction. The study shall be completed by June 30, 51863
2020. 51864

Section 381.150. STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 51865
2020 AND 2021 51866

(A) The foregoing appropriation item 235501, State Share of 51867
Instruction, shall be distributed according to the section of this 51868
act entitled "STATE SHARE OF INSTRUCTION FORMULAS." 51869

(1) Of the foregoing appropriation item 235501, State Share of Instruction, \$460,818,566 in fiscal year 2020 and \$465,426,752 in fiscal year 2021 shall be distributed to state-supported community colleges, state community colleges, and technical colleges.

(2) Of the foregoing appropriation item 235501, State Share of Instruction, \$1,538,392,149 in fiscal year 2020 and \$1,553,776,070 in fiscal year 2021 shall be distributed to state-supported university main and regional campuses.

Any increases in the amount distributed to an institution from appropriation item 235501, State Share of Instruction, above the prior year shall be used by the institution to provide need-based aid and to provide counseling, support services, and workforce preparation services to students.

Section 381.160. RESTRICTION ON FEE INCREASES

(A) In fiscal years 2020 and 2021, the boards of trustees of state institutions of higher education shall restrain increases in in-state undergraduate instructional and general fees.

(1) For the 2019-2020 and 2020-2021 academic years, each state university or college, as defined in section 3345.12, university branch established under Chapter 3355., community college established under Chapter 3354., state community college established under Chapter 3358., or technical college established under Chapter 3357. of the Revised Code shall not increase its in-state undergraduate instructional and general fees by more than two per cent over what the institution charged for the previous academic year. Increases for all other special fees, including the creation of new special fees, shall be subject to the approval of the Chancellor of Higher Education.

(2) The limitations under division (A)(1) of this section do

not apply to room and board, student health insurance, fees for 51900
auxiliary goods or services provided to students at the cost 51901
incurred to the institution, fees assessed to students as a 51902
pass-through for licensure and certification examinations, fees in 51903
elective courses associated with travel experiences, elective 51904
service charges, fines, voluntary sales transactions, and fees, 51905
which may appear directly on a student's tuition bill as assessed 51906
by the institution's bursar, to offset the cost of providing 51907
textbooks to students. 51908

(B) The limitations under this section shall not apply to 51909
increases required to comply with institutional covenants related 51910
to their obligations or to meet unfunded legal mandates or legally 51911
binding obligations incurred or commitments made prior to the 51912
effective date of this section with respect to which the 51913
institution had identified such fee increases as the source of 51914
funds. Any increase required by such covenants and any such 51915
mandates, obligations, or commitments shall be reported by the 51916
Chancellor of Higher Education to the Controlling Board. These 51917
limitations may also be modified by the Chancellor, with the 51918
approval of the Controlling Board, to respond to exceptional 51919
circumstances as identified by the Chancellor. 51920

(C) Institutions offering an undergraduate tuition guarantee 51921
pursuant to section 3345.48 of the Revised Code may increase 51922
instructional and general fees pursuant to that section. 51923

(D) The Chancellor may establish a differential tuition 51924
program for undergraduate students. If the Chancellor establishes 51925
such a program, eligible institutions may offer the program to 51926
eligible students. The Chancellor shall develop criteria for 51927
participation in the program that may include, but not be limited 51928
to, requirements that revenues generated by the program shall 51929
support student services and need-based financial aid. 51930

Section 381.170. HIGHER EDUCATION - BOARD OF TRUSTEES 51931

(A) Funds appropriated for instructional subsidies at 51932
colleges and universities may be used to provide such branch or 51933
other off-campus undergraduate courses of study and such master's 51934
degree courses of study as may be approved by the Chancellor of 51935
Higher Education. 51936

(B) In providing instructional and other services to 51937
students, boards of trustees of state institutions of higher 51938
education shall supplement state subsidies with income from 51939
charges to students. Except as otherwise provided in this act, 51940
each board shall establish the fees to be charged to all students, 51941
including an instructional fee for educational and associated 51942
operational support of the institution and a general fee for 51943
noninstructional services, including locally financed student 51944
services facilities used for the benefit of enrolled students. The 51945
instructional fee and the general fee shall encompass all charges 51946
for services assessed uniformly to all enrolled students. Each 51947
board may also establish special purpose fees, service charges, 51948
and fines as required; such special purpose fees and service 51949
charges shall be for services or benefits furnished individual 51950
students or specific categories of students and shall not be 51951
applied uniformly to all enrolled students. A tuition surcharge 51952
shall be paid by all students who are not residents of Ohio. 51953

The board of trustees of a state institution of higher 51954
education shall not authorize a waiver or nonpayment of 51955
instructional fees or general fees for any particular student or 51956
any class of students other than waivers specifically authorized 51957
by law or approved by the Chancellor. This prohibition is not 51958
intended to limit the authority of boards of trustees to provide 51959
for payments to students for services rendered the institution, 51960
nor to prohibit the budgeting of income for staff benefits or for 51961

student assistance in the form of payment of such instructional 51962
and general fees. 51963

Each state institution of higher education in its statement 51964
of charges to students shall separately identify the instructional 51965
fee, the general fee, the tuition charge, and the tuition 51966
surcharge. Fee charges to students for instruction shall not be 51967
considered to be a price of service but shall be considered to be 51968
an integral part of the state government financing program in 51969
support of higher educational opportunity for students. 51970

(C) The boards of trustees of state institutions of higher 51971
education shall ensure that faculty members devote a proper and 51972
judicious part of their work week to the actual instruction of 51973
students. Total class credit hours of production per academic term 51974
per full-time faculty member is expected to meet the standards set 51975
forth in the budget data submitted by the Chancellor of Higher 51976
Education. 51977

(D) The authority of government vested by law in the boards 51978
of trustees of state institutions of higher education shall in 51979
fact be exercised by those boards. Boards of trustees may consult 51980
extensively with appropriate student and faculty groups. 51981
Administrative decisions about the utilization of available 51982
resources, about organizational structure, about disciplinary 51983
procedure, about the operation and staffing of all auxiliary 51984
facilities, and about administrative personnel shall be the 51985
exclusive prerogative of boards of trustees. Any delegation of 51986
authority by a board of trustees in other areas of responsibility 51987
shall be accompanied by appropriate standards of guidance 51988
concerning expected objectives in the exercise of such delegated 51989
authority and shall be accompanied by periodic review of the 51990
exercise of this delegated authority to the end that the public 51991
interest, in contrast to any institutional or special interest, 51992
shall be served. 51993

Section 381.180. WAR ORPHANS SCHOLARSHIPS 51994

The foregoing appropriation item 235504, War Orphans 51995
Scholarships, shall be used to reimburse state institutions of 51996
higher education for waivers of instructional fees and general 51997
fees provided by them, to provide grants to institutions that have 51998
received a certificate of authorization from the Chancellor of 51999
Higher Education under Chapter 1713. of the Revised Code, in 52000
accordance with the provisions of section 5910.04 of the Revised 52001
Code, and to fund additional scholarship benefits provided by 52002
section 5910.032 of the Revised Code. 52003

During each fiscal year, the Chancellor, as soon as possible 52004
after cancellation, may certify to the Director of Budget and 52005
Management the amount of canceled prior-year encumbrances in 52006
appropriation item 235504, War Orphans Scholarships. Upon receipt 52007
of the certification, the Director of Budget and Management may 52008
transfer cash, up to the certified amount, from the General 52009
Revenue Fund to the War Orphans Scholarship Reserve Fund (Fund 52010
5PW0). 52011

Section 381.200. OHIOLINK 52012

The foregoing appropriation item 235507, OhioLINK, shall be 52013
used by the Chancellor of Higher Education to support OhioLINK, a 52014
consortium organized under division (T) of section 3333.04 of the 52015
Revised Code to serve as the state's electronic library 52016
information and retrieval system, which provides access statewide 52017
to an extensive set of electronic databases and resources, the 52018
library holdings of Ohio's public and participating private 52019
nonprofit colleges and universities, and the State Library of 52020
Ohio. 52021

Section 381.210. AIR FORCE INSTITUTE OF TECHNOLOGY 52022

The foregoing appropriation item 235508, Air Force Institute of Technology, shall be used to: (A) strengthen the research and educational linkages between the Wright Patterson Air Force Base and institutions of higher education in Ohio; and (B) support the Defense Associated Graduate Student Innovators, an engineering graduate consortium of Wright State University, the University of Dayton, and the Air Force Institute of Technology, with the participation of the University of Cincinnati and The Ohio State University.

Section 381.220. OHIO SUPERCOMPUTER CENTER 52032

The foregoing appropriation item 235510, Ohio Supercomputer Center, shall be used by the Chancellor of Higher Education to support the operation of the Ohio Supercomputer Center, a consortium organized under division (T) of section 3333.04 of the Revised Code, located at The Ohio State University. The Ohio Supercomputer Center is a statewide resource available to Ohio research universities both public and private. It is also intended that the center be made accessible to private industry as appropriate.

The Ohio Supercomputer Center's services shall support Ohio's colleges, universities, and businesses to make Ohio a leader in using computational science, modeling, and simulation to promote higher education, research, and economic competitiveness.

Section 381.230. COOPERATIVE EXTENSION SERVICE 52046

The foregoing appropriation item 235511, Cooperative Extension Service, shall be disbursed through the Chancellor of Higher Education to The Ohio State University in monthly payments, unless otherwise determined by the Director of Budget and Management under section 126.09 of the Revised Code.

Section 381.240. CENTRAL STATE SUPPLEMENT 52052

The foregoing appropriation item 235514, Central State 52053
Supplement, shall be disbursed by the Chancellor of Higher 52054
Education to Central State University in accordance with the plan 52055
developed by the Chancellor and submitted to the Governor and the 52056
General Assembly as directed by Am. Sub. H.B. 153 of the 129th 52057
General Assembly. Funds shall be used in a manner consistent with 52058
the goals of increasing enrollment, improving course completion, 52059
and increasing the number of degrees conferred. 52060

Section 381.250. CASE WESTERN RESERVE UNIVERSITY SCHOOL OF 52061
MEDICINE 52062

The foregoing appropriation item 235515, Case Western Reserve 52063
University School of Medicine, shall be disbursed to Case Western 52064
Reserve University through the Chancellor of Higher Education in 52065
accordance with agreements entered into under section 3333.10 of 52066
the Revised Code, provided that the state support per full-time 52067
medical student shall not exceed that provided to full-time 52068
medical students at state universities. 52069

Section 381.260. FAMILY PRACTICE 52070

The foregoing appropriation item 235519, Family Practice, 52071
shall be distributed in each fiscal year, based on each medical 52072
school's share of residents placed in a family practice and 52073
graduates practicing in a family practice. 52074

Section 381.270. SHAWNEE STATE SUPPLEMENT 52075

The foregoing appropriation item 235520, Shawnee State 52076
Supplement, shall be disbursed by the Chancellor of Higher 52077
Education to Shawnee State University in accordance with the plan 52078
developed by the Chancellor and submitted to the Governor and the 52079

General Assembly as directed by Am. Sub. H.B. 153 of the 129th 52080
General Assembly. Funds shall be used in a manner consistent with 52081
the goals of improving course completion, increasing the number of 52082
degrees conferred, and furthering the university's mission of 52083
service to the Appalachian region. 52084

Section 381.280. GERIATRIC MEDICINE 52085

The Chancellor of Higher Education shall distribute 52086
appropriation item 235525, Geriatric Medicine, consistent with 52087
existing criteria and guidelines. 52088

Section 381.285. PRIMARY CARE RESIDENCIES 52089

The foregoing appropriation item 235526, Primary Care 52090
Residencies, shall be distributed in each fiscal year, based on 52091
each medical school's share of residents placed in a primary care 52092
field and graduates practicing in a primary care field. 52093

Section 381.290. OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT 52094
CENTER 52095

The foregoing appropriation item 235535, Ohio Agricultural 52096
Research and Development Center, shall be disbursed through the 52097
Chancellor of Higher Education to The Ohio State University in 52098
monthly payments, unless otherwise determined by the Director of 52099
Budget and Management under section 126.09 of the Revised Code. 52100

The Ohio Agricultural Research and Development Center, an 52101
entity of the College of Food, Agricultural, and Environmental 52102
Sciences of The Ohio State University, shall further its mission 52103
of enhancing Ohio's economic development and job creation by 52104
continuing to internally allocate on a competitive basis 52105
appropriated funding of programs based on demonstrated 52106
performance. Academic units, faculty, and faculty-driven programs 52107
shall be evaluated and rewarded consistent with agreed-upon 52108

performance expectations as called for in the College's 52109
Expectations and Criteria for Performance Assessment. 52110

Section 381.300. STATE UNIVERSITY CLINICAL TEACHING 52111

The foregoing appropriation items 235536, The Ohio State 52112
University Clinical Teaching; 235537, University of Cincinnati 52113
Clinical Teaching; 235538, University of Toledo Clinical Teaching; 52114
235539, Wright State University Clinical Teaching; 235540, Ohio 52115
University Clinical Teaching; and 235541, Northeast Ohio Medical 52116
University Clinical Teaching, shall be distributed through the 52117
Chancellor of Higher Education. 52118

**Section 381.310. CENTRAL STATE AGRICULTURAL RESEARCH AND 52119
DEVELOPMENT** 52120

The foregoing appropriation item 235546, Central State 52121
Agricultural Research and Development, shall be used in 52122
conjunction with appropriation item 235548, Central State 52123
Cooperative Extension Services, by Central State University for 52124
its state match requirement as an 1890 land grant university. 52125

Section 381.320. CAPITAL COMPONENT 52126

The foregoing appropriation item 235552, Capital Component, 52127
shall be used by the Chancellor of Higher Education to provide 52128
funding for prior commitments made pursuant to the state's former 52129
capital funding policy for state colleges and universities that 52130
was originally established in Am. H.B. 748 of the 121st General 52131
Assembly. Appropriations from this item shall be distributed to 52132
all campuses for which the estimated campus debt service 52133
attributable to qualifying capital projects was less than the 52134
campus's formula-determined capital component allocation. Campus 52135
allocations shall be determined by subtracting the estimated 52136
campus debt service attributable to qualifying capital projects 52137

from the campus's formula-determined capital component allocation. 52138
Moneys distributed from this appropriation item shall be 52139
restricted to capital-related purposes. 52140

Any campus for which the estimated campus debt service 52141
attributable to qualifying capital projects is greater than the 52142
campus's formula-determined capital component allocation shall 52143
have the difference subtracted from its State Share of Instruction 52144
allocation in each fiscal year. Appropriation equal to the sum of 52145
all such amounts shall be transferred from appropriation item 52146
235501, State Share of Instruction, to appropriation item 235552, 52147
Capital Component. 52148

Section 381.330. LIBRARY DEPOSITORIES 52149

The foregoing appropriation item 235555, Library 52150
Depositories, shall be distributed to the state's five regional 52151
depository libraries for the cost-effective storage of and access 52152
to lesser-used materials in university library collections. The 52153
depositories shall be administrated by the Chancellor of Higher 52154
Education, or by OhioLINK at the discretion of the Chancellor. 52155

Section 381.340. OHIO ACADEMIC RESOURCES NETWORK (OARNET) 52156

The foregoing appropriation item 235556, Ohio Academic 52157
Resources Network, shall be used by the Chancellor of Higher 52158
Education to support the operations of the Ohio Academic Resources 52159
Network, a consortium organized under division (T) of section 52160
3333.04 of the Revised Code, which shall include support for 52161
Ohio's colleges and universities in maintaining and enhancing 52162
network connections, using new network technologies to improve 52163
research, education, and economic development programs, and 52164
sharing information technology services. To the extent network 52165
capacity is available, OARnet shall support allocating bandwidth 52166
to eligible programs directly supporting Ohio's economic 52167

development. 52168

Section 381.350. LONG-TERM CARE RESEARCH 52169

The foregoing appropriation item 235558, Long-term Care 52170
Research, shall be disbursed to Miami University for long-term 52171
care research. 52172

Section 381.360. OHIO COLLEGE OPPORTUNITY GRANT 52173

(A) Except as provided in division (C) of this section: 52174

Of the foregoing appropriation item 235563, Ohio College 52175
Opportunity Grant, at least \$113,700,000 in fiscal year 2020 and 52176
at least \$139,700,000 in fiscal year 2021 shall be used by the 52177
Chancellor of Higher Education to award need-based financial aid 52178
to students enrolled in eligible public and private nonprofit 52179
institutions of higher education, excluding early college high 52180
school and post-secondary enrollment option participants. 52181

Of the foregoing appropriation item 235563, Ohio College 52182
Opportunity Grant, up to \$3,000,000 in each fiscal year shall be 52183
used by the Chancellor of Higher Education to award need-based 52184
financial aid to students enrolled in eligible community colleges, 52185
state community colleges, technical colleges, and university 52186
branches for the purchase of textbooks and instructional 52187
materials. Annual grants may be awarded to full-time students 52188
meeting eligibility requirements determined by the Chancellor of 52189
Higher Education. 52190

The remainder of the foregoing appropriation item 235563, 52191
Ohio College Opportunity Grant, shall be used by the Chancellor to 52192
award needs-based financial aid to students enrolled in eligible 52193
private for-profit career colleges and schools. 52194

(B)(1) As used in this section: 52195

(a) "Eligible institution" means any institution described in 52196

divisions (B)(2)(a) to (c) of section 3333.122 of the Revised Code. 52197
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(b) The three "sectors" of institutions of higher education consist of the following: 52199
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(i) State colleges and universities, community colleges, state community colleges, university branches, and technical colleges; 52201
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(ii) Eligible private nonprofit institutions of higher education; 52204
52205

(iii) Eligible private for-profit career colleges and schools. 52206
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(2) Awards for students attending eligible state colleges and universities shall be \$1,900 in fiscal year 2020 and \$2,400 in fiscal year 2021, and for students attending eligible private nonprofit institutions of higher education shall be \$3,400 in fiscal year 2020 and \$3,900 in fiscal year 2021. 52208
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For students attending an eligible institution year-round, awards may be distributed on an annual basis, once Pell grants have been exhausted. 52213
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(3) If the Chancellor determines that the amounts appropriated for support of the Ohio College Opportunity Grant program are inadequate to provide grants to all eligible students as calculated under division (D) of section 3333.122 of the Revised Code, the Chancellor may create a distribution formula for fiscal year 2020 and fiscal year 2021 based on the formula used in fiscal year 2019, or may follow methods established in division (C)(1)(a) or (b) of section 3333.122 of the Revised Code. The Chancellor shall notify the Controlling Board of the distribution method. Any formula calculated under this division shall be complete and established to coincide with the start of the 2019-2020 academic year. 52216
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(C) Prior to determining the amount of funds available to award under this section and section 3333.122 of the Revised Code, the Chancellor shall use the foregoing appropriation item 235563, Ohio College Opportunity Grant, to pay for waivers of tuition and student fees for eligible students under the Ohio Safety Officer's College Memorial Fund Program under sections 3333.26 of the Revised Code. In paying for waivers under this division, the Chancellor shall deduct funds from the allocations made under division (A) of this section. Deductions shall be proportionate to the amounts allocated to each sector from the total amounts appropriated for each sector under the foregoing appropriation item 235563, Ohio College Opportunity Grant.

In each fiscal year, with the exception of sections 3333.121 and 3333.124 of the Revised Code and the section of this act entitled "STATE FINANCIAL AID RECONCILIATION," the Chancellor shall not distribute or obligate or commit to be distributed an amount greater than what is appropriated under the foregoing appropriation item 235563, Ohio College Opportunity Grant.

(D) The Chancellor shall establish, and post on the Department of Higher Education's web site, award tables based on any formulas created under division (B) of this section. The Chancellor shall notify students and institutions of any reductions in awards under this section.

(E) Notwithstanding section 3333.122 of the Revised Code, no student shall be eligible to receive an Ohio College Opportunity Grant for more than ten semesters, fifteen quarters, or the equivalent of five academic years, less the number of semesters or quarters in which the student received an Ohio Instructional Grant.

(F) During each fiscal year, the Chancellor, as soon as possible after cancellation, may certify to the Director of Budget and Management the amount of canceled prior-year encumbrances in

appropriation item 235563, Ohio College Opportunity Grant. Upon 52260
receipt of the certification, the Director of Budget and 52261
Management may transfer cash, up to the certified amount, from the 52262
General Revenue Fund to the Ohio College Opportunity Grant Program 52263
Reserve Fund (Fund 5PU0). 52264

Section 381.370. THE OHIO STATE UNIVERSITY CLINIC SUPPORT 52265

The foregoing appropriation item 235572, The Ohio State 52266
University Clinic Support, shall be distributed through the 52267
Chancellor of Higher Education to The Ohio State University for 52268
support of dental and veterinary medicine clinics. 52269

Section 381.380. NATIONAL GUARD SCHOLARSHIP PROGRAM 52270

The Chancellor of Higher Education shall disburse funds from 52271
appropriation item 235599, National Guard Scholarship Program. 52272
During each fiscal year, the Chancellor, as soon as possible after 52273
cancellation, may certify to the Director of Budget and Management 52274
the amount of canceled prior-year encumbrances in appropriation 52275
item 235599, National Guard Scholarship Program. Upon receipt of 52276
the certification, the Director of Budget and Management may 52277
transfer cash, up to the certified amount, from the General 52278
Revenue Fund to the National Guard Scholarship Reserve Fund (Fund 52279
5BM0). 52280

Section 381.390. PLEDGE OF FEES 52281

Any new pledge of fees, or new agreement for adjustment of 52282
fees, made in the biennium ending June 30, 2021, to secure bonds 52283
or notes of a state institution of higher education for a project 52284
for which bonds or notes were not outstanding on the effective 52285
date of this section or to secure a refund of prior debt that is 52286
anticipated to increase the total cost of retiring the original 52287
debt shall be effective only after approval by the Chancellor of 52288

Higher Education, unless approved in a previous biennium. 52289

Section 381.400. HIGHER EDUCATION GENERAL OBLIGATION BOND 52290
DEBT SERVICE 52291

The foregoing appropriation item 235909, Higher Education 52292
General Obligation Bond Debt Service, shall be used to pay all 52293
debt service and related financing costs during the period from 52294
July 1, 2019, through June 30, 2021, for obligations issued under 52295
sections 151.01 and 151.04 of the Revised Code. 52296

Section 381.410. SALES AND SERVICES 52297

The Chancellor of Higher Education is authorized to charge 52298
and accept payment for the provision of goods and services. Such 52299
charges shall be reasonably related to the cost of producing the 52300
goods and services. Except as otherwise provided by law, no 52301
charges may be levied for goods or services that are produced as 52302
part of the routine responsibilities or duties of the Chancellor. 52303
All revenues received by the Chancellor shall be deposited into 52304
Fund 4560, and may be used by the Chancellor to pay for the costs 52305
of producing the goods and services. 52306

Section 381.420. HIGHER EDUCATIONAL FACILITY COMMISSION 52307
ADMINISTRATION 52308

The foregoing appropriation item 235602, Higher Educational 52309
Facility Commission Administration, shall be used by the 52310
Chancellor of Higher Education for operating expenses related to 52311
the Chancellor's support of the activities of the Ohio Higher 52312
Educational Facility Commission. Upon the request of the 52313
Chancellor, the Director of Budget and Management may transfer up 52314
to \$50,000 cash in each fiscal year from the HEFC Operating 52315
Expenses Fund (Fund 4610) to the HEFC Administration Fund (Fund 52316
4E80). 52317

Section 381.440. FEDERAL RESEARCH NETWORK 52318

The foregoing appropriation item 235654, Federal Research 52319
Network, shall be allocated to The Ohio State University to 52320
collaborate with federal installations in Ohio, state institutions 52321
of higher education as defined in section 3345.011 of the Revised 52322
Code, private nonprofit institutions of higher education holding 52323
certificates of authorization under Chapter 1713. of the Revised 52324
Code, and the private sector to align the state's research assets 52325
with emerging missions and job growth opportunities emanating from 52326
federal installations, strengthen related workforce development 52327
and technology commercialization programs, and better position the 52328
state's university system to directly impact new job creation in 52329
Ohio. A portion of the foregoing appropriation item 235654, 52330
Federal Research Network, shall be used to support the growth of 52331
small business federal contractors in the state and to expand the 52332
participation of Ohio businesses in the federal Small Business 52333
Innovation Research Program and related federal programs. 52334

Section 381.450. OHIOMEANSJOBS WORKFORCE DEVELOPMENT 52335

REVOLVING LOAN PROGRAM 52336

The foregoing appropriation item 235684, OhioMeansJobs 52337
Workforce Development Revolving Loan Program, shall be used by the 52338
Chancellor of Higher Education to provide administrative support 52339
for the OhioMeansJobs Workforce Development Revolving Loan 52340
Program. 52341

Section 381.460. OHIOCORPS PILOT PROGRAM 52342

Of the foregoing appropriation item 235594, OhioCorps Pilot 52343
Program, up to \$50,000 in each fiscal year shall be used by the 52344
Chancellor of Higher Education to implement and administer the 52345
OhioCorps Pilot Program pursuant to sections 3333.80 to 3333.802 52346
of the Revised Code. 52347

The remainder of the foregoing appropriation item 235594, 52348
OhioCorps Pilot Program, shall be used by the Chancellor of Higher 52349
Education to assist eligible state institutions of higher 52350
education, as defined in division (A)(4) of section 3333.80 of the 52351
Revised Code, in establishing and administering OhioCorps 52352
mentorship programs under section 3333.80 of the Revised Code. 52353

On July 1, 2019, or as soon as possible thereafter, the 52354
Chancellor of Higher Education may certify to the Director of 52355
Budget and Management an amount up to the unexpended, unencumbered 52356
balance of the foregoing appropriation item, 235594, OhioCorps 52357
Pilot Program, at the end of fiscal year 2019 to be reappropriated 52358
to fiscal year 2020. The amount certified is hereby reappropriated 52359
to the same appropriation item for fiscal year 2020 for purposes 52360
of providing funds to support mentorship programs under the 52361
OhioCorps Pilot Program. 52362

On July 1, 2020, or as soon as possible thereafter, the 52363
Chancellor of Higher Education may certify to the Director of 52364
Budget and Management an amount up to the unexpended, unencumbered 52365
balance of the foregoing appropriation item, 235594, OhioCorps 52366
Pilot Program, at the end of fiscal year 2020 to be reappropriated 52367
to fiscal year 2021. The amount certified is hereby reappropriated 52368
to the same appropriation item for fiscal year 2021 for purposes 52369
of providing funds to support mentorship programs under the 52370
OhioCorps Pilot Program. 52371

Section 381.470. STATE FINANCIAL AID RECONCILIATION 52372

By the first day of September in each fiscal year, or as soon 52373
as possible thereafter, the Chancellor of Higher Education shall 52374
certify to the Director of Budget and Management the amount 52375
necessary to pay any outstanding prior year obligations to higher 52376
education institutions for the state's financial aid programs. The 52377
amounts certified are hereby appropriated to appropriation item 52378

235618, State Financial Aid Reconciliation, from revenues received 52379
in the State Financial Aid Reconciliation Fund (Fund 5Y50). 52380

Section 381.480. NURSING LOAN PROGRAM 52381

The foregoing appropriation item 235606, Nursing Loan 52382
Program, shall be used to administer the nurse education 52383
assistance program. 52384

Section 381.520. RESEARCH INCENTIVE THIRD FRONTIER 52385

The foregoing appropriation items 235634, Research Incentive 52386
Third Frontier, and 235639, Research Incentive Third Frontier-Tax, 52387
shall be used by the Chancellor of Higher Education to advance 52388
collaborative research at institutions of higher education. Of the 52389
foregoing appropriation items 235634, Research Incentive Third 52390
Frontier, and 235639, Research Incentive Third Frontier - Tax, up 52391
to \$2,000,000 in each fiscal year may be allocated toward research 52392
regarding the improvement of water quality, up to \$1,500,000 in 52393
each fiscal year may be allocated for spinal cord research, up to 52394
\$1,000,000 in each fiscal year may be allocated toward research 52395
regarding the reduction of infant mortality, up to \$1,000,000 in 52396
each fiscal year may be allocated toward research regarding opiate 52397
addiction issues in Ohio, up to \$750,000 in each fiscal year may 52398
be allocated toward research regarding cyber security initiatives, 52399
up to \$300,000 in each fiscal year may be allocated toward the 52400
I-Corps@Ohio program, and up to \$200,000 in each fiscal year may 52401
be allocated toward the Ohio Innovation Exchange program. 52402

Section 381.530. VETERANS PREFERENCES 52403

The Chancellor of Higher Education shall work with the 52404
Department of Veterans Services to develop specific veterans 52405
preference guidelines for higher education institutions. These 52406
guidelines shall ensure that the institutions' hiring practices 52407

are in accordance with the intent of Ohio's veterans preference laws. 52408
52409

Section 381.540. (A) As used in this section: 52410

(1) "Board of trustees" includes the managing authority of a university branch district. 52411
52412

(2) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code. 52413
52414

(B) The board of trustees of any state institution of higher education, notwithstanding any rule of the institution to the contrary, may adopt a policy providing for mandatory furloughs of employees, including faculty, to achieve spending reductions necessitated by institutional budget deficits. 52415
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52419

Section 381.550. EFFICIENCY REPORTS 52420

In each fiscal year, the board of trustees of each public institution of higher education shall approve the institution's efficiency report submitted to the Chancellor of Higher Education under section 3333.95 of the Revised Code. 52421
52422
52423
52424

MEDICAL EDUCATION POST-GRADUATION RESIDENCY REPORTS 52425

For each fiscal year, each institution of higher education that receives funds from the foregoing appropriation items 235515, Case Western Reserve University School of Medicine, 235519, Family Practice, 235525, Geriatric Medicine, 235526, Primary Care Residencies, 235536, The Ohio State University Clinical Teaching, 235537, University of Cincinnati Clinical Teaching, 235538, University of Toledo Clinical Teaching, 235539, Wright State University Clinical Teaching, 235540, Ohio University Clinical Teaching, 235541, Northeast Ohio Medical University Clinical Teaching, 235558, Long-term Care Research, and 235572, The Ohio State University Clinic Support, shall report to the Chancellor of 52426
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Higher Education the residency status of graduates from the 52437
respective programs receiving support from those appropriation 52438
items one year and five years after graduating. 52439

Section 381.580. The Chancellor of Higher Education shall 52440
support the continued development of the Ohio Innovation Exchange 52441
for the purpose of showcasing the research expertise of Ohio's 52442
university and college faculty in a variety of fields, including, 52443
but not limited to, engineering, biomedicine, and information 52444
technology, and to identify institutional research equipment 52445
available in the state. 52446

Section 381.590. The Chancellor of Higher Education shall 52447
work with state institutions of higher education, as defined by 52448
section 3345.011 of the Revised Code, Ohio Technical Centers, as 52449
recognized by the Chancellor, and industry partners to develop 52450
program models that include project-based learning to increase 52451
continuing education and non-credit program offerings that lead to 52452
a credential in order to meet the state's in-demand job needs. 52453

Section 381.600. COMMUNITY COLLEGE ACCELERATION PROGRAM 52454

The Department of Higher Education, with the assistance of 52455
the Department of Job and Family Services, shall establish the 52456
Community College Acceleration Program to enhance financial, 52457
academic, and personal support services to students in need of 52458
support from local social service agencies. Such services may 52459
include, but are not limited to: comprehensive and personalized 52460
advisement, career counseling, tutoring, tuition waivers, and 52461
financial assistance to defray the costs of transportation and 52462
textbooks. The program shall identify the services and resources 52463
available to assist eligible students enrolled in an institution 52464
of higher education. 52465

Section 381.610. HEALTH CARE WORKFORCE PREPARATION 52466

The Chancellor shall establish the Ohio Physician and Allied 52467
 Health Care Workforce Preparation Task Force to study, evaluate, 52468
 and make recommendations with respect to health care workforce 52469
 needs in Ohio. Topics considered by the task force may include, 52470
 but not be limited to, physician, nursing, and allied health care 52471
 education programs and health care workforce shortages in Ohio. 52472
 The Chancellor shall appoint task force members with 52473
 representation from the State Medical Board, medical school deans, 52474
 hospital administrators, physician and nursing organizations, and 52475
 other allied health personnel as the Chancellor may decide. The 52476
 task force shall convene as soon as practicable and issue a report 52477
 to the Governor, the Speaker and Minority Leader of the House of 52478
 Representatives, and the President and Minority Leader of the 52479
 Senate by March 1, 2020. 52480

Section 381.620. FUND NAME CHANGES 52481

On July 1, 2019, or as soon as possible thereafter, the 52482
 Director of Budget and Management shall rename the SchoolNet Fees 52483
 Fund (Fund 5D40) the Conference Administration Fund (Fund 5D40). 52484

Section 383.10. DRC DEPARTMENT OF REHABILITATION AND 52485
CORRECTION 52486

General Revenue Fund				52487
GRF 501321	Institutional	\$ 1,126,589,266	\$ 1,167,132,362	52488
	Operations			
GRF 501405	Halfway House	\$ 68,082,786	\$ 69,420,968	52489
GRF 501406	Adult Correctional	\$ 64,797,700	\$ 72,940,500	52490
	Facilities Lease			
	Rental Bond Payments			
GRF 501407	Community	\$ 59,410,711	\$ 61,966,863	52491

		Nonresidential				
		Programs				
GRF	501408	Community Misdemeanor	\$	9,356,800	\$	9,356,800
		Programs				52492
GRF	501501	Community Residential	\$	80,102,332	\$	81,704,378
		Programs - Community				52493
		Based Correctional				
		Facilities				
GRF	503321	Parole and Community	\$	86,373,348	\$	88,673,763
		Operations				52494
GRF	504321	Administrative	\$	24,909,617	\$	24,800,000
		Operations				52495
GRF	505321	Institution Medical	\$	283,935,623	\$	295,579,451
		Services				52496
GRF	506321	Institution Education	\$	33,653,267	\$	33,950,000
		Services				52497
TOTAL GRF		General Revenue Fund	\$	1,837,211,450	\$	1,905,525,085
						52498
		Dedicated Purpose Fund Group				52499
4B00	501601	Sewer Treatment	\$	1,759,683	\$	1,800,000
		Services				52500
4D40	501603	Prisoner Programs	\$	400,000	\$	400,000
						52501
4L40	501604	Transitional Control	\$	2,449,420	\$	2,450,000
						52502
4S50	501608	Education Services	\$	4,546,081	\$	4,660,000
						52503
5AF0	501609	State and Non-Federal	\$	1,375,000	\$	2,375,000
		Awards				52504
5H80	501617	Offender Financial	\$	2,610,000	\$	1,860,000
		Responsibility				52505
5TZ0	501610	Probation Improvement	\$	5,000,000	\$	5,000,000
		and Incentive Grants				52506
TOTAL DPF		Dedicated Purpose Fund	\$	18,140,184	\$	18,545,000
		Group				52507
		Internal Service Activity Fund Group				52508

1480	501602	Institutional Services	\$	2,925,000	\$	2,850,000	52509
2000	501607	Ohio Penal Industries	\$	47,053,957	\$	46,515,000	52510
4830	501605	Leased Property Maintenance and Operating	\$	2,000,000	\$	2,000,000	52511
5710	501606	Corrections Training Maintenance and Operating	\$	980,000	\$	980,000	52512
5L60	501611	Information Technology Services	\$	500,000	\$	500,000	52513
TOTAL ISA Internal Activity							52514
Fund Group			\$	53,458,957	\$	52,845,000	52515
Federal Fund Group							52516
3230	501619	Federal Grants	\$	1,566,734	\$	1,540,000	52517
3CW0	501622	Federal Equitable Sharing	\$	450,000	\$	450,000	52518
TOTAL FED Federal							52519
Fund Group			\$	2,016,734	\$	1,990,000	52520
TOTAL ALL BUDGET FUND GROUPS			\$	1,910,827,325	\$	1,978,905,085	52521
OSU MEDICAL CHARGES							52522
Notwithstanding section 341.192 of the Revised Code, at the							52523
request of the Department of Rehabilitation and Correction, the							52524
Ohio State University Medical Center, including the Arthur G.							52525
James Cancer Hospital and Richard J. Solove Research Institute and							52526
the Richard M. Ross Heart Hospital, shall provide necessary care							52527
to persons who are confined in state adult correctional							52528
facilities. The provision of necessary inpatient care billed to							52529
the Department shall be reimbursed at a rate not to exceed the							52530
authorized reimbursement rate for the same service established by							52531
the Department of Medicaid under the Medicaid Program.							52532
ADULT CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS							52533

The foregoing appropriation item 501406, Adult Correctional Facilities Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2019, through June 30, 2021, by the Department of Rehabilitation and Correction pursuant to leases and agreements for facilities made under Chapters 152. and 154. of the Revised Code. These appropriations are the source of funds pledged for bond service charges on related obligations issued under Chapters 152. and 154. of the Revised Code.

PROBATION IMPROVEMENT AND INCENTIVE GRANTS

The foregoing appropriation item 501610, Probation Improvement and Incentive Grants, shall be allocated by the Department of Rehabilitation and Correction to municipalities as Probation Improvement and Incentive Grants with an emphasis on: (1) providing services to those addicted to opiates and other illegal substances, and (2) supplementing the programs and services funded by grants distributed from the foregoing appropriation item 501407, Community Nonresidential Programs.

Section 387.10. RDF STATE REVENUE DISTRIBUTIONS

General Revenue Fund Group					52551
GRF 110908	Property Tax	\$ 645,785,000	\$ 652,242,850		52553
	Reimbursement - Local Government				
GRF 200903	Property Tax	\$ 1,199,315,000	\$ 1,211,308,150		52554
	Reimbursement - Education				
TOTAL GRF General Revenue Fund Group		\$ 1,845,100,000	\$ 1,863,551,000		52555
Revenue Distribution Fund Group					52556
5JG0 110633	Gross Casino Revenue Payments-County	\$ 144,150,000	\$ 147,030,000		52557

5JH0	110634	Gross Casino Revenue Payments- School Districts	\$	95,880,000	\$	97,800,000	52558
5JJ0	110636	Gross Casino Revenue - Host City	\$	14,150,000	\$	14,430,000	52559
7047	200902	Property Tax Replacement Phase Out-Education	\$	135,105,080	\$	111,196,773	52560
7049	336900	Indigent Drivers Alcohol Treatment	\$	2,250,000	\$	2,250,000	52561
7050	762900	International Registration Plan Distribution	\$	23,000,000	\$	23,000,000	52562
7051	762901	Auto Registration Distribution	\$	328,000,000	\$	328,000,000	52563
7060	110960	Gasoline Excise Tax Fund	\$	576,000,000	\$	576,000,000	52564
7065	110965	Public Library Fund	\$	417,300,000	\$	424,900,000	52565
7066	800966	Undivided Liquor Permits	\$	14,600,000	\$	14,600,000	52566
7069	110969	Local Government Fund	\$	412,300,000	\$	419,900,000	52567
7081	110907	Property Tax Replacement Phase Out-Local Government	\$	11,804,000	\$	8,620,000	52568
7082	110982	Horse Racing Tax	\$	60,000	\$	60,000	52569
7083	700900	Ohio Fairs Fund	\$	1,000,000	\$	1,000,000	52570
TOTAL RDF Revenue Distribution							52571
Fund Group			\$	2,175,599,080	\$	2,168,786,773	52572
Fiduciary Fund Group							52573
4P80	001698	Cash Management Improvement Fund	\$	3,100,000	\$	3,100,000	52574
6080	001699	Investment Earnings	\$	140,000,000	\$	160,000,000	52575
7001	110996	Horse Racing Tax	\$	240,000	\$	240,000	52576

		Local Government				
		Payments				
7062	110962	Resort Area Excise	\$ 1,200,000	\$ 1,200,000		52577
		Tax Distribution				
7063	110963	Permissive Sales Tax	\$ 2,733,517,000	\$ 2,815,522,510		52578
		Distribution				
7067	110967	School District	\$ 469,248,000	\$ 488,017,920		52579
		Income Tax				
		Distribution				
7085	800985	Volunteer Firemen's	\$ 300,000	\$ 300,000		52580
		Dependents Fund				
7093	110640	Next Generation 9-1-1	\$ 1,000,000	\$ 1,000,000		52581
7094	110641	Wireless 9-1-1	\$ 25,700,000	\$ 25,700,000		52582
		Government Assistance				
7095	110995	Municipal Income Tax	\$ 45,000,000	\$ 50,000,000		52583
7099	762902	Permissive Tax	\$ 213,100,000	\$ 222,700,000		52584
		Distribution - Auto				
		Registration				
TOTAL FID	Fiduciary Fund Group		\$ 3,632,405,000	\$ 3,767,780,430		52585
	Holding Account Fund Group					52586
R045	110617	International Fuel	\$ 56,100,000	\$ 56,100,000		52587
		Tax Distribution				
TOTAL HLD	Holding Account Fund		\$ 56,100,000	\$ 56,100,000		52588
	Group					
TOTAL ALL BUDGET FUND GROUPS			\$ 7,709,204,080	\$ 7,856,218,203		52589

Section 387.20. ADDITIONAL APPROPRIATIONS 52591

Appropriation items in Section 387.10 of this act shall be 52592
used for the purpose of administering and distributing the 52593
designated revenue distribution funds according to the Revised 52594
Code. If it is determined that additional appropriations are 52595
necessary for this purpose in any appropriation items in Section 52596
387.10 of this act, such amounts are hereby appropriated. 52597

GENERAL REVENUE FUND TRANSFERS 52598

Notwithstanding any provision of law to the contrary, in 52599
fiscal year 2020 and fiscal year 2021, the Director of Budget and 52600
Management may transfer from the General Revenue Fund to the Local 52601
Government Tangible Property Tax Replacement Fund (Fund 7081) and 52602
the School District Tangible Property Tax Replacement Fund (Fund 52603
7047) in the Revenue Distribution Fund Group, those amounts 52604
necessary to reimburse local taxing units and school districts 52605
under sections 5709.92 and 5709.93 of the Revised Code. Also, in 52606
fiscal year 2020 and fiscal year 2021, the Director of Budget and 52607
Management may make temporary transfers from the General Revenue 52608
Fund to ensure sufficient balances in the Local Government 52609
Tangible Property Tax Replacement Fund (Fund 7081) and the School 52610
District Tangible Property Tax Replacement Fund (Fund 7047) and to 52611
replenish the General Revenue Fund for such transfers. 52612

PROPERTY TAX REIMBURSEMENT - EDUCATION 52613

The foregoing appropriation item 200903, Property Tax 52614
Reimbursement - Education, is appropriated to pay for the state's 52615
costs incurred because of the homestead exemption, the property 52616
tax rollback, and payments required under division (C) of section 52617
5705.2110 of the Revised Code. In cooperation with the Department 52618
of Taxation, the Department of Education shall distribute these 52619
funds directly to the appropriate school districts of the state, 52620
notwithstanding sections 321.24 and 323.156 of the Revised Code, 52621
which provide for payment of the homestead exemption and property 52622
tax rollback by the Tax Commissioner to the appropriate county 52623
treasurer and the subsequent redistribution of these funds to the 52624
appropriate local taxing districts by the county auditor. 52625

Upon receipt of these amounts, each school district shall 52626
distribute the amount among the proper funds as if it had been 52627
paid as real or tangible personal property taxes. Payments for the 52628
costs of administration shall continue to be paid to the county 52629

treasurer and county auditor as provided for in sections 319.54, 52630
321.26, and 323.156 of the Revised Code. 52631

Any sums, in addition to the amount specifically appropriated 52632
in appropriation item 200903, Property Tax Reimbursement - 52633
Education, for the homestead exemption and the property tax 52634
rollback payments, and payments required under division (C) of 52635
section 5705.2110 of the Revised Code, which are determined to be 52636
necessary for these purposes, are hereby appropriated. 52637

HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK 52638

The foregoing appropriation item 110908, Property Tax 52639
Reimbursement-Local Government, is hereby appropriated to pay for 52640
the state's costs incurred due to the Homestead Exemption, the 52641
Manufactured Home Property Tax Rollback, and the Property Tax 52642
Rollback. The Tax Commissioner shall distribute these funds 52643
directly to the appropriate local taxing districts, except for 52644
school districts, notwithstanding the provisions in sections 52645
321.24 and 323.156 of the Revised Code, which provide for payment 52646
of the Homestead Exemption, the Manufactured Home Property Tax 52647
Rollback, and Property Tax Rollback by the Tax Commissioner to the 52648
appropriate county treasurer and the subsequent redistribution of 52649
these funds to the appropriate local taxing districts by the 52650
county auditor. 52651

Upon receipt of these amounts, each local taxing district 52652
shall distribute the amount among the proper funds as if it had 52653
been paid as real property taxes. Payments for the costs of 52654
administration shall continue to be paid to the county treasurer 52655
and county auditor as provided for in sections 319.54, 321.26, and 52656
323.156 of the Revised Code. 52657

Any sums, in addition to the amounts specifically 52658
appropriated in appropriation item 110908, Property Tax Allocation 52659
- Local Government, for the Homestead Exemption, the Manufactured 52660

Home Property Tax Rollback, and the Property Tax Rollback 52661
payments, which are determined to be necessary for these purposes, 52662
are hereby appropriated. 52663

PUBLIC LIBRARY FUND 52664

Notwithstanding the requirement in division (B) of section 52665
131.51 of the Revised Code that the Director of Budget and 52666
Management shall credit to the Public Library Fund one and 52667
sixty-six one-hundredths per cent of the total tax revenue 52668
credited to the General Revenue Fund during the preceding month, 52669
the Director shall instead calculate these amounts during fiscal 52670
year 2020 and fiscal year 2021 using one and sixty-eight 52671
one-hundredths as the percentage. 52672

TANGIBLE PERSONAL PROPERTY TAX REIMBURSEMENTS 52673

Notwithstanding any provision of law to the contrary, in 52674
fiscal years 2020 and 2021, any city, local, or exempted village 52675
school district that has a nuclear power plant located within its 52676
territory shall receive the same payment amount under section 52677
5709.92 of the Revised Code as in fiscal year 2017. 52678

MUNICIPAL INCOME TAX 52679

The foregoing appropriation item 110995, Municipal Income 52680
Tax, shall be used to make payments to municipal corporations 52681
under section 5745.05 of the Revised Code. If it is determined 52682
that additional appropriations are necessary to make such 52683
payments, such amounts are hereby appropriated. 52684

During fiscal year 2020 and fiscal year 2021, if the Tax 52685
Commissioner determines that there is insufficient cash in the 52686
Municipal Income Tax Fund (Fund 7095) to meet monthly distribution 52687
obligations under section 718.83 of the Revised Code, the Tax 52688
Commissioner shall certify to the Director of Budget and 52689
Management the amount of additional cash necessary to satisfy 52690
those obligations. In addition, the Commissioner shall submit a 52691

plan to the Director requesting the necessary cash be transferred 52692
 from one or a combination of the following funds: the Municipal 52693
 Tax Administrative Fund, the Local Sales Tax Administrative Fund, 52694
 the General School District Income Tax Administrative Fund, the 52695
 Motor Fuel Tax Administrative Fund, the Property Tax 52696
 Administrative Fund, or the General Revenue Fund. This plan shall 52697
 include a proposed repayment schedule to reimburse those funds for 52698
 any cash transferred in accordance with this section. After 52699
 receiving the certification and funding plan from the Tax 52700
 Commissioner and if the Director determines that sufficient cash 52701
 is available, the Director may transfer the cash to the Municipal 52702
 Income Tax Fund in accordance with the plan submitted by the Tax 52703
 Commissioner or as otherwise determined by the Director of Budget 52704
 and Management. The Director of Budget and Management may transfer 52705
 cash from the Municipal Income Tax Fund to reimburse the funds 52706
 from which cash was transferred for the purpose outlined in this 52707
 section. 52708

Section 391.10. OSB OHIO STATE SCHOOL FOR THE BLIND 52709

General Revenue Fund				52710
GRF 226321 Operations	\$	12,440,519	\$ 12,576,088	52711
TOTAL GRF General Revenue Fund	\$	12,440,519	\$ 12,576,088	52712
Dedicated Purpose Fund Group				52713
4H80 226602 Education Reform	\$	200,000	\$ 200,000	52714
Grants				
4M50 226601 Work Study and	\$	299,645	\$ 300,000	52715
Technology Investment				
5NJ0 226622 Food Service Program	\$	10,162	\$ 10,500	52716
TOTAL DPF Dedicated Purpose				52717
Fund Group	\$	509,807	\$ 510,500	52718
Federal Fund Group				52719
3100 226626 Federal Grants	\$	773,386	\$ 778,500	52720

3DT0 226621	Ohio Transition Collaborative	\$	260,369	\$	265,000	52721
3P50 226643	Medicaid Professional Services Reimbursement	\$	100,000	\$	100,000	52722
TOTAL FED	Federal Fund Group	\$	1,133,755	\$	1,143,500	52723
TOTAL ALL BUDGET FUND GROUPS		\$	14,084,081	\$	14,230,088	52724

Section 393.10. OSD OHIO SCHOOL FOR THE DEAF 52726

General Revenue Fund						52727
GRF 221321	Operations	\$	13,082,919	\$	13,594,347	52728
TOTAL GRF	General Revenue Fund	\$	13,082,919	\$	13,594,347	52729
Dedicated Purpose Fund Group						52730
4M00 221601	Educational Program Expenses	\$	99,025	\$	101,000	52731
4M10 221602	Education Reform Grants	\$	200,000	\$	200,000	52732
5H60 221609	Even Start Fees and Gifts	\$	60,941	\$	63,000	52733
5NK0 221610	Food Service Program	\$	10,244	\$	10,500	52734
TOTAL DPF	Dedicated Purpose Fund Group	\$	370,210	\$	374,500	52735
Federal Fund Group						52737
3110 221625	Federal Grants	\$	279,550	\$	281,000	52738
3R00 221684	Medicaid Professional Services Reimbursement	\$	206,000	\$	206,000	52739
TOTAL FED	Federal Fund Group	\$	485,550	\$	487,000	52740
TOTAL ALL BUDGET FUND GROUPS		\$	13,938,679	\$	14,455,847	52741

Section 395.10. SOS SECRETARY OF STATE 52743

General Revenue Fund						52744
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GRF	050321	Operating Expenses	\$	1,750,000	\$	1,750,000	52745
GRF	050407	Poll Workers Training	\$	234,196	\$	234,196	52746
GRF	050509	County Voting Systems	\$	10,116,000	\$	12,279,200	52747
		Lease Rental Payments					
TOTAL GRF		General Revenue Fund	\$	12,100,196	\$	14,263,396	52748
		Dedicated Purpose Fund Group					52749
4120	050609	Notary Commission	\$	475,000	\$	475,000	52750
4S80	050610	Board of Voting	\$	7,200	\$	7,200	52751
		Machine Examiners					
5990	050603	Business Services	\$	13,961,351	\$	14,310,430	52752
		Operating Expenses					
5990	050629	Statewide Voter	\$	700,000	\$	700,000	52753
		Registration Database					
5990	050630	Elections Support	\$	2,209,204	\$	2,288,196	52754
		Supplement					
5FG0	050620	BOE Reimbursement and	\$	80,000	\$	80,000	52755
		Education					
5SN0	050626	Address	\$	100,000	\$	100,000	52756
		Confidentiality					
TOTAL DPF		Dedicated Purpose Fund	\$	17,532,755	\$	17,960,826	52757
		Group					
		Holding Account Fund Group					52758
R002	050606	Corporate/Business	\$	85,000	\$	85,000	52759
		Filing Refunds					
TOTAL HLD		Holding Account Fund	\$	85,000	\$	85,000	52760
		Group					
		Federal Fund Group					52761
3AS0	050616	Help America Vote Act	\$	2,740,000	\$	1,750,000	52762
		(HAVA)					
TOTAL FED		Federal Fund Group	\$	2,740,000	\$	1,750,000	52763
TOTAL ALL BUDGET FUND GROUPS			\$	32,457,951	\$	34,059,222	52764

Section 395.20. POLL WORKERS TRAINING 52766

The foregoing appropriation item 050407, Poll Workers 52767
Training, shall be used to reimburse county boards of elections 52768
for precinct election official (PEO) training pursuant to section 52769
3501.27 of the Revised Code. An amount equal to the unexpended, 52770
unencumbered portion of the foregoing appropriation item 050407, 52771
Poll Workers Training at the end of fiscal year 2020 is hereby 52772
reappropriated to fiscal year 2021 for the same purpose. 52773

STATEWIDE VOTING AND TABULATION EQUIPMENT 52774

An amount equal to the unexpended, unencumbered portion of 52775
appropriation item 050508, Statewide Voting and Tabulation 52776
Equipment, at the end of fiscal year 2019 is hereby reappropriated 52777
to the same appropriation item for fiscal year 2020. The 52778
reappropriated amounts shall be used to reimburse counties in an 52779
amount up to but not exceeding the county's allocated funding 52780
amount for expenditures related to the acquisition or lease of 52781
voting systems that were made on or after January 1, 2014, and 52782
prior to July 30, 2018. 52783

COUNTY VOTING SYSTEMS LEASE RENTAL PAYMENTS 52784

The foregoing appropriation item 050509, County Voting 52785
Systems Lease Rental Payments, shall be used to make payments 52786
during the period from July 1, 2019, through June 30, 2021, 52787
pursuant to leases and agreements entered into under Section 4 of 52788
S.B. 135 of the 132nd General Assembly with respect to financing 52789
the costs associated with the acquisition, development, 52790
installation, and implementation of county voting systems. 52791

BOARD OF VOTING MACHINE EXAMINERS 52792

The foregoing appropriation item 050610, Board of Voting 52793
Machine Examiners, shall be used to pay for the services and 52794
expenses of the members of the Board of Voting Machine Examiners, 52795

and for other expenses that are authorized to be paid from the 52796
Board of Voting Machine Examiners Fund (Fund 4S80) created in 52797
section 3506.05 of the Revised Code. Moneys not used shall be 52798
returned to the person or entity submitting equipment for 52799
examination. If it is determined by the Secretary of State that 52800
additional appropriation amounts are necessary, the Secretary of 52801
State may request that the Director of Budget and Management 52802
approve such amounts. Upon approval of the Director of Budget and 52803
Management, such amounts are hereby appropriated. 52804

BALLOT ADVERTISING COSTS 52805

Notwithstanding division (G) of section 3501.17 of the 52806
Revised Code, upon requests submitted by the Secretary of State, 52807
the Controlling Board may approve transfers from the Controlling 52808
Board Emergency Purposes/Contingencies Fund (Fund 5KM0) to the 52809
Statewide Ballot Advertising Fund (Fund 5FH0) in order to pay for 52810
the cost of public notices associated with statewide ballot 52811
initiatives. 52812

ABSENT VOTER'S BALLOT APPLICATION MAILING 52813

Notwithstanding division (B) of section 111.31 of the Revised 52814
Code, upon the request of the Secretary of State, the Controlling 52815
Board shall approve cash and appropriation transfers from the 52816
Controlling Board Emergency Purposes/Contingencies Fund (Fund 52817
5KM0) to the Absent Voter's Ballot Application Mailing Fund (Fund 52818
5RG0) to be used by the Secretary of State to pay the costs of 52819
printing and mailing unsolicited applications for absent voters' 52820
ballots for the general election to be held in November 2020. 52821

ADDRESS CONFIDENTIALITY PROGRAM 52822

Upon the request of the Secretary of State, the Director of 52823
Budget and Management may transfer up to \$50,000 per fiscal year 52824
in cash from the Business Services Operating Expenses Fund (Fund 52825
5990) to the Address Confidentiality Program Fund (Fund 5SN0). 52826

CORPORATE/BUSINESS FILING REFUNDS	52827
The foregoing appropriation item 050606, Corporate/Business Filing Refunds, shall be used to hold revenues until they are directed to the appropriate accounts or until they are refunded. If it is determined by the Secretary of State that additional appropriation amounts are necessary, the Secretary of State may request that the Director of Budget and Management approve such amounts. Upon approval of the Director of Budget and Management, such amounts are hereby appropriated.	52828 52829 52830 52831 52832 52833 52834 52835
HAVA FUNDS	52836
An amount equal to the unexpended, unencumbered portion of appropriation item 050616, Help America Vote Act (HAVA), at the end of fiscal year 2019 is hereby reappropriated for the same purpose in fiscal year 2020.	52837 52838 52839 52840
An amount equal to the unexpended, unencumbered portion of appropriation item 050616, Help America Vote Act (HAVA), at the end of fiscal year 2020 is hereby reappropriated for the same purpose in fiscal year 2021.	52841 52842 52843 52844
Section 397.10. SEN THE OHIO SENATE	52845
General Revenue Fund	52846
GRF 020321 Operating Expenses \$ 15,902,029 \$ 15,902,029	52847
TOTAL GRF General Revenue Fund \$ 15,902,029 \$ 15,902,029	52848
Internal Service Activity Fund Group	52849
1020 020602 Senate Reimbursement \$ 425,800 \$ 425,800	52850
4090 020601 Miscellaneous Sales \$ 34,497 \$ 34,497	52851
TOTAL ISA Internal Service Activity Fund Group \$ 460,297 \$ 460,297	52852 52853
TOTAL ALL BUDGET FUND GROUPS \$ 16,362,326 \$ 16,362,326	52854
OPERATING EXPENSES	52855
On July 1, 2019, or as soon as possible thereafter, the Clerk	52856

of the Senate may certify to the Director of Budget and Management 52857
 an amount up to the unexpended, unencumbered balance of the 52858
 foregoing appropriation item 020321, Operating Expenses, at the 52859
 end of fiscal year 2019 to be reappropriated to fiscal year 2020. 52860
 The amount certified is hereby reappropriated to the same 52861
 appropriation item for fiscal year 2020. 52862

On July 1, 2020, or as soon as possible thereafter, the Clerk 52863
 of the Senate may certify to the Director of Budget and Management 52864
 an amount up to the unexpended, unencumbered balance of the 52865
 foregoing appropriation item 020321, Operating Expenses, at the 52866
 end of fiscal year 2020 to be reappropriated to fiscal year 2021. 52867
 The amount certified is hereby reappropriated to the same 52868
 appropriation item for fiscal year 2021. 52869

Section 399.10. CSV COMMISSION ON SERVICE AND VOLUNTEERISM 52870

General Revenue Fund 52871

GRF 866321	CSV Operations	\$	307,176	\$	305,971	52872
TOTAL GRF	General Revenue Fund	\$	307,176	\$	305,971	52873

Dedicated Purpose Fund Group 52874

5GN0 866605	Serve Ohio Support	\$	30,000	\$	30,000	52875
TOTAL DPF	Dedicated Purpose Fund	\$	30,000	\$	30,000	52876

Group

Federal Fund Group 52877

3R70 866617	AmeriCorps Programs	\$	9,649,635	\$	9,671,749	52878
TOTAL FED	Federal Fund Group	\$	9,649,635	\$	9,671,749	52879
TOTAL ALL BUDGET FUND GROUPS		\$	9,986,811	\$	10,007,720	52880

Section 401.10. CSF COMMISSIONERS OF THE SINKING FUND 52882

Debt Service Fund Group 52883

7070 155905	Third Frontier	\$	84,181,400	\$	87,403,000	52884
	Research and					

		Development Bond				
		Retirement Fund				
7072	155902	Highway Capital	\$	152,796,000	\$	164,693,700 52885
		Improvement Bond				
		Retirement Fund				
7073	155903	Natural Resources Bond	\$	20,359,800	\$	20,420,700 52886
		Retirement Fund				
7074	155904	Conservation Projects	\$	44,218,800	\$	44,394,800 52887
		Bond Retirement Fund				
7076	155906	Coal Research and	\$	8,123,100	\$	7,682,600 52888
		Development Bond				
		Retirement Fund				
7077	155907	State Capital	\$	229,338,800	\$	231,754,500 52889
		Improvement Bond				
		Retirement Fund				
7078	155908	Common Schools Bond	\$	410,259,800	\$	424,825,900 52890
		Retirement Fund				
7079	155909	Higher Education Bond	\$	323,545,500	\$	348,550,200 52891
		Retirement Fund				
7080	155901	Persian Gulf,	\$	5,092,400	\$	5,586,600 52892
		Afghanistan, and Iraq				
		Conflict Bond				
		Retirement Fund				
7090	155912	Job Ready Site	\$	15,516,000	\$	9,879,900 52893
		Development Bond				
		Retirement Fund				
TOTAL	DSF	Debt Service Fund Group	\$	1,293,431,600	\$	1,345,191,900 52894
TOTAL	ALL	BUDGET FUND GROUPS	\$	1,293,431,600	\$	1,345,191,900 52895
		ADDITIONAL APPROPRIATIONS				52896
		Appropriation items in this section are for the purpose of				52897
		paying debt service and financing costs during the period from				52898
		July 1, 2019, through June 30, 2021, on bonds or notes of the				52899
		state issued under the Ohio Constitution, Revised Code, and acts				52900

of the General Assembly. If it is determined that additional 52901
amounts are necessary for this purpose, such amounts are hereby 52902
appropriated. 52903

Section 403.10. SOA SOUTHERN OHIO AGRICULTURAL AND COMMUNITY 52904
DEVELOPMENT FOUNDATION 52905

Dedicated Purpose Fund Group 52906

5M90 945601 Operating Expenses \$ 294,906 \$ 300,910 52907

TOTAL DPF Dedicated Purpose Fund \$ 294,906 \$ 300,910 52908

Group

TOTAL ALL BUDGET FUND GROUPS \$ 294,906 \$ 300,910 52909

Section 404.10. SHP STATE SPEECH AND HEARING PROFESSIONALS 52911
BOARD 52912

Dedicated Purpose Fund Group 52913

4K90 123609 Operating Expenses \$ 620,000 \$ 636,709 52914

TOTAL DPF Dedicated Purpose Fund \$ 620,000 \$ 636,709 52915

Group

TOTAL ALL BUDGET FUND GROUPS \$ 620,000 \$ 636,709 52916

Section 407.10. BTA BOARD OF TAX APPEALS 52918

General Revenue Fund 52919

GRF 116321 Operating Expenses \$ 1,845,494 \$ 1,857,751 52920

TOTAL GRF General Revenue Fund \$ 1,845,494 \$ 1,857,751 52921

TOTAL ALL BUDGET FUND GROUPS \$ 1,845,494 \$ 1,857,751 52922

Section 409.10. TAX DEPARTMENT OF TAXATION 52924

General Revenue Fund 52925

GRF 110321 Operating Expenses \$ 61,292,238 \$ 62,378,576 52926

GRF 110404 Tobacco Settlement \$ 145,479 \$ 150,810 52927

Enforcement

TOTAL GRF General Revenue Fund \$ 61,437,717 \$ 62,529,386 52928

	Dedicated Purpose Fund Group					52929	
2280	110628	CAT Administration	\$	16,006,268	\$	16,447,131	52930
4350	110607	Local Tax Administration	\$	30,409,575	\$	31,020,628	52931
4360	110608	Motor Vehicle Audit Administration	\$	1,982,731	\$	2,000,000	52932
4380	110609	School District Income Tax Administration	\$	9,027,264	\$	9,200,001	52933
4C60	110616	International Registration Plan Administration	\$	683,494	\$	705,869	52934
4R60	110610	Tire Tax Administration	\$	177,706	\$	180,000	52935
5BP0	110639	Wireless 9-1-1 Administration	\$	296,210	\$	298,794	52936
5JM0	110637	Casino Tax Administration	\$	125,000	\$	125,000	52937
5N50	110605	Municipal Income Tax Administration	\$	400,000	\$	400,000	52938
5N60	110618	Kilowatt Hour Tax Administration	\$	96,954	\$	100,000	52939
5NY0	110643	Petroleum Activity Tax Administration	\$	992,581	\$	1,000,000	52940
5V70	110622	Motor Fuel Tax Administration	\$	5,899,525	\$	6,000,000	52941
5V80	110623	Property Tax Administration	\$	5,872,025	\$	6,000,000	52942
6390	110614	Cigarette Tax Enforcement	\$	1,548,152	\$	1,599,999	52943
6880	110615	Local Excise Tax Administration	\$	588,213	\$	600,000	52944
	TOTAL DPF	Dedicated Purpose Fund	\$	74,105,698	\$	75,677,422	52945

Group

Fiduciary Fund Group					52946
4250 110635	Tax Refunds	\$ 2,205,303,300	\$ 2,179,769,300		52947
5CZ0 110631	Vendor's License Application	\$ 380,000	\$ 380,000		52948
6420 110613	Ohio Political Party Distributions	\$ 180,000	\$ 180,000		52949
TOTAL FID	Fiduciary Fund Group	\$ 2,205,863,300	\$ 2,180,329,300		52950
Holding Account Fund Group					52951
R010 110611	Tax Distributions	\$ 25,000	\$ 25,000		52952
R011 110612	Miscellaneous Income Tax Receipts	\$ 500	\$ 500		52953
TOTAL HLD	Holding Account Fund	\$ 25,500	\$ 25,500		52954
TOTAL ALL BUDGET FUND GROUPS		\$ 2,341,432,215	\$ 2,318,561,608		52955

Section 409.20. TAX REFUNDS 52957

The foregoing appropriation item 110635, Tax Refunds, shall 52958
 be used to pay refunds under section 5703.052 of the Revised Code. 52959
 If it is determined that additional appropriations are necessary 52960
 for this purpose, such amounts are hereby appropriated. 52961

VENDOR'S LICENSE PAYMENTS 52962

The foregoing appropriation item 110631, Vendor's License 52963
 Application, shall be used to make payments to county auditors 52964
 under section 5739.17 of the Revised Code. If it is determined 52965
 that additional appropriations are necessary to make such 52966
 payments, such amounts are hereby appropriated. 52967

INTERNATIONAL REGISTRATION PLAN ADMINISTRATION 52968

The foregoing appropriation item 110616, International 52969
 Registration Plan Administration, shall be used under section 52970
 5703.12 of the Revised Code for audits of persons with vehicles 52971

registered under the International Registration Plan.	52972
TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT	52973
Of the foregoing appropriation item 110607, Local Tax Administration, the Tax Commissioner may disburse funds, if available, for the purposes of paying travel expenses incurred by members of Ohio's delegation to the Streamlined Sales Tax Project, as appointed under section 5740.02 of the Revised Code. Any travel expense reimbursement paid for by the Department of Taxation shall be done in accordance with applicable state laws and guidelines.	52974 52975 52976 52977 52978 52979 52980
TOBACCO SETTLEMENT ENFORCEMENT	52981
The foregoing appropriation item 110404, Tobacco Settlement Enforcement, shall be used by the Tax Commissioner to pay costs incurred in the enforcement of divisions (F) and (G) of section 5743.03 of the Revised Code.	52982 52983 52984 52985
PROPERTY TAX ADMINISTRATION	52986
Notwithstanding section 5703.80 or division (F) of section 321.24 of the Revised Code, in fiscal years 2020 and 2021, the Tax Commissioner shall not compute or certify the amounts calculated under divisions (A) and (B) of that section as amended by this act. The Director of Budget and Management shall not transfer any amounts from the General Revenue Fund to the Property Tax Administration Fund in fiscal year 2020 or fiscal year 2021. In fiscal years 2020 and 2021, the Tax Commissioner shall not subtract any amounts computed under section 5703.80 of the Revised Code, as amended by this act, from the payments made from the General Revenue Fund to county treasurers under division (F) of section 321.24 of the Revised Code.	52987 52988 52989 52990 52991 52992 52993 52994 52995 52996 52997 52998
Section 411.10. DOT DEPARTMENT OF TRANSPORTATION	52999
General Revenue Fund	53000
GRF 775451 Public Transportation \$ 6,505,199 \$ 6,505,199	53001

		- State				
GRF	776465	Rail Development	\$	2,000,000	\$	2,000,000 53002
GRF	777471	Airport Improvements	\$	5,919,687	\$	5,919,687 53003
		- State				
TOTAL GRF		General Revenue Fund	\$	14,424,886	\$	14,424,886 53004
TOTAL ALL BUDGET FUND GROUPS			\$	14,424,886	\$	14,424,886 53005
 Section 413.10. TOS TREASURER OF STATE						53007
General Revenue Fund						53008
GRF	090321	Operating Expenses	\$	8,037,839	\$	8,037,839 53009
GRF	090401	Office of the Sinking Fund	\$	476,836	\$	476,836 53010
GRF	090402	Continuing Education	\$	175,000	\$	175,000 53011
GRF	090406	Treasury Management System Lease Rental Payments	\$	1,113,400	\$	1,115,000 53012
GRF	090613	STABLE Account Administration	\$	1,660,000	\$	1,660,000 53013
TOTAL GRF		General Revenue Fund	\$	11,463,075	\$	11,464,675 53014
Dedicated Purpose Fund Group						53015
4E90	090603	Securities Lending Income	\$	7,480,675	\$	7,843,565 53016
4X90	090614	Political Subdivision Obligation	\$	45,000	\$	45,000 53017
5770	090605	Investment Pool Reimbursement	\$	1,050,000	\$	1,050,000 53018
5C50	090602	County Treasurer Education	\$	240,057	\$	240,057 53019
5NH0	090610	OhioMeansJobs Workforce Development	\$	13,107,584	\$	0 53020
6050	090609	Treasurer of State Administrative Fund	\$	700,000	\$	700,000 53021

TOTAL DPF Dedicated Purpose				53022
Fund Group	\$	22,623,316	\$ 9,878,622	53023
Fiduciary Fund Group				53024
4250 090635 Tax Refunds	\$	12,000,000	\$ 12,000,000	53025
TOTAL FID Fiduciary Fund Group	\$	12,000,000	\$ 12,000,000	53026
TOTAL ALL BUDGET FUND GROUPS	\$	46,086,391	\$ 33,343,297	53027

Section 413.20. OFFICE OF THE SINKING FUND 53029

The foregoing appropriation item 090401, Office of the 53030
Sinking Fund, shall be used for costs incurred by or on behalf of 53031
the Commissioners of the Sinking Fund and the Ohio Public 53032
Facilities Commission with respect to State of Ohio general 53033
obligation bonds or notes, and the Treasurer of State with respect 53034
to State of Ohio general obligation and special obligation bonds 53035
or notes, including, but not limited to, printing, advertising, 53036
delivery, rating fees and the procurement of ratings, professional 53037
publications, membership in professional organizations, and other 53038
services referred to in division (D) of section 151.01 of the 53039
Revised Code. The General Revenue Fund shall be reimbursed for 53040
such costs relating to the issuance and administration of Highway 53041
Capital Improvement bonds or notes authorized under Ohio 53042
Constitution, Article VIII, Section 2m and Chapter 151. of the 53043
Revised Code. That reimbursement shall be made from appropriation 53044
item 155902, Highway Capital Improvement Bond Retirement Fund, by 53045
intrastate transfer voucher pursuant to a certification by the 53046
Office of the Sinking Fund of the actual amounts used. The amounts 53047
necessary to make such a reimbursement are hereby appropriated 53048
from the Highway Capital Improvement Bond Retirement Fund created 53049
in section 151.06 of the Revised Code. 53050

STABLE ACCOUNT ADMINISTRATION 53051

The foregoing appropriation item 090613, STABLE Account 53052
Administration, shall be used for administration of an Achieve a 53053

Better Living Experience (ABLE) account program. 53054

TAX REFUNDS 53055

The foregoing appropriation item 090635, Tax Refunds, shall 53056
be used to pay refunds under section 5703.052 of the Revised Code. 53057
If the Director of Budget and Management determines that 53058
additional amounts are necessary for this purpose, such amounts 53059
are hereby appropriated. 53060

Section 413.30. TREASURY MANAGEMENT SYSTEM LEASE RENTAL 53061
PAYMENTS 53062

The foregoing appropriation item 090406, Treasury Management 53063
System Lease Rental Payments, shall be used to make payments 53064
during the period from July 1, 2019, through June 30, 2021, 53065
pursuant to leases and agreements entered into under Section 53066
701.20 of Am. Sub. H.B. 497 of the 130th General Assembly and 53067
other prior acts of the General Assembly with respect to financing 53068
the costs associated with the acquisition, development, 53069
implementation, and integration of the Treasury Management System. 53070

Section 413.40. OHIOMEANSJOBS WORKFORCE DEVELOPMENT REVOLVING 53071
LOAN PROGRAM 53072

The foregoing appropriation item 090610, OhioMeansJobs 53073
Workforce Development, shall be used for the OhioMeansJobs 53074
Workforce Development Revolving Loan Program to provide loans to 53075
individuals for workforce training. 53076

Of the foregoing appropriation item 090610, OhioMeansJobs 53077
Workforce Development, up to \$250,000 in fiscal year 2020 may be 53078
used by the Treasurer of State to administer the program. 53079

Any unexpended and unencumbered portion of the foregoing 53080
appropriation item 090610, OhioMeansJobs Workforce Development, at 53081
the end of fiscal year 2020 is hereby reappropriated for the same 53082

purpose in fiscal year 2021. To the extent that reappropriated 53083
funds are available, of the foregoing appropriation item 090610, 53084
OhioMeansJobs Workforce Development, up to \$250,000 in fiscal year 53085
2021 may be used by the Treasurer of State to administer the 53086
program. 53087

Section 414.10. VTO VETERANS' ORGANIZATIONS 53088

General Revenue Fund 53089

VAP AMERICAN EX-PRISONERS OF WAR 53090

GRF 743501 State Support \$ 31,000 \$ 31,000 53091

VAN ARMY AND NAVY UNION, USA, INC. 53092

GRF 746501 State Support \$ 66,000 \$ 66,000 53093

VKW KOREAN WAR VETERANS 53094

GRF 747501 State Support \$ 60,000 \$ 60,000 53095

VJW JEWISH WAR VETERANS 53096

GRF 748501 State Support \$ 37,000 \$ 37,000 53097

VCW CATHOLIC WAR VETERANS 53098

GRF 749501 State Support \$ 70,000 \$ 70,000 53099

VPH MILITARY ORDER OF THE PURPLE HEART 53100

GRF 750501 State Support \$ 70,000 \$ 70,000 53101

VVV VIETNAM VETERANS OF AMERICA 53102

GRF 751501 State Support \$ 217,000 \$ 217,000 53103

VAL AMERICAN LEGION OF OHIO 53104

GRF 752501 State Support \$ 352,000 \$ 352,000 53105

VII AMVETS 53106

GRF 753501 State Support \$ 335,000 \$ 335,000 53107

VAV DISABLED AMERICAN VETERANS 53108

GRF 754501 State Support \$ 252,000 \$ 252,000 53109

VMC MARINE CORPS LEAGUE 53110

GRF 756501 State Support \$ 136,000 \$ 136,000 53111

V37 37TH DIVISION VETERANS' ASSOCIATION 53112

GRF 757501 State Support \$ 10,000 \$ 10,000 53113

		VFW VETERANS OF FOREIGN WARS				53114	
GRF	758501	State Support	\$	287,000	\$	287,000	53115
TOTAL GRF		General Revenue Fund	\$	1,923,000	\$	1,923,000	53116
TOTAL ALL BUDGET FUND GROUPS			\$	1,923,000	\$	1,923,000	53117
		Section 415.10. DVS DEPARTMENT OF VETERANS SERVICES				53119	
		General Revenue Fund				53120	
GRF	900321	Veterans' Homes	\$	41,442,419	\$	45,402,392	53121
GRF	900402	Hall of Fame	\$	124,400	\$	135,638	53122
GRF	900408	Department of Veterans Services	\$	4,348,745	\$	4,505,661	53123
GRF	900901	Veterans Compensation General Obligation Bond Debt Service	\$	5,092,400	\$	5,586,600	53124
TOTAL GRF		General Revenue Fund	\$	51,007,964	\$	55,630,291	53125
		Dedicated Purpose Fund Group				53126	
4840	900603	Veterans' Homes Services	\$	995,000	\$	995,000	53127
4E20	900602	Veterans' Homes Operating	\$	11,672,589	\$	11,672,589	53128
5DB0	900643	Military Injury Relief Program	\$	1,000,000	\$	1,000,000	53129
5PH0	900642	Veterans Initiatives	\$	70,000	\$	70,000	53130
6040	900604	Veterans' Homes Improvement	\$	500,000	\$	500,000	53131
TOTAL DPF		Dedicated Purpose Fund Group	\$	14,237,589	\$	14,237,589	53132
		Debt Service Fund Group				53133	
7041	900615	Veteran Bonus Program - Administration	\$	311,497	\$	260,856	53134
7041	900641	Persian Gulf, Afghanistan, and Iraq	\$	722,832	\$	552,706	53135

Compensation				
TOTAL DSF Debt Service				53136
Fund Group	\$	1,034,329	\$ 813,562	53137
Federal Fund Group				53138
3680 900614 Veterans Training	\$	864,932	\$ 930,262	53139
3BX0 900609 Medicare Services	\$	3,578,278	\$ 3,578,278	53140
3L20 900601 Veterans' Homes	\$	33,838,615	\$ 34,986,679	53141
Operations - Federal				
TOTAL FED Federal Fund Group	\$	38,281,825	\$ 39,495,219	53142
TOTAL ALL BUDGET FUND GROUPS	\$	104,561,707	\$ 110,176,661	53143
VETERANS ORGANIZATIONS' RENT				53144
The foregoing appropriation item 900408, Department of				53145
Veterans Services, shall be used to pay veterans organizations'				53146
rent in buildings managed by the Department of Administrative				53147
Services.				53148
VETERANS COMPENSATION GENERAL OBLIGATION BOND DEBT SERVICE				53149
The foregoing appropriation item 900901, Veterans				53150
Compensation General Obligation Bond Debt Service, shall be used				53151
to pay all debt service and related financing costs during the				53152
period from July 1, 2019, through June 30, 2021, on obligations				53153
issued under Section 2r of Article VIII, Ohio Constitution.				53154
Section 417.10. DVM STATE VETERINARY MEDICAL LICENSING BOARD				53155
Dedicated Purpose Fund Group				53156
4K90 888609 Operating Expenses	\$	433,150	\$ 435,046	53157
TOTAL DPF Dedicated Purpose				53158
Fund Group	\$	433,150	\$ 435,046	53159
Internal Service Activity Fund Group				53160
5BU0 888602 Veterinary Student	\$	30,000	\$ 30,000	53161
Loan Program				
TOTAL ISA Internal Service Activity				53162

Fund Group		\$	30,000	\$	30,000	53163
TOTAL ALL BUDGET FUND GROUPS		\$	463,150	\$	465,046	53164
 Section 419.10. VPB STATE VISION PROFESSIONALS BOARD						53166
Dedicated Purpose Fund Group						53167
4K90 129609 Operating Expenses		\$	640,756	\$	654,140	53168
TOTAL DPF Dedicated Purpose Fund Group		\$	640,756	\$	654,140	53169
TOTAL ALL BUDGET FUND GROUPS		\$	640,756	\$	654,140	53170
 Section 421.10. DYS DEPARTMENT OF YOUTH SERVICES						53172
General Revenue Fund						53173
GRF 470401 RECLAIM Ohio		\$	171,784,391	\$	177,765,001	53174
GRF 470412 Juvenile Correctional Facilities Lease		\$	14,990,500	\$	17,441,300	53175
GRF 470510 Youth Services		\$	16,702,727	\$	16,702,728	53176
GRF 472321 Parole Operations		\$	10,481,781	\$	10,661,690	53177
GRF 477321 Administrative Operations		\$	12,505,577	\$	12,936,832	53178
TOTAL GRF General Revenue Fund		\$	226,464,976	\$	235,507,551	53179
Dedicated Purpose Fund Group						53180
1470 470612 Vocational Education		\$	1,463,162	\$	1,463,162	53181
1750 470613 Education Services		\$	3,204,678	\$	3,292,983	53182
4790 470609 Employee Food Service		\$	40,000	\$	40,000	53183
4A20 470602 Child Support		\$	153,968	\$	153,968	53184
4G60 470605 Juvenile Special Revenue - Non-Federal		\$	115,000	\$	115,000	53185
5BN0 470629 E-Rate Program		\$	59,000	\$	59,000	53186
TOTAL DPF Dedicated Purpose Fund Group		\$	5,035,808	\$	5,124,113	53188
Federal Fund Group						53189

3210	470601	Education	\$	1,003,161	\$	1,019,832	53190
3210	470603	Juvenile Justice Prevention	\$	2,486,393	\$	2,499,486	53191
3210	470606	Nutrition	\$	930,000	\$	930,000	53192
3210	470614	Title IV-E Reimbursements	\$	800,000	\$	700,000	53193
3V50	470604	Juvenile Justice/Delinquency Prevention	\$	1,720,000	\$	1,720,000	53194
TOTAL FED Federal							53195
Fund Group			\$	6,939,554	\$	6,869,318	53196
TOTAL ALL BUDGET FUND GROUPS			\$	238,440,338	\$	247,500,982	53197

COMMUNITY PROGRAMS 53198

For purposes of implementing juvenile sentencing reforms, and 53199
notwithstanding any provision of law to the contrary, the 53200
Department of Youth Services may use up to \$1,375,000 of the 53201
unexpended, unencumbered balance of the portion of appropriation 53202
item 470401, RECLAIM Ohio, that is allocated to juvenile 53203
correctional facilities in each fiscal year to expand Targeted 53204
RECLAIM, the Behavioral Health Juvenile Justice Initiative, and 53205
other evidence-based community programs. 53206

JUVENILE CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS 53207

The foregoing appropriation item 470412, Juvenile 53208
Correctional Facilities Lease Rental Bond Payments, shall be used 53209
to meet all payments during the period from July 1, 2019, through 53210
June 30, 2021, by the Department of Youth Services under the 53211
leases and agreements for facilities made under Chapters 152. and 53212
154. of the Revised Code. These appropriations are the source of 53213
funds pledged for bond service charges on related obligations 53214
issued under Chapters 152. and 154. of the Revised Code. 53215

EDUCATION SERVICES 53216

The foregoing appropriation item 470613, Education Services, 53217
shall be used to fund the operating expenses of providing 53218
educational services to youth supervised by the Department of 53219
Youth Services. Operating expenses include, but are not limited 53220
to, teachers' salaries, maintenance costs, and educational 53221
equipment. 53222

FLEXIBLE FUNDING FOR CHILDREN AND FAMILIES 53223

In collaboration with the county family and children first 53224
council, the juvenile court of that county that receives 53225
allocations from one or both of the foregoing appropriation items 53226
470401, RECLAIM Ohio, and 470510, Youth Services, may transfer 53227
portions of those allocations to a flexible funding pool as 53228
authorized by the section of this act titled "FAMILY AND CHILDREN 53229
FIRST FLEXIBLE FUNDING POOL." 53230

Section 501.10. All appropriation items in this section are 53231
hereby appropriated as designated out of any moneys in the state 53232
treasury to the credit of the designated fund. The appropriations 53233
made in this section are in addition to any other appropriations 53234
made for the fiscal year 2019-2020 capital biennium. 53235

DPS DEPARTMENT OF PUBLIC SAFETY 53236

Administrative Building Fund (Fund 7026) 53237

C76067	Radiological Calibration Laboratory	\$	2,250,000	53238
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Relocation

TOTAL	Administrative Building Fund	\$	2,250,000	53239
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TOTAL ALL FUNDS		\$	2,250,000	53240
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Section 501.11. The appropriations made in Section 501.10 of 53242
this act are subject to all provisions of H.B. 529 of the 132nd 53243
General Assembly that are generally applicable to such 53244
appropriations. Expenditures from appropriations contained in 53245
Section 501.10 of this act shall be accounted for as though made 53246

in H.B. 529 of the 132nd General Assembly. 53247

Section 501.12. The Treasurer of State is hereby authorized 53248
to issue and sell, in accordance with Section 2i of Article VIII, 53249
Ohio Constitution, Chapter 154. of the Revised Code, and other 53250
applicable sections of the Revised Code, original obligations in 53251
an aggregate principal amount not to exceed \$3,000,000 in addition 53252
to the original issuance of obligations heretofore authorized by 53253
prior acts of the General Assembly. These authorized obligations 53254
shall be issued, subject to applicable constitutional and 53255
statutory limitations, as needed to provide sufficient moneys to 53256
the credit of the Administrative Building Fund (Fund 7026) to pay 53257
costs associated with previously authorized capital facilities for 53258
the housing of branches and agencies of state government or their 53259
functions. 53260

Section 503.10. PERSONAL SERVICE EXPENSES 53261

Unless otherwise prohibited by law, any appropriation from 53262
which personal service expenses are paid shall bear the employer's 53263
share of public employees' retirement, workers' compensation, 53264
disabled workers' relief, and insurance programs; the costs of 53265
centralized financial services, centralized payroll processing, 53266
and related reports and services; centralized human resources 53267
services, including affirmative action and equal employment 53268
opportunity programs; the Office of Collective Bargaining; 53269
centralized information technology management services; 53270
administering the enterprise resource planning system; and 53271
administering the state employee merit system as required by 53272
section 124.07 of the Revised Code. These costs shall be 53273
determined in conformity with the appropriate sections of law and 53274
paid in accordance with procedures specified by the Office of 53275
Budget and Management. Expenditures from appropriation item 53276

070601, Public Audit Expense - Intra-State, may be exempted from 53277
the requirements of this section. 53278

Section 503.20. SATISFACTION OF JUDGMENTS AND SETTLEMENTS 53279
AGAINST THE STATE 53280

Except as otherwise provided in this section, an 53281
appropriation in this act or any other act may be used for the 53282
purpose of satisfying judgments, settlements, or administrative 53283
awards ordered or approved by the Court of Claims or by any other 53284
court of competent jurisdiction in connection with civil actions 53285
against the state. This authorization does not apply to 53286
appropriations to be applied to or used for payment of guarantees 53287
by or on behalf of the state, or for payments under lease 53288
agreements relating to, or debt service on, bonds, notes, or other 53289
obligations of the state. Notwithstanding any other statute to the 53290
contrary, this authorization includes appropriations from funds 53291
into which proceeds of direct obligations of the state are 53292
deposited only to the extent that the judgment, settlement, or 53293
administrative award is for, or represents, capital costs for 53294
which the appropriation may otherwise be used and is consistent 53295
with the purpose for which any related obligations were issued or 53296
entered into. Nothing contained in this section is intended to 53297
subject the state to suit in any forum in which it is not 53298
otherwise subject to suit, and is not intended to waive or 53299
compromise any defense or right available to the state in any suit 53300
against it. 53301

Section 503.30. CAPITAL PROJECT SETTLEMENTS 53302

This section specifies an additional and supplemental 53303
procedure to provide for payments of judgments and settlements if 53304
the Director of Budget and Management determines, pursuant to 53305
division (C)(4) of section 2743.19 of the Revised Code, that 53306

sufficient unencumbered moneys do not exist in the fund to support 53307
a particular appropriation to pay the amount of a final judgment 53308
rendered against the state or a state agency, including the 53309
settlement of a claim approved by a court, in an action upon and 53310
arising out of a contractual obligation for the construction or 53311
improvement of a capital facility if the costs under the contract 53312
were payable in whole or in part from a state capital projects 53313
appropriation. In such a case, the Director may either proceed 53314
pursuant to division (C)(4) of section 2743.19 of the Revised Code 53315
or apply to the Controlling Board to increase an appropriation or 53316
create an appropriation out of any unencumbered moneys in the 53317
state treasury to the credit of the capital projects fund from 53318
which the initial state appropriation was made. The amount of an 53319
increase in appropriation or new appropriation approved by the 53320
Controlling Board is hereby appropriated from the applicable 53321
capital projects fund and made available for the payment of the 53322
judgment or settlement. 53323

If the Director does not make the application authorized by 53324
this section or the Controlling Board disapproves the application, 53325
and the Director does not make application under division (C)(4) 53326
of section 2743.19 of the Revised Code, the Director shall for the 53327
purpose of making that payment make a request to the General 53328
Assembly as provided for in division (C)(5) of that section. 53329

Section 503.40. RE-ISSUANCE OF VOIDED WARRANTS 53330

In order to provide funds for the reissuance of voided 53331
warrants under section 126.37 of the Revised Code, there is hereby 53332
appropriated, out of moneys in the state treasury from the fund 53333
credited as provided in section 126.37 of the Revised Code, that 53334
amount sufficient to pay such warrants when approved by the Office 53335
of Budget and Management. 53336

Section 503.50. REAPPROPRIATION OF UNEXPENDED ENCUMBERED	53337
BALANCES OF OPERATING APPROPRIATIONS	53338
(A) Notwithstanding the original year of appropriation or	53339
encumbrance, the unexpended balance of an operating appropriation	53340
or reappropriation that a state agency lawfully encumbered prior	53341
to the close of fiscal year 2019 or fiscal year 2020 is hereby	53342
reappropriated on the first day of July of the following fiscal	53343
year from the fund from which it was originally appropriated or	53344
reappropriated for the period of time listed in this section and	53345
shall remain available only for the purpose of discharging the	53346
encumbrance:	53347
(1) For an encumbrance for personal services, maintenance,	53348
equipment, or items for resale not otherwise identified in this	53349
section, for a period of not more than five months from the end of	53350
the fiscal year;	53351
(2) For an encumbrance for an item of special order	53352
manufacture not available on state contract or in the open market,	53353
for a period of not more than five months from the end of the	53354
fiscal year or, with the written approval of the Director of	53355
Budget and Management, for a period of not more than twelve months	53356
from the end of the fiscal year;	53357
(3) For an encumbrance for reclamation of land or oil and gas	53358
wells, for a period ending when the encumbered appropriation is	53359
expended provided such period does not extend beyond the FY 2020 -	53360
FY 2021 biennium;	53361
(4) For an encumbrance for any other type of expense not	53362
otherwise identified in division (A)(1), (2), or (3) of this	53363
section, for such period as the Director approves, provided such	53364
period does not extend beyond the FY 2020 - FY 2021 biennium.	53365
(B) Any operating appropriations for which unexpended	53366

balances are reappropriated in fiscal year 2020 or fiscal year 2021 pursuant to division (A)(2) of this section shall be reported to the Controlling Board by the Director of Budget and Management by the thirty-first day of December of each year. The report shall include the item, the cost of the item, and the name of the vendor. The report shall be updated on a quarterly basis for encumbrances remaining open.

(C) Upon the expiration of the reappropriation period set out in division (A) of this section, a reappropriation made by this section lapses and the Director of Budget and Management shall cancel the encumbrance of the unexpended reappropriation not later than the end of the weekend following the expiration of the reappropriation period.

(D) If the Controlling Board approved a purchase, that approval remains in effect so long as the appropriation used to make that purchase remains encumbered.

Section 503.60. CORRECTION OF ACCOUNTING ERRORS

(A) The Director of Budget and Management may correct accounting errors committed by the staff of the Office of Budget and Management, such as reestablishing encumbrances or appropriations canceled in error, during the cancellation of operating encumbrances in November and of non-operating encumbrances in December.

(B) The Director of Budget and Management may at any time correct accounting errors committed by staff or a state agency or state institution of higher education, as defined in section 3345.011 of the Revised Code, such as reestablishing prior year non-operating encumbrances canceled or modified in error. The reestablished encumbrance amounts are hereby appropriated.

Section 503.70. TEMPORARY REVENUE HOLDING

The Director of Budget and Management may create funds in the state treasury solely for the purpose of temporarily holding revenue required to be credited to a fund in the state treasury, whose disposition is not immediately known at the time of receipt. Once identified, the Director shall credit the revenue to the appropriate fund in the state treasury.

Section 503.80. APPROPRIATIONS RELATED TO CASH TRANSFERS AND RE-ESTABLISHMENT OF ENCUMBRANCES

Any cash transferred by the Director of Budget and Management under section 126.15 of the Revised Code is hereby appropriated. Any amounts necessary to re-establish appropriations or encumbrances under section 126.15 of the Revised Code are hereby appropriated.

Section 503.90. TRANSFERS OF THIRD FRONTIER APPROPRIATIONS

The Director of Budget and Management may transfer appropriations between the Third Frontier Research and Development Fund (Fund 7011) and the Third Frontier Research and Development Taxable Bond Fund (Fund 7014) as necessary to maintain the exclusion from the calculation of gross income for federal income taxation purposes under the Internal Revenue Code with respect to obligations issued to fund projects appropriated from the Third Frontier Research and Development Fund (Fund 7011).

The Director may also create new appropriation items within the Third Frontier Research and Development Taxable Bond Fund (Fund 7014) and make transfers of appropriations to them for projects originally funded from appropriations made from the Third Frontier Research and Development Fund (Fund 7011).

Section 503.100. INCOME TAX DISTRIBUTION TO COUNTIES

There are hereby appropriated out of any moneys in the state

treasury to the credit of the General Revenue Fund, which are not 53426
otherwise appropriated, funds sufficient to make any payment 53427
required by division (B)(2) of section 5747.03 of the Revised 53428
Code. 53429

Section 503.110. EXPENDITURES AND APPROPRIATION INCREASES 53430
APPROVED BY THE CONTROLLING BOARD 53431

Any money that the Controlling Board approves for expenditure 53432
or any increase in appropriation that the Controlling Board 53433
approves under sections 127.14, 131.35, and 131.39 of the Revised 53434
Code or any other provision of law is hereby appropriated for the 53435
period ending June 30, 2021. 53436

Section 503.120. FUNDS RECEIVED FOR USE OF GOVERNOR'S 53437
RESIDENCE 53438

If the Governor's Residence Fund (Fund 4H20) receives payment 53439
for use of the residence pursuant to section 107.40 of the Revised 53440
Code, the amounts so received are hereby appropriated to 53441
appropriation item 100604, Governor's Residence Gift. 53442

Section 504.10. GENERAL OBLIGATION DEBT SERVICE PAYMENTS 53443

Certain appropriations are in this act for the purpose of 53444
paying debt service and financing costs on general obligation 53445
bonds or notes of the state issued pursuant to the Ohio 53446
Constitution, Revised Code, and acts of the General Assembly. If 53447
it is determined that additional appropriations are necessary for 53448
this purpose, such amounts are hereby appropriated. 53449

Section 504.20. LEASE RENTAL PAYMENTS FOR DEBT SERVICE 53450

Certain appropriations are in this act for the purpose of 53451
making lease rental payments pursuant to leases and agreements 53452
relating to bonds, notes, or other obligations issued by or on 53453

behalf of the state pursuant to the Ohio Constitution, Revised 53454
Code, and acts of the General Assembly. If it is determined that 53455
additional appropriations are necessary for this purpose, such 53456
amounts are hereby appropriated. 53457

Section 504.30. AUTHORIZATION FOR TREASURER OF STATE AND OBM 53458
TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS 53459

The Office of Budget and Management shall process payments 53460
from general obligation and lease rental payment appropriation 53461
items during the period from July 1, 2019, through June 30, 2021, 53462
relating to bonds, notes, or other obligations issued by or on 53463
behalf of the state pursuant to the Ohio Constitution, Revised 53464
Code, and acts of the General Assembly. Payments shall be made 53465
upon certification by the Treasurer of State of the dates and the 53466
amounts due on those dates. 53467

Section 505.10. ARBITRAGE REBATE AUTHORIZATION 53468

If it is determined that a payment is necessary in the amount 53469
computed at the time to represent the portion of investment income 53470
to be rebated or amounts in lieu of or in addition to any rebate 53471
amount to be paid to the federal government in order to maintain 53472
the exclusion from gross income for federal income tax purposes of 53473
interest on those state obligations under section 148(f) of the 53474
Internal Revenue Code, such an amount is hereby appropriated from 53475
those funds designated by or pursuant to the applicable 53476
proceedings authorizing the issuance of state obligations. 53477

Payments for this purpose shall be approved and vouchered by 53478
the Office of Budget and Management. 53479

Section 505.20. STATEWIDE INDIRECT COST RECOVERY 53480

Whenever the Director of Budget and Management determines 53481
that an appropriation made to a state agency from a fund of the 53482

state is insufficient to provide for the recovery of statewide 53483
indirect costs under section 126.12 of the Revised Code, the 53484
amount required for such purpose is hereby appropriated from the 53485
available receipts of such fund. 53486

Section 505.30. TRANSFERS ON BEHALF OF THE STATEWIDE INDIRECT 53487
COST ALLOCATION PLAN 53488

The total transfers made from the General Revenue Fund by the 53489
Director of Budget and Management under this section shall not 53490
exceed the amounts transferred into the General Revenue Fund under 53491
section 126.12 of the Revised Code. 53492

The director of an agency may certify to the Director of 53493
Budget and Management the amount of expenses not allowed to be 53494
included in the Statewide Indirect Cost Allocation Plan under 53495
federal regulations, from any fund included in the Statewide 53496
Indirect Cost Allocation Plan, prepared as required by section 53497
126.12 of the Revised Code. 53498

Upon determining that no alternative source of funding is 53499
available to pay for such expenses, the Director of Budget and 53500
Management may transfer cash from the General Revenue Fund into 53501
the fund for which the certification is made, up to the amount of 53502
the certification. The director of the agency receiving such funds 53503
shall include, as part of the next budget submission prepared 53504
under section 126.02 of the Revised Code, a request for funding 53505
for such activities from an alternative source such that further 53506
federal disallowances would not be required. 53507

The director of an agency may certify to the Director of 53508
Budget and Management the amount of expenses paid in error from a 53509
fund included in the Statewide Indirect Cost Allocation Plan. The 53510
Director of Budget and Management may transfer cash from the fund 53511
from which the expenditure should have been made into the fund 53512
from which the expenses were erroneously paid, up to the amount of 53513

the certification. 53514

The director of an agency may certify to the Director of 53515
Budget and Management the amount of expenses or revenues not 53516
allowed to be included in the Statewide Indirect Cost Allocation 53517
Plan under federal regulations, for any fund included in the 53518
Statewide Indirect Cost Allocation Plan, for which the federal 53519
government requires payment. If the Director of Budget and 53520
Management determines that an appropriation made to a state agency 53521
from a fund of the state is insufficient to pay the amount 53522
required by the federal government, the amount required for such 53523
purpose is hereby appropriated from the available receipts of such 53524
fund, up to the amount of the certification. 53525

Section 505.40. FEDERAL GOVERNMENT INTEREST REQUIREMENTS 53526

Notwithstanding any provision of law to the contrary, on or 53527
before the first day of September of each fiscal year, the 53528
Director of Budget and Management, in order to reduce the payment 53529
of adjustments to the federal government, as determined by the 53530
plan prepared under division (A) of section 126.12 of the Revised 53531
Code, may designate such funds as the Director considers necessary 53532
to retain their own interest earnings. 53533

Section 505.50. FEDERAL CASH MANAGEMENT IMPROVEMENT ACT 53534

Pursuant to the plan for compliance with the Federal Cash 53535
Management Improvement Act required by section 131.36 of the 53536
Revised Code, the Director of Budget and Management may cancel and 53537
re-establish all or part of encumbrances in like amounts within 53538
the funds identified by the plan. The amounts necessary to 53539
re-establish all or part of encumbrances are hereby appropriated. 53540

Section 509.10. TRANSFERS TO THE GENERAL REVENUE FUND OF 53541
INTEREST EARNED 53542

Notwithstanding any provision of law to the contrary, the 53543
Director of Budget and Management, through June 30, 2021, may 53544
transfer interest earned by any state fund to the General Revenue 53545
Fund. This section does not apply to funds whose source of revenue 53546
is restricted or protected by the Ohio Constitution, federal tax 53547
law, or the "Cash Management Improvement Act of 1990," 104 Stat. 53548
1058 (1990), 31 U.S.C. 6501 et seq., as amended. 53549

Section 509.20. CASH TRANSFERS TO THE GENERAL REVENUE FUND 53550
FROM NON-GRF FUNDS 53551

Notwithstanding any provision of law to the contrary, the 53552
Director of Budget and Management may transfer up to \$100,000,000 53553
cash, during the biennium ending June 30, 2021, from non-General 53554
Revenue Funds that are not constitutionally restricted to the 53555
General Revenue Fund. 53556

Section 509.50. MEDICAL MARIJUANA CONTROL PROGRAM REPAYMENTS 53557

On October 1, 2019, or as soon as possible thereafter, the 53558
Director of Commerce and the Executive Director of the Board of 53559
Pharmacy shall consult with the Director of Budget and Management 53560
to determine a repayment schedule for the biennium ending June 30, 53561
2021, to fully repay transfers on behalf of each agency from the 53562
Emergency Purposes/Contingency Fund (Fund 5KM0) to the Medical 53563
Marijuana Control Program Fund (Fund 5YS0). Payments made by the 53564
Department of Commerce and the Board of Pharmacy in accordance 53565
with this repayment schedule shall be credited to the General 53566
Revenue Fund. 53567

Section 512.10. GENERAL REVENUE FUND TRANSFER TO TOURISM OHIO 53568
FUND 53569

Notwithstanding any provision of law to the contrary, in each 53570
fiscal year of the biennium ending June 30, 2021, the Director of 53571

Budget and Management may transfer up to \$10,400,000 cash from the 53572
General Revenue Fund to the Tourism Ohio Fund (Fund 5MJ0). 53573

Section 512.20. GENERAL REVENUE FUND TRANSFER TO STATEWIDE 53574
TREATMENT AND PREVENTION FUND 53575

Notwithstanding any provision of law to the contrary, in each 53576
fiscal year of the biennium ending June 30, 2021, the Director of 53577
Budget and Management may transfer up to \$5,000,000 cash from the 53578
General Revenue Fund to the Statewide Treatment and Prevention 53579
Fund (Fund 4750). 53580

Section 512.30. GENERAL REVENUE FUND TRANSFER TO STATEWIDE 53581
COMMUNITY POLICE RELATIONS FUND 53582

Notwithstanding any provision of law to the contrary, in 53583
fiscal year 2020, the Director of Budget and Management may 53584
transfer up to \$2,200,000 cash from the General Revenue Fund to 53585
the Statewide Community Police Relations Fund (Fund 5RS0). 53586

Section 512.40. GENERAL REVENUE FUND TRANSFER TO TARGETED 53587
ADDICTION PROGRAM FUND 53588

Notwithstanding any provision of law to the contrary, in each 53589
fiscal year of the biennium ending June 30, 2021, the Director of 53590
Budget and Management may transfer up to \$23,150,000 cash from the 53591
General Revenue Fund to the Targeted Addiction Program Fund (Fund 53592
5TZ0). 53593

Section 512.50. GENERAL REVENUE FUND TRANSFER TO PERSIAN 53594
GULF, AFGHANISTAN, IRAQ COMPENSATION FUND 53595

During fiscal year 2021, upon request of the Director of 53596
Veterans Services, the Director of Budget and Management may 53597
transfer up to \$500,000 cash from the General Revenue Fund to the 53598
Persian Gulf, Afghanistan, Iraq Compensation Fund (Fund 7041). 53599

Section 512.60. GENERAL REVENUE FUND TRANSFER TO 53600
INDUSTRY-RECOGNIZED CREDENTIALS FUND 53601

Notwithstanding any provision of law to the contrary, in each 53602
year of the biennium ending June 30, 2021, the Director of Budget 53603
and Management may transfer up to \$15,000,000 cash from the 53604
General Revenue Fund to the Industry-Recognized Credentials Fund 53605
(Fund 5VK0). 53606

Section 513.10. FISCAL YEAR 2019 GENERAL REVENUE FUND ENDING 53607
BALANCE 53608

Notwithstanding section 131.44 of the Revised Code, the 53609
Director of Budget and Management shall determine the surplus 53610
General Revenue Fund revenue that existed on June 30, 2019, and 53611
shall transfer cash, not to exceed the amount of the surplus 53612
revenue from the General Revenue Fund as follows: 53613

(A) First, the Director shall transfer up to \$10,000,000 cash 53614
to the Targeted Addiction Program Fund (Fund 5TZ0); 53615

(B) Second, the Director shall transfer up to \$31,000,000 53616
cash to the Statewide Treatment and Prevention Fund (Fund 4750); 53617

(C) Third, the Director shall transfer up to \$100,000,000 53618
cash to the H2Ohio Fund (Fund 6H20); 53619

(D) Fourth, the Director shall transfer up to \$5,000,000 cash 53620
to the Books From Birth Fund (Fund 5VJ0), which is hereby created 53621
in the state treasury; 53622

(E) Fifth, the Director shall transfer up to \$25,000,000 cash 53623
to the State Park Fund (Fund 5120); 53624

(F) Sixth, the Director shall transfer up to \$25,000,000 cash 53625
to the Emergency Purposes Fund (Fund 5KM0); 53626

(G) Seventh, the Director shall transfer up to \$25,000,000 53627
cash to the Disaster Services Fund (Fund 5E20); 53628

(H) Eight, the Director shall transfer up to \$2,000,000 cash 53629
to the Ohio Public Health Priorities Fund (Fund L087); 53630

(I) Ninth, the Director shall transfer up to \$19,000,000 cash 53631
to the Tobacco Use Prevention Fund (Fund 5BX0); 53632

(J) Tenth, the Director shall transfer up to \$6,900,000 cash 53633
to the Economic Development Programs Fund (Fund 5JC0); 53634

(K) Eleventh, the Director shall transfer any remaining cash 53635
surplus to the H2Ohio Fund (Fund 6H20). 53636

Section 513.20. FISCAL YEARS 2020 AND 2021 GENERAL REVENUE 53637
FUND ENDING BALANCE 53638

Notwithstanding section 131.44 of the Revised Code, on July 53639
1, 2020, or as soon as possible thereafter, the Director of Budget 53640
and Management shall determine the surplus General Revenue Fund 53641
revenue that existed on June 30, 2020, and shall transfer cash, in 53642
an amount equal to the surplus revenue from the General Revenue 53643
Fund to the H2Ohio Fund (Fund 6H20). 53644

Notwithstanding section 131.35 of the Revised Code, in fiscal 53645
year 2021, the Controlling Board may increase or establish 53646
appropriation in the H2Ohio Fund (Fund 6H20) for state agencies or 53647
boards responsible for water protection and water management in 53648
amounts necessary to support the statewide strategic vision and 53649
comprehensive periodic water protection strategy in that fiscal 53650
year. 53651

Notwithstanding section 131.44 of the Revised Code, on July 53652
1, 2021, or as soon as possible thereafter, the Director of Budget 53653
and Management shall determine the surplus General Revenue Fund 53654
revenue that existed on June 30, 2021, and shall transfer cash, in 53655
an amount equal to the surplus revenue from the General Revenue 53656
Fund to the H2Ohio Fund (Fund 6H20). 53657

Agency	Fund	Fund Name	Fund	Fund Name	
					53678
AGR	5HP0	Livestock Care Standards Board	4C90	Commercial Feed Inspection/Lab	53679
AIR	7004	Advanced Energy Research and Development Taxable Fund	5M50	Advanced Energy Fund	53680
AIR	7005	Advanced Energy Research and Development	5M50	Advanced Energy Fund	53681
BWC	8290	Long Term Care Loan Fund	8260	Safety and Hygiene Fund	53682
COM	5PA0	BUSTR Revolving Loan Fund	6530	Underground Storage Tank Administration	53683
DAS	4P30	DAS Information Services	1330	Information Technology	53684
DAS	5D70	Workforce Development	5EB0	OAKS Support Organization	53685
DEV	3DB0	Federal Stimulus Energy Efficiency and Conservation	GRF	General Revenue Fund	53686
DEV	5AD0	Job Development Initiatives	5430	Unclaimed Funds Trust	53687
DEV	5CG0	Alternative Fuel Transportation	5M50	Advanced Energy Fund	53688
DEV	5MB0	Economic Development Support	5LN0	Liquor Operating Services Fund	53689
DEV	5NS0	Career Exploration Internship	5JC0	Economic Development Projects	53690
DNR	5CU0	Mine Safety	5290	Mining Regulation and Safety	53691
DNR	5MF0	Ohio Geology License Plate	5110	Geological Mapping	53692

DOH	6830	Employee Assistance Program	1250	Human Resources Services Fund	53693
DOT	5CF0	Rail Transload Facilities	4N40	Rail Development	53694
DPS	8500	Public Safety Investigative Unit Salvage and Exchange	5RH0	Ohio Investigative Unit Fund	53695
DRC	5UB0	Institution Addiction Treatment Services	GRF	General Revenue Fund	53696
DYS	3BH0	Federal Juvenile Justice Program FFY06	3V50	Juvenile Justice/Delinquency Prevention Fund	53697
DYS	3BT0	Federal Juvenile Justice Program FFY07	3V50	Juvenile Justice/Delinquency Prevention Fund	53698
DYS	3BY0	Federal Juvenile Justice Program SFY07	3V50	Juvenile Justice/Delinquency Prevention Fund	53699
DYS	3BZ0	Federal Juvenile Justice Program SFY08	3V50	Juvenile Justice/Delinquency Prevention Fund	53700
DYS	3CR0	Federal Juvenile Justice Program FFY10	3V50	Juvenile Justice/Delinquency Prevention Fund	53701
DYS	3FB0	Federal Juvenile Justice Program FFY11	3V50	Juvenile Justice/Delinquency Prevention Fund	53702
DYS	3FC0	Federal Juvenile Justice Program FFY12	3V50	Juvenile Justice/Delinquency Prevention Fund	53703
DYS	3GB0	Federal Juvenile Justice Program	3V50	Juvenile Justice/Delinquency	53704

		FFY13		Prevention Fund	
DYS	3V90	Federal Juvenile Justice Program	3V50	Juvenile Justice/Delinquency	53705
		FFY01		Prevention Fund	
DYS	3W00	Federal Juvenile Justice Program	3V50	Juvenile Justice/Delinquency	53706
		FFY02		Prevention Fund	
DYS	3Z80	Federal Juvenile Justice Program	3V50	Juvenile Justice/Delinquency	53707
		FFY04		Prevention Fund	
DYS	3Z90	Federal Juvenile Justice Program	3V50	Juvenile Justice/Delinquency	53708
		FFY05		Prevention Fund	
EDU	3DL0	Idea Preschool - Federal Stimulus	GRF	General Revenue Fund	53709
EDU	4D10	Ohio Prevention/Education Resource Center	6200	Education Grants	53710
EDU	5B10	Child Nutrition Services	GRF	General Revenue Fund	53711
EDU	5KY0	Community Schools Temporary Sponsorship	5KX0	Ohio School Sponsorship Program	53712
EDU	5RB0	Straight A Fund	6200	Educational Grants	53713
EDU	5T30	Gates Foundation Grants	6200	Educational Grants	53714
EDU	5UC0	Accountability/Report Cards	4L20	Teacher Certification	53715
EDU	5W20	Head Start Plus/Head Start	GRF	General Revenue Funds	53716
EDU	5X90	NGA Stem	6200	Educational Grants	53717
EDU	6210	Pre-School Foreign Language	6200	Educational Grants	53718

EPA	3560	Indirect Costs	GRF	General Revenue Fund	53719
EPA	3580	205-J Federal Planning	3BU0	Water Quality Protection	53720
EPA	3M50	HazMat Transportation Uniform Safety	GRF	General Revenue Fund	53721
INS	3EV0	Health Insurance Premium Rev	5540	Department of Insurance Operating	53722
INS	3EW0	Health Exchange Planning	5540	Department of Insurance Operating	53723
INS	3EX0	Consumer Assistance Grant	5540	Department of Insurance Operating	53724
INS	5AG0	Medical Liability	GRF	General Revenue Fund	53725
INS	5FZ0	Claims Processing Education	5540	Department of Insurance Operating	53726
JFS	5GC0	GOFBI/Family Stability	5RY0	Human Services Projects	53727
JFS	5HA0	Health Care Services Other	5RY0	Human Services Projects	53728
JFS	5S30	JFS Administration and Oversight	GRF	General Revenue Fund	53729
JSC	6A80	Supreme Court Admissions	4C80	Attorney Registration	53730
MCD	5AJ0	Money Follows the Person	5DL0	Medicaid Support and Recoveries	53731
MCD	5HA0	Health Care Services - Other	GRF	General Revenue Fund	53732
MCD	5KC0	Health Care Special Activities	5DL0	Medicaid Support and Recoveries	53733
OBM	3CM0	Medicaid Agency Transition	3B10	Community Medicaid Expansion	53734
OBM	7087	Settlement Agreement Fund	GRF	General Revenue Fund	53735

PUB	3FF0	Capital Case Litigation	4070	County Representation	53736
PUB	3FX0	Wrongful Conviction Program	4070	County Representation	53737
PUB	3GJ0	Byrne Memorial Grant	4070	County Representation	53738
TAX	7054	Loc Govt Prop Tax Replacement	GRF	General Revenue Fund	53739
TAX	4K00	Beverage Tax Administrative	GRF	General Revenue Fund	53740
TAX	5BQ0	Revenue Enhancement	2280	Revenue Enhancement	53741
TAX	5BW0	Tax Amnesty Promotion and Administration	GRF	General Revenue Fund	53742
TAX	QD20	OBG-Assessment Payments	GRF	General Revenue Fund	53743
TOS	4N00	Treasury Education	6050	Treasurer of State's Administration	53744
TOS	R044	Tax Holding	6050	Treasurer of State's Administration	53745

(B) On July 1, 2019, or as soon as possible thereafter, the
 Director of Budget and Management shall cancel existing
 encumbrances against each appropriation item indicated in the
 table below and reestablish them against the appropriation item
 also indicated in the table below. The Director may cancel and
 reestablish other encumbrances as needed to properly close out the
 funds identified in division (A) of this section. The encumbrances
 reestablished under this section are hereby appropriated.
 Cancel existing encumbrances Reestablish encumbrances against:
 against:

Fund	Appropriation Item	Fund	Appropriation Item	53755
5CU0	725647 - Mine Safety	5290	725639 - Mining Regulation and Safety	53756

5MF0	725635 - Ohio Geology License Plate	5110	725646 - Ohio Geological Mapping	53757
5CF0	776667 - Rail Transload Facilities	4N40	776664 - Rail Transportation - Other	53758
3EVO	820610 - Health Insurance Premium Review	5540	820606 - Operating Expenses	53759
3EW0	820611 - Health Exchange Planning	5540	820606 - Operating Expenses	53760
3EX0	820612 - Consumer Assistance Grant	5540	820606 - Operating Expenses	53761
5AG0	820603 - Health Information Technology and Health Care Coverage and Quality Council	5540	820606 - Operating Expenses	53762
3FF0	019620 - Capital Case Litigation	4070	019604 - County Representation	53763
3FX0	019621 - Wrongful Conviction Program	4070	019604 - County Representation	53764
3GJ0	019622 - Byrne Memorial Grant	4070	019604 - County Representation	53765
6A80	005606 - Supreme Court Admissions	4C80	005605 - Attorney Services	53766
5AJ0	651631 - Money Follows the Person	5DL0	651639 - Medicaid Services - Recoveries	53767

(C) The following funds are hereby abolished on the effective date of their repeal by this act: 53768

User	Fund	Fund Name	
DNR	5260	Coal Mining Administration and Reclamation Reserve	53771
DOH	5QH0	Dental Hygiene Resource Shortage Area	53772
DVS	A041	Veterans Compensation Series 2011	53773
DVS	B041	Veterans Compensation Series 2013	53774
EDU	3090	Neglected & Delinquent Education	53775

EDU	3660	Adult Basic Education	53776
EDU	3690	Vocational Education	53777
EDU	3720	Federal Drivers' Education Projects	53778
EDU	3730	Pupil Transportation Safety Program	53779
EDU	3760	Job Training Partnership Act	53780
EDU	3780	Math/Science Tech Investments	53781
EDU	5960	Ohio Career Information System	53782
EDU	7006	Education Improvement	53783
EDU	3E20	AIDS Education Project	53784
EDU	3AK0	State Homeland Security	53785
EDU	3AX0	Improving Health and Education Outcomes of Young People	53786
EDU	3BK0	Longitudinal Data Systems	53787
EDU	3BV0	Character Education	53788
EDU	3CF0	Foreign Language Assistance	53789
EDU	3CG0	Teacher Incentive	53790
EDU	3DC0	Federal Stimulus School Cafeteria Equipment	53791
EDU	3DJ0	Idea Part B - Federal Stimulus	53792
EDU	3DK0	Title I A - Federal Stimulus	53793
EDU	3EC0	Teacher Incentive - Federal Stimulus	53794
EDU	3EF0	National School Lunch Program Equipment	53795
EDU	3EK0	Advanced Placement	53796
EDU	3EL0	Even Start	53797
EDU	3EM0	Byrd Scholarship	53798
EDU	3EN0	State Data System - Federal Stimulus	53799
EDU	3ES0	Special Education Research	53800
EDU	3ET0	Ed Jobs	53801
EDU	3FD0	Race to the Top	53802
EDU	3FN0	Race to the Top - Early Learning Challenge Grant	53803
EDU	3GP0	School Climate Transformation	53804
EDU	3GQ0	Project Aware	53805
EDU	3GZ0	JAVITS Gifted and Talented Students Education	53806
EDU	3M10	ESEA Chapter Two	53807

EDU	3N70	School-to-Work	53808
EDU	3P90	SRRC/FRC Evaluation Project	53809
EDU	3R30	Goals 2000	53810
EDU	3S20	Tech Literacy Transfer	53811
EDU	3S70	Child Care School Age	53812
EDU	3T50	Coordinated School Health	53813
EDU	3T60	Class Size Reduction	53814
EDU	3U60	Provision 2&3 Grant	53815
EDU	3W60	TANF Education	53816
EDU	3X50	School Renovation Idea & Tech Program	53817
EDU	3Y40	Reading First	53818
EDU	3Z70	General Supervision Enhancement	53819
EDU	4M40	Emergency Svc Telecommunicator Training	53820
EDU	4Y50	Supplemental School Assistance	53821
EDU	4Z40	School District 1987 Reimburse	53822
EDU	5BB0	State Action for Education Leadership	53823
EDU	5F80	Instructional Materials Education	53824
EDU	5JA0	ARRA Compliance	53825
EDU	5X80	Jobs for Ohio Graduates	53826
EPA	3520	Wastewater Pollution	53827
EPA	3630	Construction Grant	53828
EPA	4910	Moving Expenses	53829
EPA	4990	Emergency Village Capital Improvements	53830
EPA	6020	Motor Vehicle Inspection/Maintenance	53831
EPA	6600	Infectious Waste Management	53832
EPA	6800	Emergency Plan & Community Right-to-Know Reserve	53833
EPA	3F40	Water Quality Management	53834
EPA	3J10	Urban Stormwater	53835
EPA	3J50	Maumee AOC Assessment	53836
EPA	3K20	Clean Water Act 106	53837
EPA	3K30	DOE Agreement in Principle	53838
EPA	3K40	DOD Base Realign/Closure Grant	53839
EPA	3K60	Remedial Action Plans	53840

EPA	3N10	Pollution Prevention Grants	53841
EPA	3S40	Performance Partnership Grants	53842
EPA	3T10	Rural Hardship Grant	53843
EPA	4C30	State Special Revenue Indirect	53844
EPA	4U70	Construction/Demolition Debris	53845
EPA	5DW0	Automotive Mercury Switch Program	53846
EPA	5N20	Dredge and Fill	53847
EPA	6A90	Construction/Demolition Debris Facility Oversight	53848
JFS	3W30	Adult Special Needs	53849
JFS	4J50	Home/Community Based Services/Aged	53850
JFS	4Z10	Health Care Compliance	53851
JFS	5BG0	Managed Care Assessment	53852
JFS	5KU0	Unemployment Insurance Support - Other Sources	53853
JFS	5Q90	Supplemental Inpatient Hospital	53854
JFS	R013	Forgery Collections	53855
MED	5LE0	Education and Patient Safety	53856
OOD	5L90	TANF/PCA Maintenance of Effort	53857
OOD	5QL0	Disability Determination Reimbursement	53858
PRX	3CT0	2008 Developing/Enhancing PMP	53859
PRX	3EB0	NASPER	53860
PRX	3EY0	Administration of the PMIX Hub	53861
PRX	3EZ0	NASPER 10	53862
SOS	3AH0	Election Reform/Health and Human Services	53863

Section 601.03. That Section 261.168 of Am. Sub. H.B. 49 of 53864
the 132nd General Assembly, as amended by Sub. H.B. 24 of the 53865
132nd General Assembly, be amended to read as follows: 53866

Sec. 261.168. MODIFICATIONS AND CAP FOR FISCAL YEARS ~~2019~~ 53867
~~2020~~ AND 2021 ICF/IID MEDICAID RATES UNDER THE FORMULA BEING 53868
PHASED OUT 53869

(A) As used in this section: 53870

(1) "Change of operator," "cost report year," "entering operator," "exiting operator," "ICF/IID," "ICF/IID services," "Medicaid days," "peer group 1-B," "peer group 2-B," "peer group 3-B," "provider," and "provider agreement" have the same meanings as in section 5124.01 of the Revised Code.

(2) "Formula being phased out" means the formula specified in division (C) of section 5124.15 of the Revised Code.

(3) "Franchise permit fee" means the fee imposed by sections 5168.60 to 5168.71 of the Revised Code.

(B)(1) This section applies to each ICF/IID that is in peer group 1-B or peer group 2-B and to which either of the following, as applicable to a fiscal year, applies:

~~(a) In the context of determining an ICF/IID's total Medicaid payment rate for fiscal year 2019 under the formula being phased out, either of the following is the case:~~

~~(i) The provider of the ICF/IID has a valid Medicaid provider agreement for the ICF/IID on June 30, 2018, and a valid Medicaid provider agreement for the ICF/IID during fiscal year 2019;~~

~~(ii) The ICF/IID undergoes a change of operator that takes effect during fiscal year 2019, the exiting operator has a valid Medicaid provider agreement for the ICF/IID on the day immediately preceding the effective date of the change of operator, and the entering operator has a valid Medicaid provider agreement for the ICF/IID during fiscal year 2019.~~

~~(b) In the context of determining an ICF/IID's total Medicaid payment rate for fiscal year 2020, either of the following is the case:~~

~~(i) The provider of the ICF/IID has a valid Medicaid provider agreement for the ICF/IID on June 30, 2019, and a valid Medicaid provider agreement for the ICF/IID during fiscal year 2020;~~

(ii) The ICF/IID undergoes a change of operator that takes effect during fiscal year 2020, the exiting operator has a valid Medicaid provider agreement for the ICF/IID on the day immediately preceding the effective date of the change of operator, and the entering operator has a valid Medicaid provider agreement for the ICF/IID during fiscal year 2020.

~~(e)~~(b) In the context of determining an ICF/IID's total Medicaid payment rate for fiscal year 2021, either of the following is the case:

(i) The provider of the ICF/IID has a valid Medicaid provider agreement for the ICF/IID on June 30, 2020, and a valid Medicaid provider agreement for the ICF/IID during fiscal year 2021;

(ii) The ICF/IID undergoes a change of operator that takes effect during fiscal year 2021, the exiting operator has a valid Medicaid provider agreement for the ICF/IID on the day immediately preceding the effective date of the change of operator, and the entering operator has a valid Medicaid provider agreement for the ICF/IID during fiscal year 2021.

(2) This section does not apply to either of the following:

(a) An ICF/IID in peer group 3-B;

(b) An ICF/IID for which the provider obtains an initial provider agreement during a fiscal year for which modifications to the formula being phased out are made under this section.

(C) Notwithstanding Chapter 5124. of the Revised Code, the following modifications shall be made when determining under the formula being phased out the fiscal years ~~2019~~, 2020, and 2021 total per Medicaid day payment rates for an ICF/IID to which this section applies:

(1) The ICF/IID's efficiency incentive for capital costs, as determined under division (F) of section 5124.171 of the Revised

Code, shall be reduced by 50%. 53931

(2) In place of the maximum cost per case-mix unit 53932
established for the ICF/IID's peer group under division (C) of 53933
section 5124.195 of the Revised Code, the ICF/IID's maximum costs 53934
per case-mix unit shall be the amount the Department determined 53935
for the ICF/IID's peer group for fiscal year 2016 in accordance 53936
with division (E) of Section 259.160 of Am. Sub. H.B. 64 of the 53937
131st General Assembly. 53938

(3) In place of the inflation adjustment otherwise calculated 53939
under division (D) of section 5124.195 of the Revised Code for the 53940
purpose of division (A)(1)(b) of that section, an inflation 53941
adjustment of 1.014 shall be used. 53942

(4) In place of the efficiency incentive otherwise calculated 53943
under division (B)(2) of section 5124.211 of the Revised Code, the 53944
ICF/IID's efficiency incentive for indirect care costs shall be 53945
the following: 53946

(a) In the case of an ICF/IID in peer group 1-B, not more 53947
than \$3.69; 53948

(b) In the case of an ICF/IID in peer group 2-B, not more 53949
than \$3.19. 53950

(5) In place of the maximum rate for indirect care costs 53951
established for the ICF/IID's peer group under division (C) of 53952
section 5124.211 of the Revised Code, the maximum rate for 53953
indirect care costs for the ICF/IID's peer group shall be an 53954
amount the Department shall determine in accordance with division 53955
(D) of this section. 53956

(6) In place of the inflation adjustment otherwise calculated 53957
under division ~~(D)~~(E)(1) of section 5124.211 of the Revised Code 53958
for the purpose of division (B)(1) of that section only, an 53959
inflation adjustment of 1.014 shall be used. 53960

(7) In place of the inflation adjustment otherwise made under section 5124.231 of the Revised Code, the ICF/IID's desk-reviewed, actual, allowable, per Medicaid day other protected costs, excluding the franchise permit fee, from the applicable cost report year shall be multiplied by 1.014.

(D) In determining the amount of the maximum rate for indirect costs for the purpose of division (C)(5) of this section, the Department shall strive to the greatest extent possible to do both of the following:

(1) Avoid rate reductions under division (E)~~(1)~~ of this section;

(2) Have the amount so determined result in payment of all desk-reviewed, actual, allowable indirect care costs for the same percentage of Medicaid days for ICFs/IID in peer group 1-B as for ICFs/IID in peer group 2-B as of the first day of the fiscal year for which the determination is made, based on May Medicaid days from the calendar year in which the fiscal year begins.

(E)~~(1)~~ If the mean total per Medicaid day rate for all ICFs/IID to which this section applies, as determined under division (C) of this section as of the first day of a fiscal year for which a rate is determined under this section and weighted by May Medicaid days from the calendar year in which the fiscal year begins, is greater than ~~the amount determined under division (E)(2) of this section \$290.10~~, the Department shall adjust, for the fiscal year for which the rate is determined, the total per Medicaid day rate for each ICF/IID to which this section applies by a percentage that is equal to the percentage by which the mean total per Medicaid day rate is greater ~~or less than the amount determined under division (E)(2) of this section \$290.10~~.

~~(2) The amount to be used for the purpose of division (E)(1) of this section shall be not less than \$290.10. The Department, in~~

~~its sole discretion, may use a larger amount for the purpose of 53992
that division. In determining whether to use a larger amount, the 53993
Department may consider any of the following: 53994~~

~~(a) The reduction in the total Medicaid certified capacity of 53995
all ICFs/IID that occurs in the fiscal year immediately preceding 53996
the fiscal year for which the determination is made, and the 53997
reduction that is projected to occur in the fiscal year for which 53998
the determination is made, as a result of either of the following: 53999~~

~~(i) A downsizing pursuant to a plan approved by the 54000
Department under section 5123.042 of the Revised Code; 54001~~

~~(ii) A conversion of beds to providing home and 54002
community based services under the Individual Options waiver 54003
pursuant to section 5124.60 or 5124.61 of the Revised Code. 54004~~

~~(b) The increase in Medicaid payments made for ICF/IID 54005
services provided during the fiscal year immediately preceding the 54006
fiscal year for which the determination is made, and the increase 54007
that is projected to occur in the fiscal year for which the 54008
determination is made, as a result of the modifications to the 54009
payment rates made under section 5124.101 of the Revised Code; 54010~~

~~(c) The total reduction in the number of ICF/IID beds that 54011
occurs pursuant to section 5124.67 of the Revised Code; 54012~~

~~(d) Other factors the Department determines to be relevant. 54013~~

(F) If the United States Centers for Medicare and Medicaid 54014
Services requires that the franchise permit fee be reduced or 54015
eliminated, the Department shall reduce the rate determined under 54016
this section as necessary to reflect the loss to the state of the 54017
revenue and federal financial participation generated from the 54018
franchise permit fee. 54019

Section 601.04. That existing Section 261.168 of Am. Sub. 54020
H.B. 49 of the 132nd General Assembly, as amended by Sub. H.B. 24 54021

of the 132nd General Assembly, is hereby repealed. 54022

Section 601.05. Sections 601.03 and 601.04 of this act are 54023
exempt from the referendum under section 1d of Article II, Ohio 54024
Constitution, and take effect July 1, 2019. 54025

Section 601.10. That Sections 207.10 and 701.10 of H.B. 529 54026
of the 132nd General Assembly be amended to read as follows: 54027

Sec. 207.10. DEPARTMENT OF HIGHER EDUCATION AND STATE 54028
INSTITUTIONS OF HIGHER EDUCATION 54029

BOR DEPARTMENT OF HIGHER EDUCATION 54030

Higher Education Improvement Fund (Fund 7034) 54031

C23501	Ohio Supercomputer Center	\$	6,105,076	54032
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C23516	Ohio Library and Information Network	\$	13,844,808	54033
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C23524	Supplemental Renovations - Library Depositories	\$	447,000	54034
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C23529	Workforce Based Training and Equipment	\$	8,000,000 <u>16,000,000</u>	54035
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C23530	Technology Initiatives	\$	2,500,000	54036
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C23532	OARnet	\$	10,203,116	54037
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C23551	Ohio Innovation Exchange	\$	400,000	54038
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C23560	HEI Critical Maintenance and Upgrades	\$	2,500,000	54039
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C23563	Ohio Cyber Range	\$	1,000,000	54040
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C23564	Ohio Aerospace Institute Improvements	\$	150,000	54041
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TOTAL Higher Education Improvement Fund	\$	45,150,000 <u>53,150,000</u>	54042
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TOTAL ALL FUNDS	\$	45,150,000 <u>53,150,000</u>	54043
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RESEARCH FACILITY ACTION AND INVESTMENT FUNDS 54044

Capital appropriations or reappropriations in this act made 54045

from appropriation item C23502, Research Facility Action and 54046

Investment Funds, shall be used for a program of grants to be 54047
administered by the Department of Higher Education to provide 54048
timely availability of capital facilities for research programs 54049
and research-oriented instructional programs at or involving 54050
state-supported and state-assisted institutions of higher 54051
education. 54052

WORKFORCE BASED TRAINING AND EQUIPMENT 54053

(A) Capital appropriations or reappropriations in this act 54054
made from appropriation item C23529, Workforce Based Training and 54055
Equipment, shall be used to support the Regionally Aligned 54056
Priorities in Developing Skills (RAPIDS) program in the Department 54057
of Higher Education. The purpose of the RAPIDS program is to 54058
support collaborative projects among higher education institutions 54059
to strengthen education and training opportunities that maximize 54060
workforce development efforts in defined areas of the state. 54061

(B) Capital funds appropriated or reappropriated for this 54062
purpose by the General Assembly shall be distributed by the 54063
Chancellor of Higher Education to Ohio regions or subsets of 54064
regions. Regions or subsets of regions may be defined by the 54065
state's economic development strategy. 54066

(C) The Chancellor shall award capital funds within the 54067
program using an application and review process, as developed by 54068
the Chancellor. In reviewing applications and making awards, 54069
priority shall be given to proposals that demonstrate: 54070

(1) Collaboration among and between state institutions of 54071
higher education, as defined in section 3345.011 of the Revised 54072
Code, Ohio Technical Centers, and other entities as determined to 54073
be appropriate by the Chancellor; 54074

(2) Evidence of meaningful business support and engagement; 54075

(3) Identification of targeted occupations and industries 54076
supported by data, which sources may include the Governor's Office 54077

of Workforce Transformation, OhioMeansJobs, labor market 54078
information from the Department of Job and Family Services, and 54079
lists of in-demand occupations; 54080

(4) Sustainability beyond the grant period with the 54081
opportunity to provide continued value and impact to the region. 54082

(D) In submitting proposals for consideration under the 54083
program, a state institution of higher education, as defined in 54084
section 3345.011 of the Revised Code, shall be the lead applicant 54085
and preference shall be given to proposals in which equipment and 54086
technology acquired by capital funds awarded under the program are 54087
owned by a state institution of higher education. If equipment, 54088
technology, or facilities acquired by capital funds awarded under 54089
the program will be owned by a separate governmental or nonprofit 54090
entity, the state institution of higher education shall enter into 54091
a joint use agreement with the entity, which shall be approved by 54092
the Chancellor. 54093

Sec. 701.10. OHIO ENTERPRISE DATA AND INFORMATION SYSTEM 54094
PROJECTS 54095

The enterprise data center solutions (EDCS) project is an 54096
information technology initiative that will expand and improve the 54097
state's cloud computing environment and support expansion of and 54098
upgrades to enterprise shared solutions. The Ohio Administrative 54099
Knowledge System (OAKS) is an enterprise resource planning system 54100
that replaced the state's central services infrastructure systems. 54101
The Department of Administrative Services may continue to acquire 54102
and implement EDCS, OAKS, and related information system projects, 54103
including, but not limited to, acquisition of the application 54104
hardware and software and the installation, implementation, and 54105
integration thereof. The Department of Administrative Services may 54106
enter into a lease-purchase agreement pursuant to Chapter 125. of 54107
the Revised Code as necessary to finance or refinance the 54108

projects. At the request of the Director of Administrative 54109
Services, the Office of Budget and Management shall make 54110
arrangements for the issuance of obligations, including 54111
fractionalized interests in public obligations as defined in 54112
division (N) of section 133.01 of the Revised Code, to finance the 54113
enterprise data and information system and OAKS projects, provided 54114
that not more than ~~\$29,594,850~~ \$51,094,850 shall be raised for 54115
this purpose. 54116

Section 601.11. That existing Sections 207.10 and 701.10 of 54117
H.B. 529 of the 132nd General Assembly is hereby repealed. 54118

Section 601.12. That Section 207.440 of H.B. 529 of the 132nd 54119
General Assembly, as amended by Am. Sub. S.B. 299 of the 132nd 54120
General Assembly, be amended to read as follows: 54121

Sec. 207.440. The Ohio Public Facilities Commission is hereby 54122
authorized to issue and sell, in accordance with Section 2n of 54123
Article VIII, Ohio Constitution, and Chapter 151. and particularly 54124
sections 151.01 and 151.04 of the Revised Code, original 54125
obligations in an aggregate principal amount not to exceed 54126
~~\$431,000,000~~ 439,000,000, in addition to the original issuance of 54127
obligations heretofore authorized by prior acts of the General 54128
Assembly. These authorized obligations shall be issued, subject to 54129
applicable constitutional and statutory limitations, as needed to 54130
provide sufficient moneys to the credit of the Higher Education 54131
Improvement Fund (Fund 7034) and the Higher Education Improvement 54132
Taxable Fund (Fund 7024) to pay costs of capital facilities for 54133
state-supported and state-assisted institutions of higher 54134
education. 54135

Section 601.13. That existing Section 207.440 of H.B. 529 of 54136
the 132nd General Assembly, as amended by Am. Sub. S.B. 299 of the 54137

132nd General Assembly, is hereby repealed. 54138

Section 601.20. That Sections 223.10 and 223.50 of H.B. 529 54139
of the 132nd General Assembly, as most recently amended by Am. 54140
Sub. S.B. 51 of the 132nd General Assembly, be amended to read as 54141
follows: 54142

Sec. 223.10.	DNR DEPARTMENT OF NATURAL RESOURCES		54143
	Oil and Gas Well Fund (Fund 5180)		54144
C725U6	Oil and Gas Facilities	\$ 1,150,000	54145
	TOTAL Oil and Gas Well Fund	\$ 1,150,000	54146
	Wildlife Fund (Fund 7015)		54147
C725B0	Access Development	\$ 15,000,000	54148
		<u>18,000,000</u>	
C725B6	Upgrade Underground Fuel Tanks	\$ 460,000	54149
C725K9	Wildlife Area Building	\$ 9,950,000	54150
	Development/Renovation		
C725L9	Dam Rehabilitation	\$ 6,200,000	54151
	TOTAL Wildlife Fund	\$ 31,610,000	54152
		<u>34,610,000</u>	
	Administrative Building Fund (Fund 7026)		54153
C725D5	Fountain Square Building and Telephone	\$ 2,000,000	54154
	Improvement		
C725N7	District Office Renovations	\$ 2,455,343	54155
	TOTAL Administrative Building Fund	\$ 4,455,343	54156
	Ohio Parks and Natural Resources Fund (Fund 7031)		54157
C72549	Facilities Development	\$ 1,500,000	54158
C725E1	Local Parks Projects Statewide	\$ 6,668,925	54159
C725E5	Project Planning	\$ 1,147,700	54160
C725K0	State Park Renovations/Upgrading	\$ 1,100,000	54161
C725M0	Dam Rehabilitation	\$ 11,928,000	54162

C725N8	Operations Facilities Development	\$	1,000,000	54163
C725T3	Healthy Lake Erie Initiative	\$	20,000,000	54164
TOTAL	Ohio Parks and Natural Resources Fund	\$	43,344,625	54165
Parks and Recreation Improvement Fund (Fund 7035)				54166
<u>C72513</u>	<u>Land Acquisition</u>	<u>\$</u>	<u>47,000,000</u>	54167
C725A0	State Parks, Campgrounds, Lodges, Cabins	\$	57,554,343	54168
C725C4	Muskingum River Lock and Dam	\$	6,800,000	54169
C725E2	Local Parks, Recreation, and Conservation Projects	\$	31,351,000	54170
C725E6	Project Planning	\$	4,082,793	54171
C725N6	Wastewater/Water Systems Upgrades	\$	8,955,000	54172
C725R3	State Parks Renovations/Upgrades	\$	8,140,000	54173
C725R4	Dam Rehabilitation - Parks	\$	33,125,000	54174
C725U5	The Banks	\$	2,000,000	54175
C725U7	Eagle Creek Watershed Flood Mitigation	\$	15,000,000	54176
TOTAL	Parks and Recreation Improvement Fund	\$	167,008,136 <u>214,008,136</u>	54177
Clean Ohio Trail Fund (Fund 7061)				54178
C72514	Clean Ohio Trail Fund	\$	12,500,000	54179
TOTAL	Clean Ohio Trail Fund	\$	12,500,000	54180
TOTAL ALL FUNDS		\$	260,068,104 <u>310,068,104</u>	54181

FEDERAL REIMBURSEMENT 54182

All reimbursements received from the federal government for 54183
any expenditures made pursuant to this section shall be deposited 54184
in the state treasury to the credit of the fund from which the 54185
expenditure originated. 54186

HEALTHY LAKE ERIE INITIATIVE 54187

Of the foregoing appropriation item C725T3, Healthy Lake Erie 54188
Initiative, \$10,000,000 shall be used to support projects that 54189
enhance efforts to reduce open lake disposal of dredged materials 54190

into Lake Erie by 2020. 54191

EAGLE CREEK WATERSHED FLOOD MITIGATION 54192

The foregoing appropriation item C725U7, Eagle Creek 54193
Watershed Flood Mitigation, shall be used to support the Eagle 54194
Creek Watershed Flood Mitigation Project in Hancock County, 54195
provided that there are local matching funds committed to the 54196
project of not less than twenty per cent of the total project 54197
cost. 54198

Sec. 223.50. The Treasurer of State is hereby authorized to 54199
issue and sell, in accordance with Section 2i of Article VIII, 54200
Ohio Constitution, and Chapter 154. of the Revised Code, 54201
particularly section 154.22, and other applicable sections of the 54202
Revised Code, original obligations in an aggregate principal 54203
amount not to exceed ~~\$134,000,000~~ \$181,000,000, in addition to the 54204
original issuance of obligations heretofore authorized by prior 54205
acts of the General Assembly. These authorized obligations shall 54206
be issued, subject to applicable constitutional and statutory 54207
limitations, as needed to provide sufficient moneys to the credit 54208
of the Parks and Recreation Improvement Fund (Fund 7035) to pay 54209
the costs of capital facilities for parks and recreation purposes. 54210

Section 601.21. That existing Sections 223.10 and 223.50 of 54211
H.B. 529 of the 132nd General Assembly, as most recently amended 54212
by Am. Sub. S.B. 51 of the 132nd General Assembly, is hereby 54213
repealed. 54214

Section 601.22. That Sections 125.10 and 125.11 of Am. Sub. 54215
H.B. 59 of the 130th General Assembly, as most recently amended by 54216
Am. Sub. H.B. 49 of the 132nd General Assembly, be amended to read 54217
as follows: 54218

Sec. 125.10. Sections 5168.01, 5168.02, 5168.03, 5168.04, 54219

5168.05, 5168.06, 5168.07, 5168.08, 5168.09, 5168.10, 5168.11, 54220
5168.13, 5168.99, and 5168.991 of the Revised Code are hereby 54221
repealed, effective October 16, ~~2019~~ 2021. 54222

Sec. 125.11. Sections 5168.20, 5168.21, 5168.22, 5168.23, 54223
5168.24, 5168.25, 5168.26, 5168.27, and 5168.28 of the Revised 54224
Code are hereby repealed, effective October 1, ~~2019~~ 2021. 54225

Section 601.23. That existing Sections 125.10 and 125.11 of 54226
Am. Sub. H.B. 59 of the 130th General Assembly, as most recently 54227
amended by Am. Sub. H.B. 49 of the 132nd General Assembly, are 54228
hereby repealed. 54229

Section 603.10. That Section 4 of Sub. S.B. 332 of the 131st 54230
General Assembly be amended to read as follows: 54231

Sec. 4. (A) As used in this section, "qualified community 54232
hub" ~~has the same meaning as in section 5167.173 of the Revised~~ 54233
~~Code~~ means a central clearinghouse for a network of community care 54234
coordination agencies that meets all of the following criteria: 54235

(1) Demonstrates to the Director of Health that it uses an 54236
evidenced-based, pay-for-performance community care coordination 54237
model (endorsed by the Federal Agency for Healthcare Research and 54238
Quality, the National Institutes of Health, and the Centers for 54239
Medicare and Medicaid Services or their successors) or uses 54240
certified community health workers or public health nurses to 54241
connect at-risk individuals to health, housing, transportation, 54242
employment, education, and other social services; 54243

(2) Is a board of health or demonstrates to the Director of 54244
Health that it has achieved, or is engaged in achieving, 54245
certification from a national hub certification program; 54246

(3) Has a plan, approved by the Medicaid Director, specifying 54247

how the board of health or community hub ensures that children served by it receive appropriate developmental screenings as specified in the publication titled "Bright Futures: Guidelines for Health Supervision of Infants, Children, and Adolescents," available from the American Academy of Pediatrics, as well as appropriate early and periodic screening, diagnostic, and treatment services.

(B) Not later than one hundred twenty days after ~~the effective date of this section~~ April 6, 2017, the Commission on Minority Health shall identify each community in this state that is not served by a qualified community hub.

(C) Using funds received from the "Maternal and Child Health Block Grant," Title V of the "Social Security Act," 42 U.S.C. 701, as amended, the Department of Health shall establish a qualified community hub in each community identified under division (B) of this section. In establishing the hubs, the Department shall consult with the Commission.

(D) The Commission shall convene quarterly meetings with the qualified community hubs established under division (C) of this section. The meetings may be held by telephone, video conference, or other electronic means. Each meeting shall include a discussion on the community hubs' performance data, best practices for community hubs, and any other topics the Commission considers appropriate.

Section 603.11. That existing Section 4 of Sub. S.B. 332 of the 131st General Assembly is hereby repealed.

Section 701.10. Notwithstanding any provision of the Revised Code to the contrary, designees of the Office of Budget and Management and the Department of Administrative Services jointly shall review agency functions and programs and determine if any

overlap or duplicative functions exist and shall collaborate with 54278
affected agencies in the course of their review. The designees 54279
shall determine the cost-effectiveness of the programming in terms 54280
of administrative and operational costs, including facilities, 54281
personnel, technology, supplies, contracts, and services. 54282
Following review and not later than January 1, 2020, the Directors 54283
of Budget and Management and Administrative Services jointly shall 54284
determine, in consultation with the affected agencies, the 54285
functions that may be consolidated within and across state 54286
departments, with particular emphasis on facilities utilization, 54287
laboratory testing facility consolidation, and field or regional 54288
office operation consolidation. The determination also may include 54289
other functions, programs, and services that would reduce costs 54290
and improve services and would be suitable for operation within 54291
the Office of Budget and Management's Shared Services Center. 54292

Should the consolidation of functions result in consolidation 54293
within the Shared Services Center or otherwise impact any employee 54294
not subject to Chapter 4117. of the Revised Code, the Director of 54295
Administrative Services may assign, reassign, classify, 54296
reclassify, transfer, reduce, promote, or demote any employee so 54297
transferred. Any employment records and actions, including 54298
personnel actions, disciplinary actions, performance improvement 54299
plans, and performance evaluations transfer with the employee. 54300
These employees are subject to the policies, procedures, and work 54301
rules of the agency to which they are transferred. The Director of 54302
Administrative Services also may transfer all equipment and assets 54303
relating to the program or function that is being consolidated to 54304
the department that is to be responsible for the functions after 54305
consolidation occurs. 54306

On or after the effective date of the respective 54307
consolidation of functions and notwithstanding any provision of 54308
law to the contrary, the Director of Budget and Management may 54309

make budget changes made necessary by this section, including 54310
cancelling encumbrances and reestablishing them as encumbrances of 54311
the department that is to be responsible for the functions after 54312
consolidation occurs. Any reestablished encumbrances are hereby 54313
appropriated. 54314

Section 701.20. On the effective date of this act, or as soon 54315
as possible thereafter, the Director of Budget and Management 54316
shall transfer the cash balance from all money collected under 54317
sections 718.80 to 718.95 of the Revised Code, if any, in the 54318
municipal income tax fund to the municipal net profit tax fund. 54319

Section 701.30. COORDINATION OF BENEFITS 54320

The Development Services Agency and the Department of Job and 54321
Family Services may collaborate to coordinate benefits available 54322
to eligible Ohioans. By evaluating current procedures and working 54323
toward a goal of developing a single application for eligible 54324
customers, the agencies shall work to produce new efficiencies and 54325
prevent duplication of efforts. 54326

Section 701.40. RECOVERY HOUSING PILOT PROGRAM 54327

The Development Services Agency shall work with the 54328
Department of Mental Health and Addiction Services to develop a 54329
pilot program in partnership with rural Ohio counties hard hit by 54330
the opioid epidemic to enhance funding availability for recovery 54331
housing. This partnership may include local OhioMeansJobs and Job 54332
and Family Services entities to develop workforce job training and 54333
employer participation for those individuals participating in 54334
recovery housing programs. 54335

Section 715.10. Except for an applicant for a nonresident 54336
youth hunting license who shall pay nine dollars for an annual 54337
license as specified in section 1533.10 of the Revised Code, an 54338

applicant for a hunting or fishing license who is not a resident 54339
of a reciprocal state, and a nonresident applicant for a deer 54340
permit shall pay the annual fee for each license or permit through 54341
December 31, 2019, in accordance with the fee schedule established 54342
in Section 715.11 of H.B. 49 of the 132nd General Assembly. 54343

Section 737.10. On or after July 1, 2019, the Department of 54344
Health may establish a Substance Use Disorder Professional Loan 54345
Repayment Program. Under the Program, the Department may agree to 54346
repay all or part of the principal or interest of government or 54347
other educational loans taken by professionals providing treatment 54348
and other related services to individuals with substance use 54349
disorders. A professional participating in the Program must commit 54350
to serving in an area of the state with limited access to 54351
addiction treatment and related services. 54352

Section 737.11. On or after July 1, 2019, the Department of 54353
Health may establish a program under which a physician providing 54354
medication-assisted treatment to individuals with substance use 54355
disorders in a health resource shortage area may be eligible for 54356
financial assistance from the Department. Eligible physicians are 54357
those participating in the Physician Loan Repayment Program as 54358
described in section 3702.75 of the Revised Code. 54359

Section 737.20. An applicant for a body art registration 54360
under section 3730.021 of the Revised Code, as enacted by this 54361
act, who wishes to register with the Director of Health by June 54362
30, 2020, shall submit to the Director all required application 54363
materials by June 1, 2020. The director shall issue the 54364
registration by June 30, 2020, if the applicant meets the minimum 54365
requirements as prescribed by the director under this act or by 54366
rule. 54367

Section 747.10. Any sanitarian or sanitarian in training fee 54368
imposed by the Director of Health under section 4736.12 of the 54369
Revised Code as that section existed on January 1, 2019, shall 54370
remain in effect until the Director adopts rules establishing new 54371
fees under section 3722.03 of the Revised Code, as enacted by this 54372
act. 54373

Section 747.20. A license or certificate of registration 54374
issued under Chapter 4757. of the Revised Code that is in effect 54375
on the effective date of this section shall continue in effect 54376
until the first biennial renewal date established by the 54377
Counselor, Social Worker, and Marriage and Family Therapist Board 54378
pursuant to sections 4757.10 and 4757.32 of the Revised Code, as 54379
amended by this act. No license or certificate of registration in 54380
effect on the effective date of this section is valid for more 54381
than three years after the effective date of this section. 54382

Section 751.10. REDUCTION IN MEMBERSHIP OF CITIZEN'S ADVISORY 54383
COUNCILS 54384

The amendment made by this act to section 5123.092 of the 54385
Revised Code providing for a reduction in citizen's advisory 54386
council membership does not affect the members holding office on 54387
the effective date of this section. The reduction shall be 54388
implemented by not filling vacancies that correspond with the 54389
changes made by this act to council membership. 54390

Section 755.10. DIESEL EMISSIONS REDUCTION GRANT PROGRAM 54391

There is hereby established in the Highway Operating Fund 54392
(Fund 7002), used by the Department of Transportation, a Diesel 54393
Emissions Reduction Grant Program. The Director of Environmental 54394
Protection shall administer the program and shall solicit, 54395
evaluate, score, and select projects submitted by public and 54396

private entities that are eligible for the federal Congestion Mitigation and Air Quality (CMAQ) Program. The Director of Transportation shall process Federal Highway Administration-approved projects as recommended by the Director of Environmental Protection.

In addition to the allowable expenditures set forth in section 122.861 of the Revised Code, Diesel Emissions Reduction Grant Program funds also may be used to fund projects involving the purchase or use of hybrid and alternative fuel vehicles that are allowed under guidance developed by the Federal Highway Administration for the CMAQ Program.

Public entities eligible to receive funds under section 122.861 of the Revised Code and CMAQ shall be reimbursed from moneys in Fund 7002 designated for the Department of Transportation's Diesel Emissions Reduction Grant Program.

Private entities eligible to receive funds under section 122.861 of the Revised Code and CMAQ shall be reimbursed, at the direction of the local public agency sponsor and upon approval of the Department of Transportation, through direct payments. These reimbursements shall be made from moneys in Fund 7002 designated for the Department of Transportation's Diesel Emissions Reduction Grant Program. Total expenditures from Fund 7002 for the Diesel Emissions Reduction Grant Program shall not exceed \$10,000,000 in both fiscal year 2020 and fiscal year 2021.

Any allocations under this section represent CMAQ program moneys within the Department of Transportation for use by the Diesel Emissions Reduction Grant Program by the Environmental Protection Agency. These allocations shall not reduce the amount of such moneys designated for metropolitan planning organizations.

The Director of Environmental Protection, in consultation with the Director of Transportation, shall develop guidance for

the distribution of funds and for the administration of the Diesel Emissions Reduction Grant Program. The guidance shall include a method of prioritization for projects, acceptable technologies, and procedures for awarding grants.

Section 757.10. The amendment or enactment by this act of sections 3742.50, 5747.02, 5747.08, and 5747.26 and division (A)(15) of section 5747.98 of the Revised Code applies to taxable years beginning on or after January 1, 2020.

Section 757.20. The amendment or enactment by this act of sections 5709.40, 5709.41, 5709.51, 5709.73, and 5709.78 of the Revised Code concerning the extension of certain tax increment financing property tax exemptions applies to resolutions or ordinances adopted under any of those sections for an exemption that is in effect for the tax year that includes or begins after the effective date of those amendments and enactments.

Section 757.30. BUSINESS INCENTIVE TAX CREDITS

In order to facilitate an understanding of business incentive tax credits, as defined in section 107.036 of the Revised Code, the following table provides an estimate of the amount of credits that may be authorized in each fiscal year of the 2020-2021 biennium, an estimate of the credits expected to be claimed in each fiscal year of that biennium, and an estimate of the amount of credits authorized that will remain outstanding at the end of that biennium. In totality, this table provides an estimate of the state revenue forgone due to business incentive tax credits in the 2020-2021 biennium and future biennia.

Biennial Business Incentive Tax Credit Estimates

Estimate of total value of tax credits	Estimate of tax credits issued/claimed	Expected Outstanding
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	authorized				credits	
			(All figures in thousands of dollars)			54457
						54458
Tax Credit	FY 2020	FY 2021	FY 2020	FY 2021	End of Biennium	54459
						54460
Job Creation Tax Credit*	\$105,000	\$105,000	\$109,000	\$105,000	\$700,000	54461
						54462
Job Retention Tax Credit	\$ 0	\$ 0	\$44,818	\$42,985	\$153,161	54463
						54464
Historic Preservation Tax Credit	\$60,000	\$60,000	\$65,000	\$70,000	\$175,000	54465
						54466
Motion Picture Tax Credit	\$40,000	\$40,000	\$50,000	\$45,000	\$95,000	54467
						54468
New Markets Tax Credit	\$10,000	\$10,000	\$9,282	\$9,667	\$48,038	54469
						54470
R&D Loan	\$1,500	\$1,500	\$2,606	\$2,100	\$12,525	54471

Tax						
Credit						54472
InvestOhio	\$4,000	\$3,500	\$2,500	\$2,000	\$4,500	54473
Tax						
Credit						54474
Ohio	\$0	\$0	\$0	\$0	\$45,000	54475
Rural						
Business						54476
Estimate	\$220,500	\$220,000	\$283,206	\$276,751	\$1,233,224	54477
Total						
*The Job Creation Tax Credit (JCTC) estimate of credits						54478
outstanding is not just for tax credit certificates already						54479
issued, but also for the estimated potential value of certificates						54480
to be issued under the program through 2035 when looking at the						54481
existing portfolio of approved and active incentives. The estimate						54482
assumes that the companies receiving credits will continue to meet						54483
the performance objectives required to continue receiving the						54484
credit.						54485
 Section 806.10. SEVERABILITY						54486
The items of law contained in this act, and their						54487
applications, are severable. If any item of law contained in this						54488
act, or if any application of any item of law contained in this						54489
act, is held invalid, the invalidity does not affect other items						54490
of law contained in this act and their applications that can be						54491
given effect without the invalid item of law or application.						54492
 Section 809.10. NO EFFECT AFTER END OF BIENNIUM						54493
An item of law, other than an amending, enacting, or						54494

repealing clause, that composes the whole or part of an uncodified 54495
section contained in this act has no effect after June 30, 2021, 54496
unless its context clearly indicates otherwise. 54497

Section 812.10. SUBJECT TO REFERENDUM 54498

Except as otherwise provided in this act, the amendment, 54499
enactment, or repeal by this act of a section is subject to the 54500
referendum under Ohio Constitution, Article II, section 1c and 54501
therefore takes effect on the ninety-first day after this act is 54502
filed with the Secretary of State or, if a later effective date is 54503
specified below, on that date. 54504

Section 812.20. The amendment by this act of sections 321.24, 54505
718.83, and 5745.05 of the Revised Code is exempt from the 54506
referendum under section 1d of Article II, Ohio Constitution, and 54507
therefore takes effect immediately when this act becomes law. 54508

Section 812.23. Sections of this act prefixed with numbers in 54509
the 200s, 300s, 400s, and 500s (except the 501s) are exempt from 54510
the referendum under Ohio Constitution, Article II, Section 1d, 54511
and therefore take immediate effect when this act becomes law. 54512

Section 815.10. The General Assembly, applying the principle 54513
stated in division (B) of section 1.52 of the Revised Code that 54514
amendments are to be harmonized if reasonably capable of 54515
simultaneous operation, finds that the following sections, 54516
presented in this act as composites of the sections as amended by 54517
the acts indicated, are the resulting versions of the sections in 54518
effect prior to the effective date of the sections as presented in 54519
this act: 54520

Section 109.572 of the Revised Code as amended by Am. Sub. 54521
H.B. 49, Sub. H.B. 199, Sub. H.B. 213, Am. Sub. S.B. 51, Sub. S.B. 54522
229, Am. Sub. S.B. 255, and Sub. S.B. 263, all of the 132nd 54523

General Assembly.	54524
Section 321.24 of the Revised Code as amended by both Sub.	54525
S.B. 353 of the 127th General Assembly and Am. Sub. H.B. 1 of the	54526
128th General Assembly.	54527
Section 2925.01 of the Revised Code as amended by Am. Sub.	54528
H.B. 49, Am. Sub. S.B. 1, Am. Sub. S.B. 201, Sub. S.B. 229, Am.	54529
Sub. S.B. 255, and Sub. S.B. 259, all of the 132nd General	54530
Assembly.	54531
Section 2929.13 of the Revised Code as amended by Sub. H.B.	54532
63, Am. Sub. S.B. 1, Sub. S.B. 20, Am. Sub. S.B. 66, and Am. Sub.	54533
S.B. 201, all of the 132nd General Assembly.	54534
Section 2929.15 of the Revised Code as amended by both Am.	54535
Sub. S.B. 66 and Am. Sub. S.B. 201 of the 132nd General Assembly.	54536
Section 3301.0711 of the Revised Code as amended by both Sub.	54537
H.B. 21 and Am. Sub. S.B. 216 of the 132nd General Assembly.	54538
Section 3302.03 of the Revised Code as amended by Sub. H.B.	54539
318 and Am. Sub. S.B. 216 of the 132nd General Assembly.	54540
Section 3314.08 of the Revised Code as amended by Sub. H.B.	54541
87 and Am. Sub. S.B. 216 of the 132nd General Assembly.	54542
Section 3317.03 of the Revised Code as amended by Sub. H.B.	54543
113 and Sub. H.B. 158 of the 131st General Assembly.	54544
Section 3328.24 of the Revised Code as amended by both Am.	54545
Sub. H.B. 410 and Sub. S.B. 3 of the 131st General Assembly.	54546
Section 4735.09 of the Revised Code as amended by both Sub.	54547
H.B. 113 and Am. H.B. 532 of the 131st General Assembly.	54548
Section 5162.01 of the Revised Code as amended by both Sub.	54549
H.B. 89 and Sub. S.B. 332 of the 131st General Assembly.	54550
Section 5709.40 of the Revised Code as amended by both Am.	54551
Sub. S.B. 257 of the 131st General Assembly and Sub. H.B. 69 of	54552

the 132nd General Assembly. 54553

Section 5709.41 of the Revised Code as amended by both Am. 54554
Sub. H.B. 508 and Am. Sub. H.B. 509 of the 129th General Assembly. 54555

Section 815.20. Section 3119.30 of the Revised Code was 54556
amended by both Sub. S.B. 70 and Sub. H.B. 366 of the 132nd 54557
General Assembly. Comparison of these amendments in pursuance of 54558
section 1.52 of the Revised Code discloses that while certain of 54559
the amendments of these acts are reconcilable, certain other of 54560
the amendments are substantively irreconcilable. Sub. S.B. 70 was 54561
passed on 01/31/2018; Sub. H.B. 366 was passed on 06/07/2018. 54562

Section 3119.30 of the Revised Code is therefore presented in this 54563
act as it results from Sub. H.B. 366 and such of the amendments of 54564
Sub. S.B. 70 as are not in conflict with the amendments of Sub. 54565
S.B. 366. The General Assembly, applying the principle stated in 54566
division (B) of section 1.52 of the Revised Code that amendments 54567
are to be harmonized if reasonably capable of simultaneous 54568
operation, finds that the composite is the resulting version of 54569
the section in effect prior to the effective date of the section 54570
as presented in this act. 54571